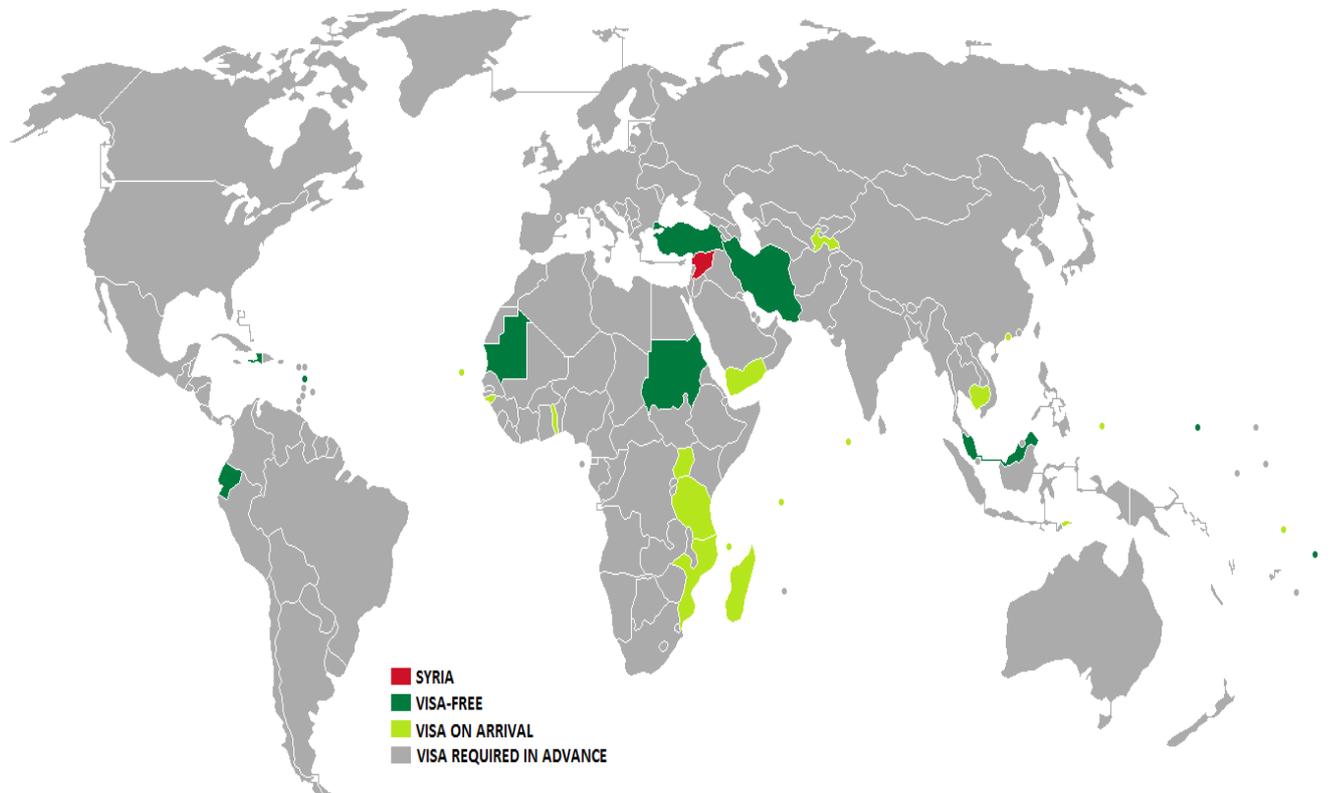


Visa regulations and mobility

Revealing the inequalities in the international Visa-system

By: Michiel Brouwer



Bachelor thesis Geography, Planning and Environment (GPE)
Radboud University Nijmegen
School of Management

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Preface

The goal of writing this bachelor thesis is to finish my bachelor Geography, Planning and Environment (GPE). This study program has learned me a lot, for instance doing proper scientific research and how to write in an academic style. I also feel that I am more concerned about what happens around the world, for instance when watching the news, and that I try to understand why these things happen.

This is also how I came across the subject of this bachelor thesis. Apart from the daily news, which was full with stories about refugees, social media and sites on the internet were making statements about these refugees as well. The opinions I read here differed to say the least. Some people were open towards refugees, but on the other end you could find a group of people that were strongly against refugees entering our country. This firm standpoint has led to heated debates between the two groups, which has even resulted into protests. In some cases, these protests even got out of hand. My lack of knowledge about the subject always prevented me from forming a firm standpoint regarding this problem, although I was always tended to have an open mind regarding refugees. The ongoing media coverage and the strong division regarding the subject eventually raised my attention and made me explore the subject further.

It was not until the course 'Borders and Identities in Europe', a course I did in the first quarter of my third and final year, that I got really interested in the subject. During the course, I got a lot of information about this refugee crisis. For instance, I was confronted for the first time with the fact that the external border of the European Union is the most dangerous on Earth, a statistic which I found really stunning. Apart from a lot of information about the subject, we also went on an excursion to Brussels. During this excursion we visited, among other things, the European Commission, which was an interesting and informative visit.

Eventually, I had to write a concluding paper in order to finish this course. The paper I wrote was about formulating 'a new external border policy', and this eventually led to me using a similar subject for my bachelor thesis, as this paper made me really interested about the Syrian refugee crisis.

Along the way I came across some difficulties, as this was the first time I had to write a thesis this long. and to do a research that was this comprehensive, but in the end I am happy with the result. Special thanks go out to my supervisor Henk van Houtum, not only for helping me during the bachelor thesis itself, but also for raising my attention for this subject during the earlier mentioned course 'Borders and Identities in Europe'.

Nijmegen, June 2016

Michiel Brouwer

Summary

International visa restrictions limit the mobility of people around the world. However, to what extent someone's mobility is limited solely depends on their country of birth. The difference in this limitation of mobility is huge. While an inhabitant of a country like Germany can visit 177 countries without a visa, an inhabitant of Syria can only visit 32 countries without a visa (Henley & Partners, 2016). When looking at this visa restriction index of Henley & Partners (2016), it looks like inhabitants of unstable, third world and Muslim countries see their mobility limited a lot more through these visa restrictions, as the bottom part of this list is dominated by such countries.

Using the current refugee crisis and the problems the European Union seems to have with the influx of refugees and migrants, this problem is first being looked at from a Syrian perspective. I have chosen this perspective because I thought that the existing literature never used this perspective. By looking from a Syrian perspective, I want to try and give a clear image of the problem, but also raise awareness for the problems Syrian inhabitants face.

Due to the ongoing war in Syria, a lot of inhabitants of Syria are forced to leave their country. Because of the earlier explained visa restrictions, these people can't leave their country in a legal way, which forces them to take the illegal and dangerous route across the Mediterranean Sea. The European Union reacts at this problem by protecting their external borders. This combination of a big group of refugees taking the dangerous route into the European Union and the lack of effective policy by the European Union regarding this influx of refugees have led to the fact that the border of the European Union is now the most dangerous on Earth (Von Middelstaedt, 2015; Freeman, 2015; Van Houtum, 2015)

The objective of this research is to provide insight in the social inequalities around the visa policy for lesser developed countries, in my case Syria, by facing the problems from a Syrian perspective, and to do recommendations to tackle these inequalities. To reach this objective, the main research question of this thesis is:

To what extent do Syrian inhabitants experience social inequality caused by international visa policies and the limitation of their mobility, and how can this be tackled by formulating a 'new' visa policy for the European Union?

According to Przeworski (1985), a social inequality occurs when a certain attribute or good, is distributed across units of the society. This becomes 'unequal' when different units possess different amounts of this attribute (Przeworski, 1985). In this case, the good is 'mobility', and the units are inhabitants all over the world. When looking at the visa restriction index of Henley & Partners (2016), the good mobility is divided rather unevenly, and thus I argue that international visa policies indeed

cause social inequalities.

Analyzing the movement patterns of Syrian refugees shows that a large part of the refugees are located in nearby countries like Turkey and Lebanon. Although the general image of inhabitants of the European Union might be that all Syrian refugees are coming to the European Union, this is far from true. All the member states of the European Union combined host less Syrian refugees than a small country like Lebanon. On the other side however, a lot of refugees currently situated in neighboring countries eventually do want to reach the European Union.

In the current situation, Syrian inhabitants are more and more locked up in their own country. Analyzing the successive visa restriction indexes made this clear, as they can go to less countries without a visa as time progresses. The policy of the European Union is focused on protecting the external borders, through institutions like EUNAVFOR-Med, Frontex and the ENP. These institutions also create a bigger difference between 'us' and 'them', and thus reinforces the external border of the European Union.

The internal division of the European Union can explain this lack of effective policy regarding refugees. Although some member states have an open-minded view regarding the support of refugees, there are also a lot of countries that are against this support. In order to force these countries to help refugees, other member state countries point at the "principle of shared responsibility and solidarity between the Member States" (Bendel, 2015), which is a principle in the treaties as well as the law of the European Union (Vanheule et al., 2011).

The current policy can be seen as a product of fear of the European Union. People are afraid that their country will become too 'full', that helping refugees will cost too much money and that terrorists will find a way into our country, a fear only strengthened by the terrorist attacks in Paris and Brussels.

Because of this fear, the European Union protects its territory, which they believe is theirs, and creates a gated community. Through this gated community, people on the inside are protected from those on the outside. While this form of protection is meant to dissolve the fear of those inside, it actually makes this fear bigger, as the people on the inside get the image that they actually need protection from those on the outside, which is a wrong image (Van Houtum & Pijpers, 2007).

Instead of focusing on protecting the external borders, which isn't a long-term solution and only shifts the problem, the European Union should focus on forming a new external border policy that focuses on effectively accepting and dividing refugees over the European Union. In this way the burden for all member state countries is minimized as this burden is shared equally. Also this can take away at least a part of the social inequalities in the current visa system, and it gives a right to travel for those that need it the most.

The biggest problem in the current policy is the fact that there isn't a legal access route into

the European Union. Once they reach the territory of the European Union, they often can apply for a humanitarian visa, but first they have to travel along the dangerous route into the European Union. By creating a safe and legal access route, the earlier mentioned deaths at the border of the European Union can be minimized.

This legal access route can be achieved by externalizing asylum applications. In this way, refugees that are in need of international protection can get a visa on humanitarian grounds, and can then travel legally to the soil of the European Union. This will also take away the market of human smugglers, as this creates an alternative way to reach the European Union. The biggest challenge of this system is to make sure that the European Union always takes responsibility, also when an asylum application is turned down. As it is probably easier to refuse an application when a refugee is not already on your territory, it might be easy for the European Union to turn down more applications and keep on protecting their borders through this system.

Second, the reallocation system should be improved. Improving this system consist of two challenges, namely coming up with a way to reallocate refugees that is both fair and accepted by all member state countries, and actually dividing the refugees over the member states. I argue that the best way to reallocate refugees over all member state countries is by combining the 'freedom of choice' approach and the 'quota model' approach. This would mean that every country gets a quota based on factors such as economical welfare, number of inhabitants, land area and unemployment rate. Countries that go over this quota will be financially compensated, and this financial compensation should be set high enough that it forces more and more countries to join the program. The biggest upside of this system is that it forces countries to participate and it evades the actual redistribution of refugees, which might be hard to implement.

To conclude, the European Union should focus on improving the external border policy with both a legal and safe access route and a way to reallocate incoming refugees and thus share the burden. I argue that the quota model is an effective way to determine how much every country should do, although agreements have to be made regarding the used factors. Countries that exceed their quota should be financially compensated, which forces more and more countries to join the program. When all this is implemented, refugees should be able to get into the European Union in a legal and safe way, for instance on planes and ferries.

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1. Introduction

In the first chapter of this thesis, the subject will be explained. In the first paragraph of this chapter, I will illustrate the problems resulting from the visa policy with the help of a project framework, which will also lead to the academic and societal relevance. In the second paragraph, I will continue to do this, but use several maps in order to give an image of the problem. This will be followed by zooming in on Syria and the European Union in the third paragraph. In the fourth paragraph, I will explain the research focus that will be used, and why I choose to use this particular research focus. Then, in the fifth paragraph, I will formulate the research objective, and explain this further. In the sixth paragraph, this research objective will be formed into a central research question. The answer to this central research question will be achieved by investigating some relevant sub questions, which will be given in the same paragraph.

1.1 Project framework

If you ask someone what he knows about borders, chances are that he or she will instantly point to the borders we see on maps in the Atlas, the political borders. These political borders are generally seen as the 'real' borders, as they represent the edge of a country. When travelling from the Netherlands to any other country of the European Union, you will see that these political borders don't matter that much, as you can cross without being controlled. Also, as we can see in the current refugee crisis, these political borders can be evaded fairly easily, even when the country you want to reach rather wouldn't let you get inside (De Volkskrant, 2015; Nu.nl, 2015). Maybe even more important than these political borders, are the 'paper' borders (Van Houtum, 2015). With these 'paper' borders, we mean the borders that are a product of documents such as passports, visas and identity cards. Without a visa, it is nearly impossible to enter most countries. These paper borders are a lot harder to evade.

In present day, the most dominant borders aren't the borders between neighboring countries. Instead, the border between the powerful and wealthy countries in North-America, Europe, Japan and Oceania (also, 'the global North') and the poorer countries in Africa, Asia and South-America (also, 'the global South') can be seen as the most important border (Castles, 2004). These poorer countries in the global South are generally speaking also a lot more politically unstable, which can often result into warfare. Inhabitants of countries of this global South are often tended to seek better living conditions in the global North and are willing to leave their country of birth. In other words, the unfair distribution of welfare between the global North and the global South and the poor living conditions in the global South are two thriving factors behind migration.

The introduction of the Schengen area in 1985 (Europa Nu, 2015) can be seen as an example of a border between the 'North' and the 'South'. With this Schengen area, it is possible for residents

of members states of this Schengen area, which consists of 26 countries, to freely travel between other Schengen countries. Whether or not you are allowed to visit this area is mostly dependant of your country of birth. In order to determine if someone gets visa-free access to this Schengen area, the European Union has made up a positive and a negative list. If you are a resident of one of the countries on the positive list, you are free to enter the European Union without a visa. If your country is on the negative list however, a visa is necessary to enter the European Union (European Commission, 2012). This negative list, which was first called the 'black' list, contains 135 countries. Most of these 135 countries are Muslim- or third world countries (Van Houtum, 2010). With the creation and maintaining of this list, the European Union is discriminating based on place of birth (Van Houtum, 2010), which is in contrary with article 1 of the constitution. This discrimination can be seen as the foundation of my bachelor thesis.

Discriminating incoming migrants based on their place of birth is not something that is only done by the European Union. Instead, it happens in countries all over the world. Every country has its own positive and negative list. This means that whether you need a visa to enter a certain country, is solely based on your own country of birth. So the power of your passport, meaning the number of countries someone can visit without a visa, is only influenced by where you are born. An individual born in the Netherlands can visit 174 countries without a visa, where a similar person from Afghanistan can only visit 25 countries without a visa (Henley & Partners, 2016). This means that the 'real' world map of an inhabitant of Afghanistan looks really different. The world map of the average inhabitant of Afghanistan contains a lot of blank spaces, as there are a lot of countries that he or she is not allowed to visit.

As long as living conditions in a country are fine, this may not seem like that much of a problem. However, it does become a problem when someone is forced to leave its country, for instance due to warfare. Refugees trying to flee their home country find themselves forced to take the illegal route to safer grounds, for instance towards the European Union. Unfortunately, this illegal route is also the dangerous route. A lot of refugees have crossed the Mediterranean Sea with unstable and overcrowded boats, or via human smugglers. This have led to the fact that the external border of the European Union has now become the most dangerous border on Earth (Von Middelstaedt, 2015; Freeman, 2015), with approximately 23.000 deaths since 1993 (Van Houtum, 2015).

The current visa policy can be questioned, as it is very disadvantageous for third world and other unstable countries, for instance those that are engaged in a war. At the same time it are exactly people from these countries that have the greatest need to leave their country, because staying can be dangerous. So people that are really in need of the opportunity to travel aren't allowed to travel, while at the same time people that don't really need this opportunity have the

freedom to visit almost any country they want to.

1.2. Showing the inequalities through maps

The following figures perfectly give an image of how big the difference in ‘passport power’ is between a western country (in this case Germany) and a third world country (Syria). In figure 1, the top and bottom of the visa restriction index (Henley & Partners, 2015) is shown. The left column, with the best passports, mostly consist of rich western countries. Meanwhile the right column, with the worst passports, is dominated by unstable and poor third world countries. The two figures following after that are a great representation of this difference, as it illustrates how different the world looks if you are a Syrian citizen compared to a German citizen. Again, the 'real' world map of a Syrian inhabitant consists of a lot of blank spaces.

Rank	Citizenship/Passport	Score
1	Germany United Kingdom (Great Britain)	173
2	Finland Sweden USA	172
3	Denmark France Italy Japan Korea (Republic of, South) Luxembourg Netherlands Norway	171
4	Belgium Canada New Zealand Portugal Spain	170
5	Austria Ireland Singapore Switzerland	169
6	Australia	168
7	Greece	167
96	Korea (Democratic People's Republic of, North) Yemen	39
97	Sri Lanka	38
98	Congo (Democratic Republic of, Kinshasa) Iran Lebanon Liberia Libya	37
99	Kosovo	36
100	Ethiopia South Sudan Sudan	35
101	Eritrea Nepal Palestinian Territory	34
102	Syria	33
103	Pakistan	31
104	Somalia	30
105	Iraq	29
106	Afghanistan	25

Figure 1: The top and bottom part of the visa restriction index of Henley & Partners (2015).

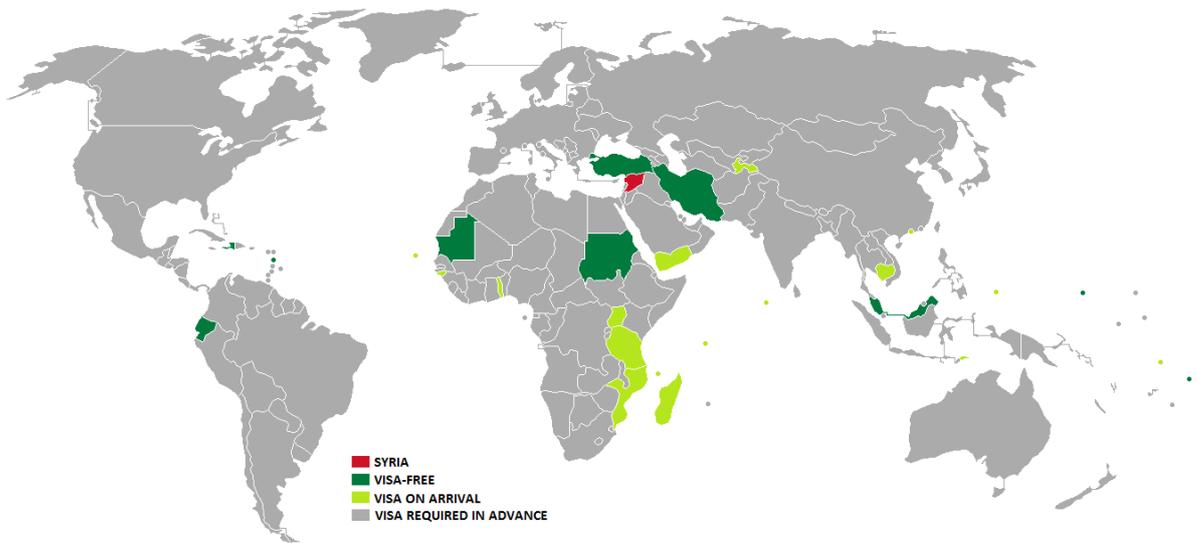


Figure 2: The visa map of Syria (Henley & Partners, 2015)

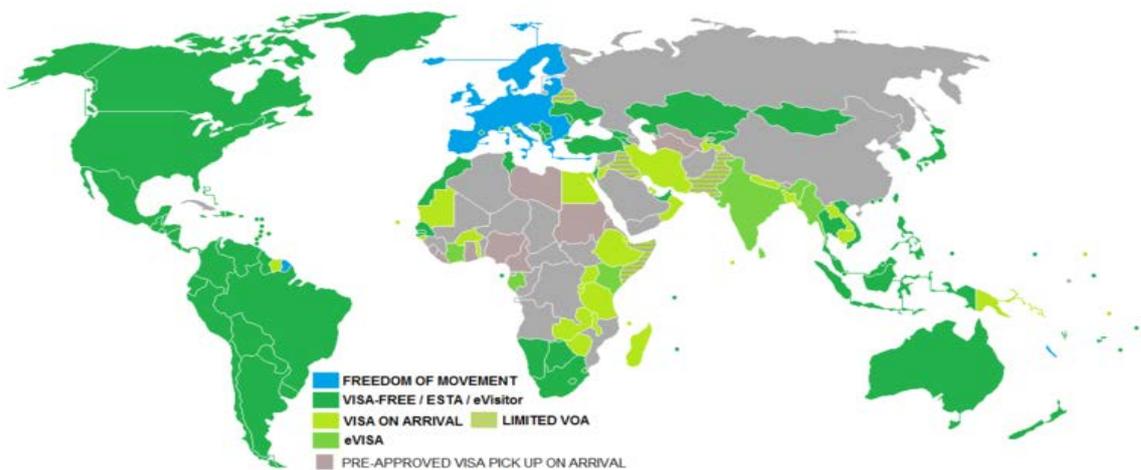


Figure 3: The visa map of Germany (Henley & Partners, 2015)

This difference in how the world looks to people born in different places is interesting to see, and it makes you wonder where this difference comes from. How does it happen that two, seemingly identical people, have such differing opportunities when it comes to traveling. As I mentioned in the previous paragraph, it looks like rich and western countries have a big advantage over Muslim- and third world countries. To put this to the test and to show even more how this visa system creates inequalities, I want to compare the following three figures:

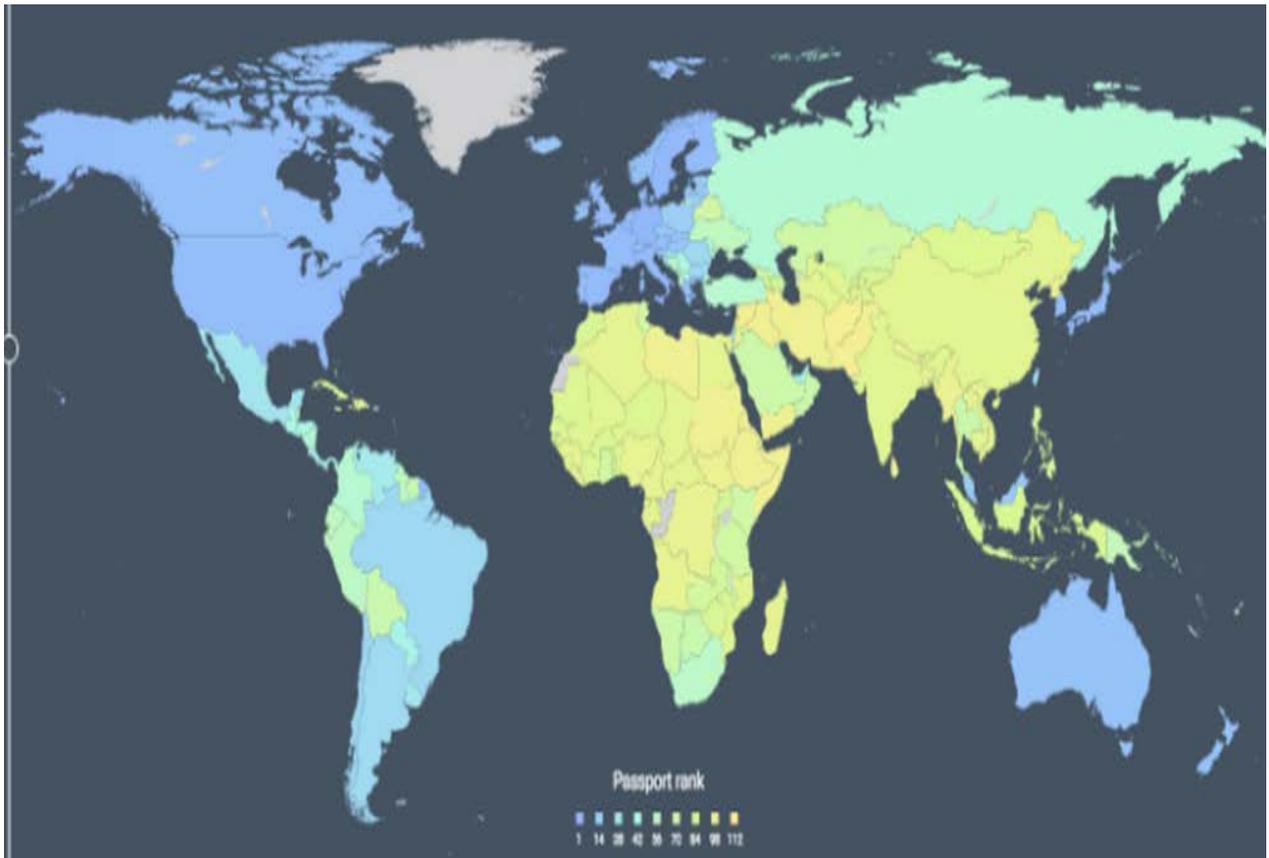


Figure 4: The 'passport strength' of every country in the world. The bluer a country, the more countries can be visited visa-free (Henley & Partners, 2015).

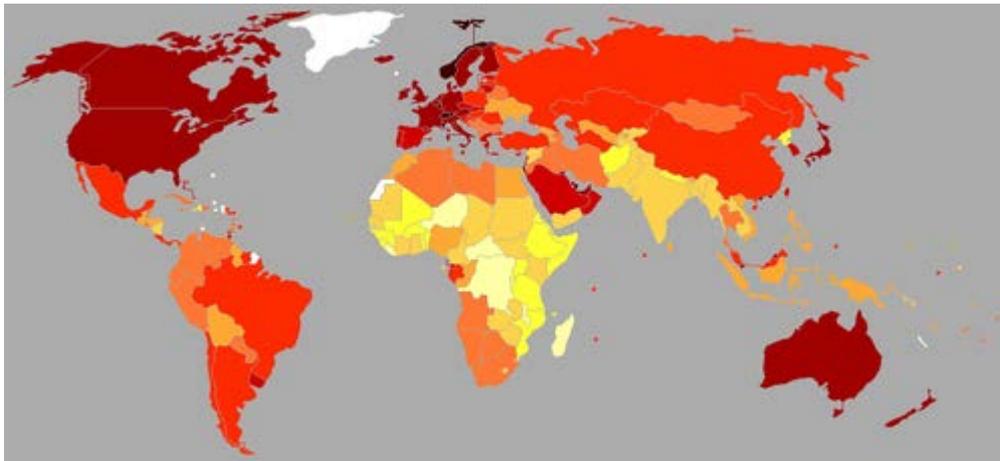


Figure 5: GDP per capita for countries around the world. The darker a country, the greater its GDP (IMF, 2016)

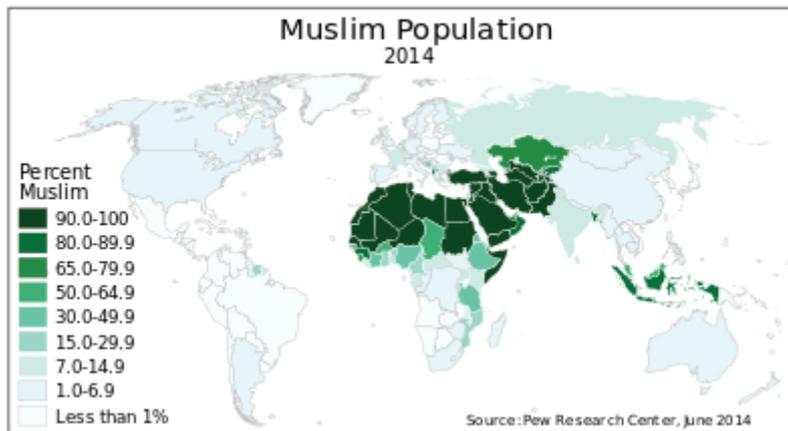


Figure 6: The percentage of inhabitants of a country that are Muslim (Pew Research Centre, 2014).

The figures above show respectively the 'passport strength' of a country, the average GDP in a country and the percentage of inhabitants of a country that is Muslim. The passport strength is determined by ranking all the countries in the world according to the number of other countries that can be visited without a visa. When comparing the first two figures, you can see that there are a lot of similarities between passport strength and GDP. It looks like the higher the GDP of a country, the 'stronger' their passports, and the more countries they can visit without a visa. Countries with a weak passport in general also have a low GDP. There are exceptions of course, especially in the Middle East. In the Middle East, there are a few rich countries that still have a weak passport. This can be explained with the help of the third figure, which shows the percentage of inhabitants of a country that is Muslim. You can see clearly that all countries that have a high percentage of Muslims have a weak passport.

The figures above look to prove the statement earlier made in the introduction. Poor third world countries and countries with a high percentage of Muslims look to have a weaker passport, as they are being rejected by other countries through visa restrictions.

1.3. Zooming in on the European Union and Syria

A fair amount of the earlier mentioned deaths on the border of the European Union are Syrian refugees that are trying to reach the safer grounds of the European Union. In their country of origin, there is a violent war going on since the spring of 2011. Apart from a lot of military casualties, there are also a lot of civilian lives being lost (New York Times, 2015). Due to these dangerous and political unstable conditions, fleeing their home country is the only option for a lot of Syrian refugees.

Another big factor leading to the huge amount of deaths on the border of the European Union seems to be the lack of policy of the European Union. The current policy regarding refugees,

through institutions such as EUNAVFOR-Med, ENP and Frontex, which will be explained later, doesn't really focus on the heart of the problem. They all are meant to keep refugees out of the European Union, which isn't a long term solution. The real problem is that residents from countries such as Syria and Afghanistan have to flee their countries, due to the political and economical unstable circumstances, but they can't flee their country in a legal and safe way.

The societal relevance of my bachelor thesis should be clear. There are a lot of lives being lost in the current refugee crisis on the border of the European Union. These deaths seem to be the result of a lack of policy of the European Union, which is focused on keeping out migrants. This isn't a solution to the problem, especially in the long run, because Syrian refugees will keep fleeing their country as long as their home country is too dangerous to live in. At the end of this bachelor thesis, I hope to do certain recommendations in order to improve the policy of the European Union regarding refugees, which will result in less deaths at the border of the European Union. Beside these recommendations for the current refugee crisis, these findings can also be used when history repeats itself in a similar country.

In the existing literature, a lot is being said about the policy of the European Union regarding refugees and migrants (Boswell, 2003; Boccardi, 2002; Lavenex, 2001; Hatton & Williamson, 2006, to give a few examples), but almost always from an European standpoint. In my bachelor thesis, I want to begin by looking at this problem from a Syrian standpoint, to better understand the heart of the problem. Why do Syrian refugees flee to the European Union? What choices and possibilities do they have? What problems do they face? By answering these questions, I hope to give a better image of the other side of the story. In this way, I hope to illustrate clearly how and why these circumstances lead to the inequalities, and it will hopefully make clear that simply holding out the refugees isn't a long-term solution to the problems Syrian refugees face. Here lies my academic relevance.

1.4. Research focus

In this bachelor thesis, I will try to show the inequalities in the visa system. To show these inequalities effectively and to make people realize how big this problem is, I have chosen Syria as an example and as my main research focus. The Syrian refugee crisis is causing a lot of debate in the Netherlands, as a lot of people are against the arrival of Syrian refugees into the Netherlands. With my bachelor thesis, I hope that I can make clear to, at least some of these people, that this is a problem we need to solve together. I think shouting that "we should focus on 'our' people first" and that they are "only here to benefit economically" and thus keep Syrian refugees out, is a very narrow-minded and selfish conception. In other words, one of the goals is to raise awareness for this problem.

There is a violent and very complex war going on in Syria that forces inhabitants of Syria to

flee their country, and we can't turn our backs on this situation. On top of this, Syrian inhabitants have one of the worst passports in the world, as could be seen in the table above. According to Henley & Partners (2016), they can only travel to 32 countries without a visa document. Also, the number of Syrian refugees is a problem that not only causes a heated debate in the Netherlands, but all over the European Union.

To summarize, Syria is seen as the most interesting and relatable research focus to raise attention for the social inequality in the visa system and the debate about Syrian refugees, and the situation in Syria is also the most alarming, and that is why I choose this country as my main research focus.

1.5. Research objective

This bachelor thesis will solely consist of theory minded research. Based on existing literature, the current situation regarding the refugee crisis will be analyzed, along with the corresponding visa policy, all from a Syrian standpoint. In this way, there will likely surface some problems on which my thesis will focus. The goal is to show the inequalities in the visa policy for lesser developed countries like Syria. I hope to illustrate this better by maintaining a different perspective on the problem, which will tell the other side of the story. To help and visualize these inequalities even more, I will use multiple maps, and maybe even develop some when existing maps don't suffice. In the end, recommendations will be done to improve the policy of the European Union regarding migrants and refugees. The research objective of my bachelor thesis will be:

To provide insight in the social inequalities around the visa policy for lesser developed countries, in my case Syria, by facing the problems from a Syrian perspective, and to do recommendations to tackle these inequalities.

1.6. Research questions

To reach the objective of this research, the following main research question should be answered:

To what extent do Syrian inhabitants experience social inequality caused by international visa policies and the limitation of their mobility, and how can this be tackled by formulating a 'new' visa policy for the European Union?

This central research question can be divided into three main categories, thus three sub questions that will need to be addressed in order to answer the main research question:

- How and to what extent do visa restrictions limit the mobility of Syrian inhabitants?

- Why is this a form of social inequality?
- Can these social inequalities be limited by making a 'new' external border policy of the European Union, and how?

From these three bigger sub questions, several smaller questions come to mind:

- Why do we have visa regulations?
- What does the current international visa policy look like?
 - And the visa policy of the European Union?
- What are the flaws in this policy of the European Union?
- What does the European Union do for refugees
 - And for Syrian refugees specifically?
- What are the movement patterns of Syrian migrants? Where do they go?
- Have the movement patterns of Syrian migrants changed since the start of the civil war in 2011?
- Why do Syrian refugees flee to the European Union?
- To which countries can Syrian refugees go without a visa?
 - And to which countries can't they go?
- What possibilities do Syrian refugees have when leaving their own country?
- What problems do Syrian refugees face when fleeing their country?

Answering these questions will be necessary, and they will be my guidance during this research.

2. Concepts

In this second part, I will take a look at some key concepts that are of influence in my research. First, there will be a brief explanation of what a visa document is precisely, which will be done by explaining the history of this document. In the second paragraph, the current visa policy of the European Union will be explained. After this, some key concepts and terms will be explained, like social inequality, mobility and the difference between a migrant and a refugee. In the end, all key concepts will be linked in a conceptual model.

2.1. The history of the visa document

To understand why countries have a visa policy, and why there is such a thing as a visa in the first place, we should take a look at the history and origin of the visa document. There are examples of some precursors of passports, dating back thousands of years ago. One of the first known examples of a passport was in 450 B.C., when the king of Persia granted permission to Nehemiah to travel safely through its lands (The Guardian, 2006; Government of Canada, 2014). The first example of a document that remotely resembles a passport in the European Union can be found in the United Kingdom. This document from 1414 could be issued by the king to anyone, whether English or not, and it granted access to the country (The Guardian, 2006). After this, there have been a few other examples that can be seen of precursors of the passport, but none of them are generally seen as a serious attempt to administrate movement of people between states (Lucassen, 2001).

Instead, most experts on migration see the first World War as the end of the freedom of movement and the beginning of the passport regime (Lucassen, 2001). Before the first World War, people in Europe and the United States were travelling without documentation. This changed after the war. The emerging of the war and the aftermath of it led to a change of perspective regarding foreigners and the restriction of their movements (Torpey, 2000). From that point on, passport controls were implemented to be able to control and document incoming and outgoing individuals.

So the passport as we know it today is still a relatively new document. The visa document is also relatively new, as it is a complement to the passport. The origin of the visa document is a little harder to determine. According to the Oxford dictionary (2015), a visa is: "an endorsement on a passport indicating that the holder is allowed to enter, leave, or stay for a specified period of time in a country". But in first instance, a passport and a visa were the same thing. When you owned a passport in the early days of the passport system, you had been granted access to every country. But to better administrate and control who enters a country, visa restrictions were implemented. Or as Neumayer (2006) says: "Nation-states employ visa restrictions to manage the complex trade-off between facilitating the entrance to their territory by passport holders from certain countries for economic and political reasons and deterring individuals from other countries for reasons of

perceived security and immigration-control".

Apart from controlling and administrating who enters and leaves your country, there are other reasons why countries have visa regulations. They don't just regulate the cross-border human mobility, but they also have the potential to affect the economy of countries (Neumayer, 2010). Visa regulations are implemented to control the incoming flow of visitors, and in practice this mostly leads to a reduction of the number of visitors, as both wanted and unwanted visitors will be deterred (Neumayer, 2010). Maintaining very strict visa regulations has the potential to harm the economy of a state, as travel is limited. It will lead to foreign businessmen and tourists to go to other places instead of your country. Or as Neumayer (2010) says: "visa restrictions on average reduce the bilateral flow of travelers by between 52 and 63 percent". So maintaining visa regulations that are too strict can harm your economy. This is why most countries will try to find a middle way between protecting their self and limiting the disadvantages for the economy.

2.2. The visa policy of the European Union

As said earlier, there are no border controls between countries that are part of Schengen. Individuals born in one of these countries can travel freely from and towards these countries (European Commission, 2016). This 'border-free' zone can't work properly without a common visa policy. This is why the European Union has set up a visa policy that applies to the entire Schengen area. This common visa policy consists of three elements (European Commission, 2016).

The first element focuses on the country of birth of the traveler. Whether you are required to have a visa to enter the European Union, is solely dependent of your country of origin. The European Union uses two different lists to determine whether or not someone needs a visa, the positive list and the negative list. When a country is on the positive list, inhabitants of these countries don't need a visa to enter the European Union, otherwise they do.

The second and third element become applicable when the country of origin of the traveler is on the negative list, which means he or she needs a visa to enter the European Union. The second element consist of a extensive regulation of rules and demands for the potential visitor. With this list, the European Union tries to create a universal test, to see if the applicant may enter the European Union. The third element describes the visa sticker on the passport, which has to match some criteria.

The Schengen visa "stands for a permit of one of the Schengen Area Member Countries to transit or reside in the desired territory for a certain period of time up to the maximum of 90 days every six month period starting from the date of entry" (Schengen Visa Info, 2015). There are four different visa categories that the European Union can give to visitors. The 'A' category refers to the airport transit visa, which permits holders to travel through the international zone of the airport of a

Schengen country. This visa is mandatory when travelers have to switch flights through a Schengen airport, but isn't a relevant category regarding my bachelor thesis subject.

Both the 'B' category and the 'C' category visa grant visitors access to the Schengen area and allows them to move freely between Schengen countries. The 'B' category is the transit visa, which only grants access to visitors for the short period of 5 days, in which the holder is expected to travel towards a non-Schengen country, by car, coach or plane. Again, this will not be relevant in my case.

The 'C' category, which allows the holder to reside in a Schengen country, for a certain period depending on the visa validity. This visa is valid for 90 days in most cases. This visa can in its turn again be divided in three different forms: the single-entry visa, the double-entry visa, and the multiple-entry visa (Schengen Visa Info, 2015).

The single-entry visa allows the visitor to enter a Schengen country only once. When the visitor leaves the country, the visa expires, even when the time period allowed to stay in the country is not over yet. The double-entry works roughly the same, with the only difference that the traveler can enter the Schengen country twice, instead of once, before the visa expires. The multiple-entry visa allows the traveler to go in and out of the country as often as he wants. However, the multiple-entry visa allows the traveler to stay in the Schengen Zone for a maximum of 90 days within half a year after he or she first got into the Schengen zone.

Apart from the regular visas, there are two visas that are granted in special cases (Schengen Visa Info, 2015). The first one is the limited territorial validity visa (LTV). This type of visa gives access to one Schengen state in particular, but not to any other of the Schengen countries. This means that an owner of this kind of visa isn't allowed to travel freely through the Schengen zone. This visa is for example given for humanitarian reasons, and are only given in exceptional cases.

The last type of visa is the national visa, or the 'D' category visa. This visa is given to certain individuals that will be studying or working in the European Union for a long period, or to those who want to stay permanently in one of the Schengen countries. This visa can also be given as a single-entry, double-entry or multiple-entry visa. As we will see further on in this thesis, these two special kind of visas will be the most relevant regarding my subject.

2.3. Mobility

It is important to further elaborate and explain the term 'mobility', as it can have different meanings in different contexts. In the sociological literature, the term mobility is a rather broad term. Mobility is often related with the idea of 'social mobility', referring to an individual's movement up or down different social classes (Sheller, 2011). This form of mobility will not be addressed in this bachelor thesis as it is not relevant to the subject.

But there is also a type of mobility that refers to the spatial movement, which is much more

relevant in this bachelor thesis. This form of mobility can still address different subjects, as it can focus on the spatial mobility of humans, object, information or capital (Sheller, 2011). The first type of mobility, the mobility of humans, is the most relevant form for this subject.

The mobility of humans has grown rapidly over the last decades (Neumayer, 2006). This is mostly because of the continuing globalization of the contemporary world. In this globalized world, distances between places have become relatively smaller due to the decrease in travel times, which are a product of ongoing technological developments, such as the invention of the plane. Also, people travel more and further as flights are getting cheaper and fly more frequently. A result of this is the spectacular increase of the number of international arrivals since 1970, from 166 million to 702 million in 2002 (Neumayer, 2006). The number of migrants are also rising rapidly, as they almost doubled between 1970 and 2002 towards 175 million (Neumayer, 2006).

A lot is being said about this rise in mobility. In the last three or four decades, globalization has led to a degree of cross-border mobility never known before (Neumayer, 2006). It also created a so-called 'borderless' world (Ohmae, 1990), a world in which borders are becoming more and more porous, and where most people cross borders frequently (Inda & Rosaldo, 2002). But these facts mainly apply to the Western world. In most third world countries, this rise in mobility is a lot smaller. In fact, most citizens in countries like Iraq, Afghanistan or Syria are 'locked up' in their respective countries, because they can't go anywhere without a visa. As Skeggs (2004) says, "Mobility is a resource to which not everyone has an equal relationship". Some see spatial mobility as a reproduction mechanism of social inequality (Kratz, 2011).

2.4. Social inequality

It looks like the problem Syrian inhabitants face regarding their mobility is a form of social inequality. A social inequality occurs when a certain attribute or good, is distributed across units of the society. This becomes 'unequal' when different units possess different amounts of this attribute (Przeworski, 1985). The term 'units' can refer to individuals, families, social groups, communities and also nations. The attributes can be things such as income, welfare, status, knowledge and power. "The study of inequality then consists of explaining the determinants and consequences of the distribution of these attributes across the appropriate units" (Przeworski, 1985).

There are also questions whether the current visa system is in conflict with a few human rights. According to Article thirteen:

- “1. Everyone has the right to freedom of movement and residence within the borders of each state.
2. Everyone has the right to leave any country, including his own, and to return to their country.” (UN, 2015)

Because of the current visa system, it is nearly impossible for some individuals, for instance inhabitants of Afghanistan or Syria, to leave their own country. They are 'locked up' in their country, because they can't travel towards another country without a visa, and often can't get a visa because of their place of birth (Henley & Partners, 2015). The question is, whether this is in contrary with the human rights. As can be seen in the second human right stated above, everyone has the right to leave their own country. But as Sassen (1996, 1998) notes, nowhere in these human rights there is a law that gives the right to enter other countries.

But what is this right to leave your own country worth, if you aren't allowed to enter another country? This is a problem Syrian inhabitants face, as they are indeed allowed to leave their own country, but they don't have a lot of countries to go to (Pécoud et al., 2007). The visa system strongly limits their freedom of movement. It looks like the right to move freely and spatial mobility is divided unevenly over the world, as Western citizens have a lot more options than non-Western citizens. According to the earlier given definition of Przeworski (1985), this can be seen as a form of social inequality.

2.5. The difference between 'migrant' and 'refugee'

Before I start the actual research of my thesis, it is really important to further elaborate some key concepts to understand their differences. When reading the newspaper or other articles online about the war in Syria and the fact that a lot of people are coming towards the European Union, I noticed that these people are often 'labeled' with different terms. The words 'migrant', 'refugee', 'asylum seeker' and 'economic migrant' for example are often used without understanding that they differ from each other. To determine whether someone is a migrant, a refugee an economic migrant or an asylum seeker, you have to look at their movement, their purpose, their goal and the conditions in their country of origin (Sharma, 2016).

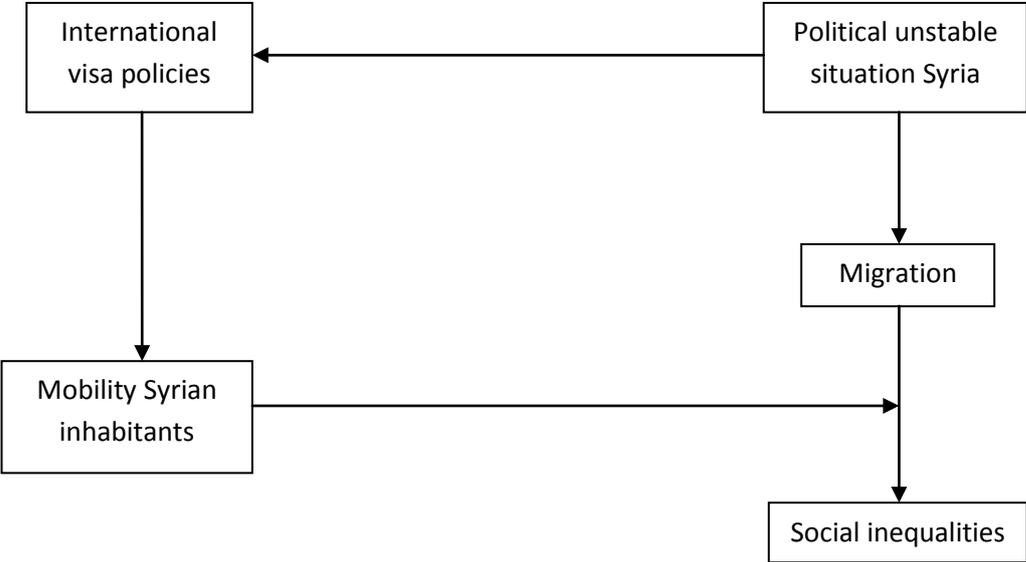
The term 'migrant' is the broadest of these terms. Migrants are people who go to another country, whether this is voluntary or involuntary, to find a better place to live (IFRC, n.d.). So refugees, asylum-seekers and economic migrants can all be labeled as migrants. An important characteristic to distinguish refugees is the inability to return to their home country (Cortes, 2004). For refugees it is impossible to return to their country of origin, because the living conditions in this country are so bad that it is impossible to keep on living here. This is the case with Syrian refugees, who are forced to flee from the war that makes it unable to live in Syria.

The difference with an asylum-seeker is small, and it is therefore not surprising that the two terms are often confused. According to UNHCR (n.d.), an asylum-seeker is someone who claims to be a refugee, but whose claim has yet to be evaluated. So the difference is that their asylum application isn't accepted yet. As soon as their application is accepted, they can be seen as refugees. If not, this

means that they don't need international protection and that they can be send back to the countries they came from.

The economic migrant can be seen as the exact opposite of the refugee and is a special form of migration. An economic migrant chooses to enter another country, and their purpose of stay is often to earn money and later on return to their country of origin to buy land, build a house or support family members (Cortes, 2004). Economic migrants are migrants from safe and warless countries and can travel back to their country of origin whenever they desire. This specific group of migrants will not be relevant in my bachelor thesis and will not be further addressed.

2.6. Conceptual model



As can be seen in my conceptual model and as said before, the driving force behind migration is the political unstable situation in Syria. For what I have seen in the studied theory, it looks like this political unstable situation in Syria also affects the international visa policies. Almost all countries have implemented visa restrictions to keep out Syrian inhabitants, or inhabitants of other unstable and third world countries. These visa restrictions affect the mobility of Syrian inhabitants, as they can only travel to a limited amount of countries without a visa.

So the main problem is that Syrian inhabitants want to leave the country, but they don't have a place to go to. In my bachelor thesis, I want to find out if this leads to social inequalities, as the mobility of Syrian inhabitants is limited. If this is the case, I hope this bachelor thesis will make more people realize, including the European Union, what the heart of the problem is. In the end, I want to do some recommendations to the visa policy of the European Union to give Syrian inhabitants more options and a fair chance to find a safe place to live.

3. Methods

In this chapter, the possible different research methods will be explained. Afterwards, I will choose one of these research methods and explain why.

3.1 Possible research methods

According to the book of Verschuren & Doodewaard (2007) about setting up a research, there are five different research strategies that can be used. The first possibility is a survey research. In a survey research, a big group of people is being questioned, through for instance a questionnaire, to get a good basis for quantitative research.

The second possibility is to do an experiment. In geographical research, this method of research is not usual, and so it is not relevant in my research.

The third method that can be used is the case study. In a case study, a small amount of cases are being looked at very thoroughly, to answer the main- and sub questions. This method of research has a more qualitative approach.

It is also possible to use a grounded theory approach. This method is very focused on the theory, and less on practice. In a grounded theory approach, assumptions and concepts of the theory and literature are compared with observations from the real world, in order to explain the similarities and differences.

The last method of research is the desk research. This method distinguishes itself from the other approaches because there is less place for empiricism. With this method, the central research question is answered solely based on existing literature, without doing empirical research.

3.2. Research strategy of this thesis

To answer the central research question, I will mostly do qualitative research. Looking at my subject and the chosen perspective, a case study is probably the best choice. According to Stake (1995), a case study can best be described as a study explaining the complexity of one specific case, to understand this case in its own important circumstances. In my bachelor thesis, this case will be the problems Syrian refugees face in their country and when fleeing to safer areas. During this bachelor thesis, I will solely use existing literature as a basis for my research.

To make my research more insightful, I will use a lot of maps, especially in the first few chapters of this thesis. In this way, I hope to give a clearer overview of the reduced mobility Syrian refugees have to deal with, and I hope that this will give a good basis to link this to social inequality. I hope that, while giving a more graphical representation, the importance of the subject will become clearer and I hope this will raise more awareness for refugees from war-torn countries.

4. Analyzing Syria and the European Union

Now that the relevant concepts of my bachelor thesis and the chosen research method and focus have been explained, it is time to look at the case. In this chapter, I will try to analyze the movement patterns of Syrian migrants. This will be followed by an analysis of the external border policy of the European Union, and its policy regarding Syrian inhabitants specifically. To finalize this chapter, I will try to explain why the European Union acts the way it does.

4.1. The movement patterns of Syrian migrants

In the introduction of this bachelor thesis we have seen what the current situation for Syrian refugees is, and it looks like their options are limited. It is time to take a closer look at their movement patterns. How have their movement patterns changed since the start of the civil war, four years ago? Where do they go with their limited amount of options? How will these movement patterns change in the nearby future? Questions like this will be answered in the following paragraphs.

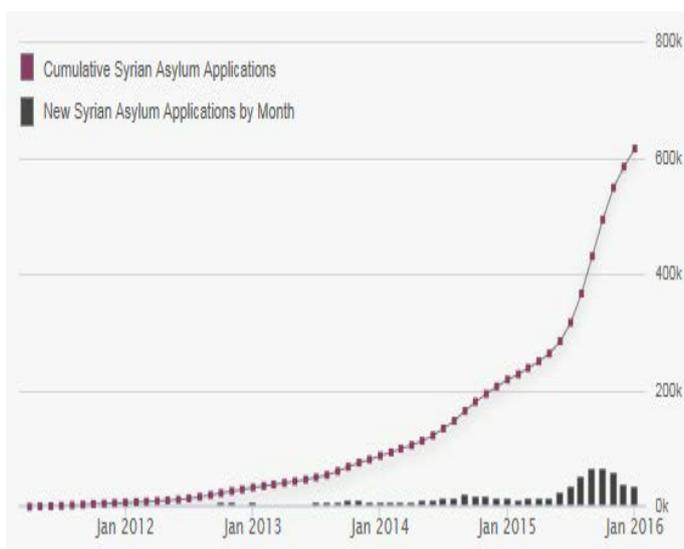


Figure 7: Cumulative Syrian asylum applications in the European Union (¹UNHCR, 2016).

4.1.1. Past and current movement patterns.

Since the start of the complex war in Syria, it is estimated that millions of people have fled their homes. As of January 2016, a little over 600.000 Syrian refugees have reached the European Union and have declared asylum here (¹UNHCR, 2016. See also figure 7). These numbers have been rising rapidly since the start of the war in 2011, but especially in the second part of 2015, and they continue to rise in 2016 (See also figure 7). But to put this in

perspective, 600.000 refugees is only 0,09% of the total population of the European Union (Eurostat, 2015). Although the images in the media might suggest that all refugees from Syria are looking to find a way into the European Union, the biggest group of Syrian migrants has fled to surrounding countries. There are approximately 4,8 million Syrians that have fled to Iraq, Jordan, Lebanon and Turkey (²UNHCR, 2016, see also figure 8).

By far the biggest deal of this group has fled to Turkey. Over 2,7 million Syrian refugees are registered here (see figure 8). This number is expected to rise after the new deal the European Union

has made with Turkey, as Syrian refugees that reach the Greek shore will now be transported towards Turkey (see also paragraph 4.2.4.). Other surrounding countries like Iraq and Jordan also have had a lot of asylum applications by Syrian refugees. But what is really eye-catching, is the number of Syrian refugees that are registered in Lebanon. Over 1 million refugees are located in this relatively small country. With a population total of approximately 4.5 million inhabitants (The World Bank, 2014), this is a little less than 25% of the total population.

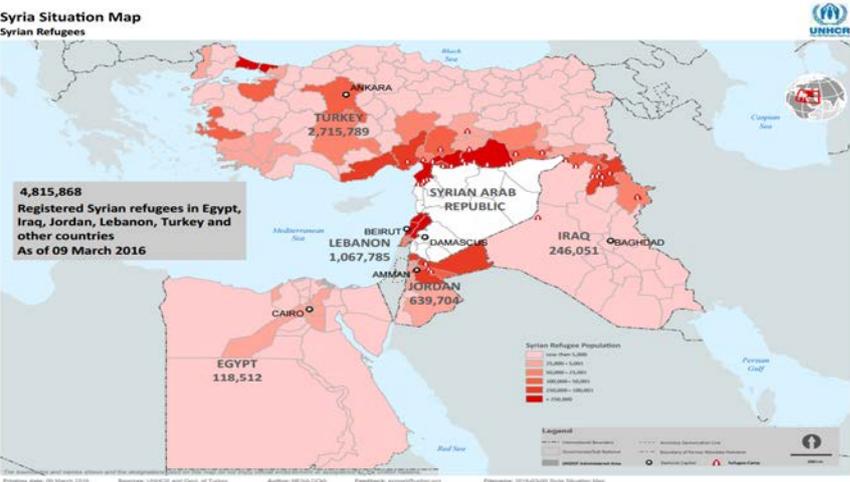
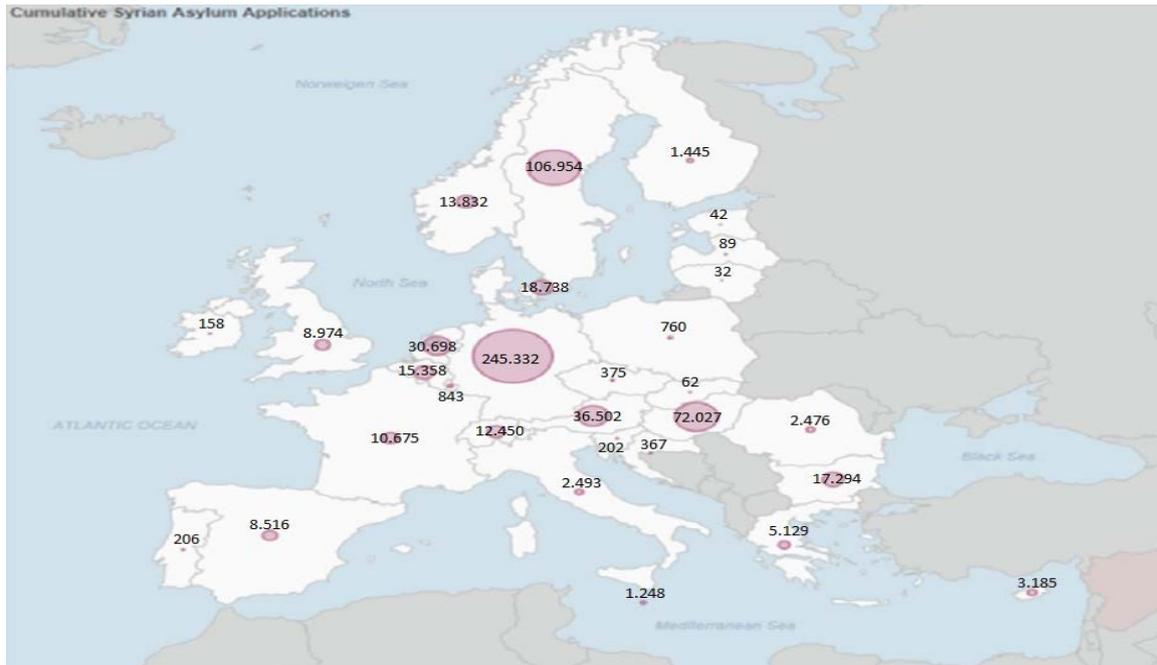


Figure 8: Registered Syrian refugees in nearby countries, as of March 9th, 2016 (UNHCR, 2016)

On top of this, there are 7,5 million Syrians that are 'internally displaced' (IDP), which means that they have fled for the same reasons as other refugees, but they haven't crossed an international border yet (¹UNHCR, 2016). They are on the run within the boundaries of their own country. This might be the most vulnerable group of refugees, as they still legally remain under the protection of their own government, even though this government might just be the cause of their flight (UNHCR, 2011).

The smaller group that does flee to the European Union is divided rather unevenly over the countries of the European Union. By far the biggest group of Syrian refugees is situated in Germany (245.332 Syrian asylum applications as of January 2016), Sweden (106.954) and Hungary (72.027) (²UNHCR, 2016. See also figure 9).



Figuur 9: Cumulative Syrian Asylum applications in different countries of the European Union (+Norway and Switzerland). (Own creation, data from UNHCR, 2016)

4.1.2. Why do they choose the European Union?

The idea that a lot of people living here in the European Union have, is that all refugees come to the European Union, but this isn't the case, as we saw in the previous paragraph. When you look at the

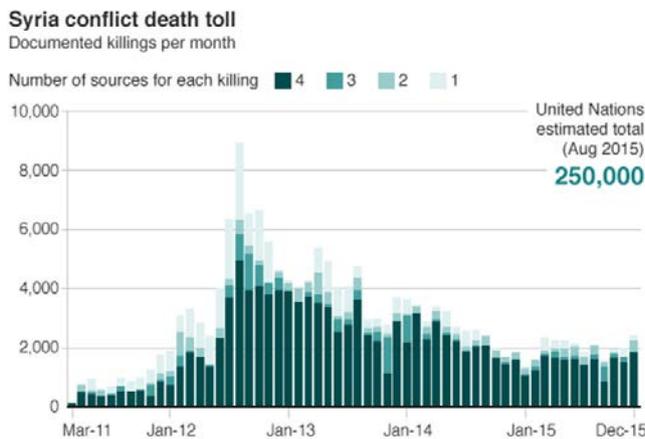


Figure 10: Monthly death toll Syrian war (BBC, 2015).

numbers in the earlier given figure (figure 8), it is clear that only a small amount of refugees try their luck to cross the Mediterranean Sea and reach the European Union. Approximately 600,000 Syrian refugees have declared asylum in the European Union, as of December 2015 (UNHCR, 2016). This is only a small amount of the estimated nearly 6 million refugees that have fled Syria, a little less

than 10 percent. But some think that a lot of refugees located in surrounding countries eventually do want to reach the European Union due to a number of reasons (UNHCR, 2015; Frelick, 2015, which will be explained in the following part, so this number could rise in the nearby future.

One of those reasons that makes Syrian inhabitants want to reach the European Union is the fact that the end of the civil war in Syria is not even in sight. The conflict has now been going on for five years, but the violent and complex war looks like it is nowhere near its end. As can be seen in

figure 10 (BBC, 2015), the monthly death toll in Syria has been stagnant at a pretty high number, with approximately 2.000 killings per month in the last two years. It is true that the war isn't as bloody and violent as it was when it erupted in 2012, but the numbers are still alarmingly high. The fact that it has been at a consistent level over the course of almost two years makes Syrian inhabitants lose hope that it will end soon (UNHCR, 2015). At the same time it also affects the Syrians who already fled the country. Normally when you flee your country of origin, you do this with the hope of returning relatively soon, but this hope to return vanishes more and more with every month this war continuous.

Another reason that Syrian refugees eventually want to reach the European Union for, is because they think that they can find the best living conditions here. In first instance, it was easy for refugees to go to one of their neighboring countries, such as Turkey, Jordan, Lebanon, Iraq or Egypt, because this was their easiest and nearest place of safety. But the living conditions for refugees are a lot worse in these countries than they are in a country of the European Union. For instance, in most neighboring countries, Syrian refugees aren't allowed to enter the labor market and if they do, they are underpaid and they face sanctions if they are caught. (The Guardian, 2015; Frelick, 2015). Also, the living conditions in emergency camps in Syria and neighboring countries are becoming worse, as aid programs for these refugees are dealing with chronic funding shortages (UNHCR, 2015). These shortage in funding have led to cuts in the food aid for thousands of refugees. According to research by the UNHCR (2015), many refugees in Jordan said that these cuts in food aid were the deciding factor in their decision to leave the country.

The high costs in these neighboring countries are another thriving factor for Syrian refugees to eventually reach the European Union and apply for asylum here. For instance, refugees situated in Lebanon and Jordan complain about the costs of daily life being too expensive, while refugees in Egypt say that it becomes harder and harder to be able to pay rent (UNHCR, 2015). This thriving factor is also being strengthened by the previous mentioned problem, as the restrictions on the labor market make it hard for Syrian refugees to get any kind of income and pay rent. Most refugees have now been on the run for over four years, which means that the income from emergency solutions like savings and selling precious valuables have already been depleted (UNHCR, 2015).

A lot of the neighboring countries earlier mentioned have their own history with internal conflicts. These countries are at the first glance not an interesting place for migrants to go to, but a lot of people are wondering: Isn't Turkey a safe country for Syrian refugees? Why don't Syrians stay in Turkey? This question has been researched by Bill Frelick, the director of the refugee program of the Human Rights Watch. While talking to Syrian refugees, he tried to find out what their plans where for fleeing Syria. In these conversations he heard numerous reasons why Syrian refugees don't want to stay in Turkey (Frelick, 2015). Although Syrian refugees didn't want to be specific on why

they wanted to leave Turkey, it was clear that the living conditions were also a problem in Turkey, and that they weren't allowed to work. The biggest problem Syrian refugees face in Turkey however, is the fact that a great deal of their children aren't getting any education (Frelick, 2015; The Guardian, 2015; Human Rights Watch, 2015). Reasons for this lack of education include for instance the language barrier, social integration issues and economic hardship (Human Rights Watch, 2015).

The power of the social media can also be seen as an important driving force for migrants to reach the European Union. Syrian inhabitants and refugees also follow the news closely. The image of refugees being greeted with applause and flowers makes Syrian refugees realize that they will be accepted here. Combine this with the better future prospects regarding work and education, and it becomes clear why Syrian refugees so desperately want to take the enduring and dangerous route across the Mediterranean Sea towards the European Union.

So the image that all refugees are coming to the European Union is not exactly correct when looking at the numbers. A far greater deal of Syrian refugees is located in surrounding countries, but the seemingly eternal continuation of the war makes Syrian refugees think that returning to their home country anytime soon will not be possible. In their search for better living conditions, they eventually do think the European Union is the most attractive destination.

4.1.3. Future movement patterns

During this thesis, the goal is to work towards a new or better fitting strategy regarding refugees from Syria and the complex war. In order to do this effectively, it is important to look at possible future developments, in order to make sure that this 'new' policy will be as effective as possible.

First, I want to take a look at the Henley & Partners index of the last couple of years (Henley & Partners).

Year	Position on visa index	Number of countries that can be visited without a visa
2016	100	32
2015	105	33
2014	89	38
2013	87	39
2012	96	37
2011	93	-*
2010	87	39
2009	82	-*
2008	82	-*
2007	81	-*
2006	80	-*

Table 1: The development of the Syrian passport from 2006 until 2016.

*I was unable to determine the amount of countries Syrian inhabitants could visit without a visa according to some of the older visa restriction indexes

As can be seen in this table, the passports of Syrian inhabitants look to be worsening gradually over time, absolutely as well as relatively. At the start of the civil war, a Syrian inhabitant could visit 39 countries without a visa. This number has now decreased to only 32. Syria was ranked 80th overall on passport strength when the first visa restriction index was published in 2006. The table above shows that this rank has been stable for the first few years, but worsened after 2009 and 2014. If this recent development is any indication of how this will develop further in the nearby future, it might not be a surprising statement to make that Syrian inhabitants will soon be 'locked up' in their own country, with limited legal opportunities to go to another country.

With the ongoing fear for new terrorist attacks such as those in Paris and Brussels, we can expect that the visa restrictions will become even stricter. Improving protection and implementing more visa restrictions is a common reaction to terrorist attacks, as we earlier saw after 9/11

(Neumayer, 2006). If this trend is going to continue in the coming years, the mobility of Syrian inhabitants will continue to decline. Without an effective policy regarding refugees, the ongoing fear for terrorist attacks and the increasing safety measures, the continuation of the decline of the mobility of Syrian inhabitants is very plausible. In the same time this means that Syrian inhabitants will experience even more social inequality, as the gap between their mobility and the mobility of, for instance, an inhabitant of the Schengen area will only increase. This means that the good 'mobility' is being divided more unfairly over the world as time progresses, and this means that, according to Prezworski (1985), the social inequalities in the international visa system will only increase.

As long as the war in Syria continues, Syrian inhabitants will continue to flee their country. We have seen that limiting the legal options will not stop them from fleeing Syria. It will only force them to take the illegal and more dangerous route. As we will see further on in this thesis, closing these illegal routes won't be helpful either, as they will continue to find a new (and maybe even more dangerous) routes to get into the European Union. This will result in even more deaths on the external border of the European Union, and this only makes the cry for an effective solution for Syrian refugees even bigger.

4.2. The European Union and its policy regarding refugees

In this paragraph, I want to find out why the European Union is struggling so much with the influx of refugees, even though this influx is still relatively small compared to countries like Lebanon. In order to do this, the biggest problems of the European Union will be looked at. This will be followed with an analyses of the several policies the European Union maintains right now regarding refugees. The aim is to detect the flaws and problems in this policy, and to learn from these flaws when working towards a 'new' refugee policy. Further on, I will zoom in on what the European Union does and doesn't do for Syrian inhabitants specifically, and I will try to explain this.

4.2.1. The internal division of the European Union

As shown in earlier graphs, the European Union is far from a big contributor when it comes to giving Syrian refugees a place to live. While a small country like Lebanon has a little over a million Syrian refugees, the European Union seems to be struggling with the 600.000 refugees that have now reached the European Union.

One of the biggest problems that the European Union struggles with, is the strong division between the European countries regarding this subject (Maric et al., 2015). With 28 member states who all have their own opinions and interests, making an effective and universal policy is a hard task. This division between member states became very clear at the European Leaders Summit in Brussels in June 2015. Germany, one of the most powerful countries of the European Union, has been

encouraging an open door policy. Since the start of the refugee crisis, Germany has always welcomed refugees with open arms. Germany is leading the European Union when it comes to accepting refugees from numerous countries, not just from Syria. By the end of 2015, Germany had accepted almost 800.000 refugees from all over the world. Part of this open door policy is the suspending of the Dublin protocol for Syrians.

The Dublin protocol requires refugees to seek asylum in the first member state of the European Union in which they arrive (ECRE, 2014). If an asylum seeker entered the European Union through another country than the one in which he claims asylum, this person can be send back to this initial country of arrival (Hampshire, 2015). The objective of this protocol was originally to prevent so-called 'asylum-shopping', which means that a person does multiple asylum applications in different countries. In the same time however, this protocol obviously puts a lot of pressure on the southern and south-eastern members of the European Union, while northern states benefit from the creation of this buffer (Hampshire, 2015). Countries such as Italy, Malta and Greece have complained about the fact that this Dublin protocol is an unfair system as it places a great deal of the burden on them. Suspending this protocol gives Syrian refugees the opportunity to travel towards Germany, and it relieves the pressure on the countries that are on the border of the European Union.

As soon as an asylum application in Germany is accepted, persons that are granted asylum are given the same rights and benefits as other Germans. They receive a temporary residence permit and are given other social benefits, such as social welfare, child benefits, child-raising benefits, integration allowances and language courses among other forms of integration assistance (Maric et al., 2015). This open-door approach that is being maintained by Germany gets a lot of support from some other big nations inside the European Union. Especially France and Italy are supporting this approach, as these three countries have made a joint statement that "the current refugee crisis is putting the European Union to a historic test" and that "Europe must protect refugees in need of protection in a humane way, regardless of which EU country they arrive in" (Maric et al., 2015). France, Italy and Germany believe that asylum seekers should be divided in a fair way between all members of the European Union (EU Observer, 2015).

On the other end we find another powerful country of the European Union, the United Kingdom, which isn't very keen on allowing a lot of refugees into their country. Prime Minister David Cameron said that he wouldn't allow 'swarms' of economic migrants to break into the United Kingdom (The Independent, 2015), and he believes that a great deal of the incoming migrants are economic migrants, instead of refugees in need of aid. Comparable comments have been made by politicians from Bulgaria, Czech Republic, Estonia, Poland and Slovakia (Maric et al., 2015). Some southeastern member states have even responded to the influx of refugees by building fences across the entire border. As can be seen in figure 11 below (BBC, 2016), alongside the borders of Austria,

Slovenia, Hungary, Croatia, Macedonia, Greece and Bulgaria, fences are used to protect a part of, or in some cases, the entire border.

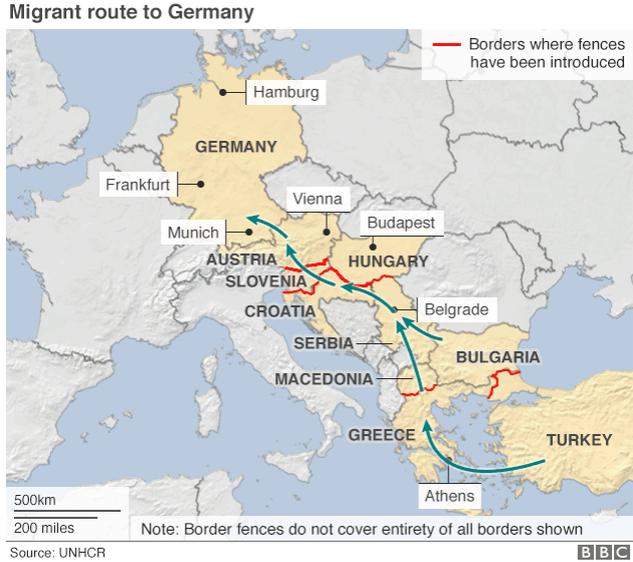


Figure 11: Overview of border fences in the European Union (BBC, 2016)

4.2.2. Who should solve the problem of the refugee crisis?

A big question regarding the refugee crisis is; who should take responsibility for this crisis? More simply spoken; who's problem is it? With the maintaining of the earlier explained Dublin protocol this refugee crisis was mainly a problem for the countries right along the border of the European Union, as they had the biggest influx of refugees and were obliged to process them. But with the suspension

of the Dublin protocol by Germany, we could say that this protocol has failed and that all member states have to take responsibility.

Without the Dublin protocol it is possible to divide incoming refugees between member states. This division or allocation of refugees between member states of the European Union remains to be an important subject. Germany has criticized other member states about the fact that they are not doing their fare share, and they want to force member countries to take obligatory quotas of refugees and asylum seekers (²The Guardian, 2015; ³The Guardian, 2015). The earlier explained division between states makes it hard to oblige some member states to adopt a certain amount of refugees, as some member states are clearly against the adoption of these refugees.

Do Germany and France have a point when criticizing

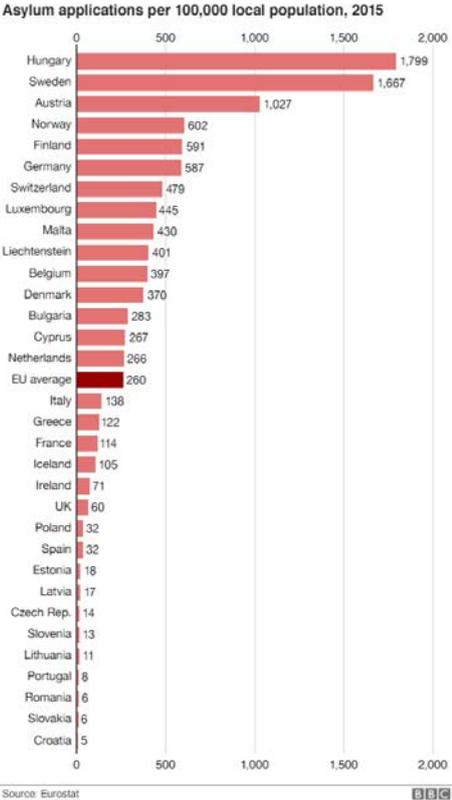


Figure 12: Asylum applications per 100,000 local population in 2015 (BBC, 2015).

other member states? When we take a look at the figure on the left (figure 12), we can see that there is a big difference between the member states of the European Union in asylum applications per 100,000 inhabitants. This difference is a logical result of the earlier explained internal division. Countries at the bottom of this graph are commonly known as being not so keen on accepting a lot of refugees and migrants. At the top we can find countries who handle a more open door policy. This graph can be seen as a product of the lack of universal policy from the European Union regarding migrants and refugees. Smoothing this graph can be a real problem, considering the earlier explained clashing opinions. To give a more graphical image about the internal division of the European Union, look at figure 13 below. This figure reshapes the member state countries according to the number of asylum seekers they receive. This image gives an excellent view of which member state countries do their fare share or more, and which countries do less than they should.

In the meantime, leveling this graph by dividing incoming refugees equally and fairly could be the key to solving the problem. If all countries of the European Union would agree with a ‘fair’

Distribution of asylum seekers in Europe up to first half 2015
Map created by Benjamin D. Hennig.

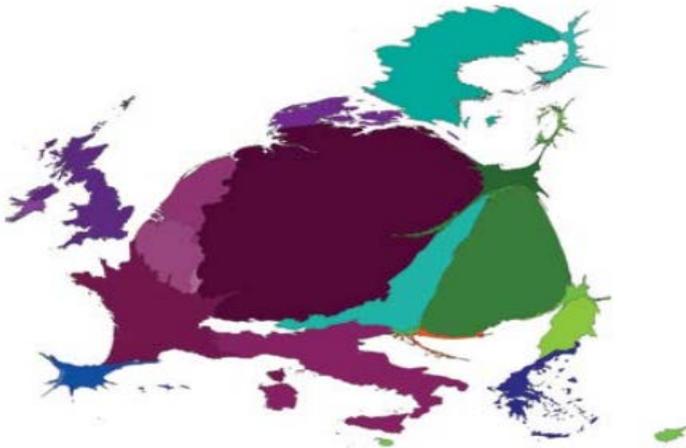


Figure 13: Countries are shaped according to the number of asylum seekers they get, to create a different map (Hennig, 2015).

division of refugees over all member states, for example based on population, population density, GDP and/or other relevant factors, it would lead to an area of 28 countries with a combined population just over 500 million (Eurostat, 2015) that is able to manage a great influx of irregular migrants and refugees. In this way, the burden for all member states will be minimized as this burden is shared equally.

In order to force an agreement about the allocation and division of refugees in the European Union, member states who are for the equal division point to the “principle of shared responsibility and solidarity between

the Member States” (Bendel, 2015), which is a principle in the treaties as well as the law of the European Union (Vanheule et al., 2011). This principle can perfectly be applied to help formulating a new external border policy of the European Union and can be used to find an agreement regarding the allocation and division of refugees inside the European Union. It may force member states that are against the allocation of refugees to agree with this allocation.

4.2.3. The EU's external border policy

In this paragraph, the general external border policy of the European Union will be described. There are several instruments that are being used by the European Union. First I will explain some long-running instruments, and after that I will explain some new instruments that are being used by the European Union, and that have been specially implemented for the current refugee crisis. In the next paragraph I will continue with elaborating methods that are specific for Syrian refugees.

Since 1999, the European Union has been working to create a Common European Asylum System (CEAS), in order to improve the current legislative framework (European Commission, 2015). The goal of this system is to “bring more harmonization to standards of protection by further aligning the EU states’ asylum legislation; effective and well-supported practical cooperation and increased solidarity and sense of responsibility among EU states, and between the EU and non-EU countries”(European Commission, 2015).

The year of 2015 has put a lot of pressure on this Common European Asylum System, and acted as a major test. The great public, political and media attention for asylum-seekers arriving in the European Union, often combined with dramatic images, has put a huge pressure on European institutions and member state governments to prove that they are up for this challenge (Carrera et al, 2015). The external border policy of the European Union is now one of the most important points on the European agenda (²European Commission, 2015).

The European Union has several methods that are directed at refugees. As stated in the introduction of this thesis, these methods are mostly focused on keeping out and limiting the amount of refugees that try to enter the European Union and to protect itself from these refugees, which raises the question whether this is actually a solution to the problem. In the following part of this thesis, these methods will be elaborated and their effectiveness will be critically analyzed.

The European Neighbourhood Policy (ENP) is a policy that focuses on the neighboring countries on the other side of the external border of the European Union: "Through its European Neighbourhood Policy (ENP), the EU works with its southern and eastern neighbors to achieve the closest possible political association and the greatest possible degree of economic integration" (²EEAS, 2015). Ever since the end of the Cold War, the European Union has faced the essential dilemma of where its final external borders should be set (Smith, 2005). According to the treaty of Rome, any European country can join the European Union (¹Treaty of Rome, 1957)., but the geographical term 'Europe' is a bit unclear at the moment. The European Neighborhood Policy can be seen as a way to soften the external borders of the European Union.

Critics however, say that the ENP only strengthens the border even more: "Although ... the claim is that the ENP is launched in order to avoid the creation of new dividing lines, the policy itself is an important dividing line, and hence – a border. (Kostadinova, 2015). By deciding which countries

can participate in the European Neighbourhood Policy and which countries can't, the European Union creates an important territorially fixed differentiation. This leads to the 'labeling' of countries regarding their relationship with the European Union, and their prospects of becoming a member themselves. With this 'labeling' of countries, the ENP is creating a bigger gap between the European Union and countries just over the edge of the European Union, so it creates a bigger gap between 'us' and 'them'.

On the 26th of October 2004, the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, better known as Frontex, was established (Frontex, 2015). It was established by the European Council on Justice and Home Affairs to improve the policy and cooperation in the area of migration, asylum and security. Their objective is based on another article in the ²Treaty of Rome (1957), which states that free movement of goods, persons, services and capital were identified as foundations of the Community.

Since the founding of Frontex, it has received a lot of criticism from international human rights organizations, saying that Frontex is preventing people from claiming their right to seek asylum (Åkerblom, 2015). Others say that Frontex is disregarding human rights principles and refugee protection (Follis, 2015), and that they fail to handle the flow of migrants (Klostermann, 2013). The question is who's fault this is. Some are saying that Frontex is an easy target, and that the member states are really the ones to blame. They say that the power of Frontex is limited, and that the responsibility of the deaths at the border lies with the member states of the European Union (Rijpma, 2010). In order to improve the power of Frontex, its budget will be tripled in the coming years (Carrera et al., 2015).

One of the main focal points of the European Commission in the battle against the refugee crisis is the fight against human trafficking and smuggling (Carrera et al., 2015). On the 22nd of June 2015, the European Union launched a new plan, called EUNAVFOR-Med, which is an European Union military operation in the South Central Mediterranean, to "reduce the life loss at sea" (¹EEAS, 2015). "The main goal of this plan, is to mobilize all efforts to prevent further loss of life at sea, tackle the root causes of the human emergency in the Mediterranean, in cooperation with the countries of origin and transit, and fight human smugglers and traffickers. The aim of this military operation is to undertake systematic efforts to identify, capture and dispose of vessels as well as enabling assets used or suspected of being used by migrant smugglers or traffickers" (¹EEAS, 2015).

In practice, this means the destruction of boats by the EUNAVFOR-Med (Van Houtum, 2015; Faleg et al., 2015). This policy is mostly focused on human traffickers, and can be seen as a response on the fact that a lot of refugees have lost their lives at sea. The aim of this policy is to reduce the number of refugees that are being smuggled into the European Union by human traffickers on unreliable boats, and thus reduce the life loss at sea.

When the plans for this operation were unveiled, critics and the general public feared that this means that unacceptable levels of violence will be used during this operation, and it was even compared with the Mexican drug war (Faleg et al., 2015). It now looks like that this isn't the biggest problem of the operation. In fact, the absence of a clear protocol is seen as the biggest problem with this operation: "Phase 1 of the operation: surveillance and assessment, has begun with no legal mandate to carry out the crucial phases 2 and 3: seek and destroy, whose military planning and outcomes are undetermined" (Faleg et al., 2015). In other words, it is unclear when surveillance ends and human trafficking boats may be destroyed.

The EUNAVFOR-Med is a perfect example of the fact that the policy of the European Union regarding refugees is focused on reinforcing the external border and keeping out refugees, instead of trying to solve the heart of the problem. As we saw earlier with the ENP, the EUNAVFOR-Med is also creating a bigger gap between the European Union and countries just over the edge of the European Union, a bigger gap between 'us' and 'them'. This military approach will only make the problem bigger. As long as the wars in the Middle East continue and no legal and interesting alternative presents itself, refugees will try to reach the European Union in an illegal way hoping for a better future. This will become even harder with the extra surveillance along the Mediterranean coast. The refugees will find new routes, and the problem will only move, instead of disappear.

Another method adopted in the second part of 2015 is the temporary relocation system (Carrera et al., 2015). This system can be seen as an attempt to get around the Dublin protocol. As earlier explained, this protocol has become questionable as it puts too much pressure on the southern and eastern member states of the European Union. The goal of the temporary relocation system is to divide 160.000 persons, who are in desperate need of protection and are currently located in Greece or Italy, over the rest of the European Union. How many asylum-seekers each member state of the European Union receives is based on a number of factors, such as GDP, population and unemployment rate (Carrera et al., 2015).

In theory, this is an interesting method to make sure that the burden is shared equally over all member states of the European Union. The decision to relocate these 160.000 refugees has been made on September the 3rd, and a month after this the first relocation took place. By the end of the year, a total of 184 asylum-seekers had been relocated from Greece and Italy combined. With this pace, it would take over 750 years to achieve the relocation of the 160.000 asylum-seekers (Carrera et al., 2015). So, although the idea is interesting, big steps have to be made in the execution.

The hotspot approach is another method developed by the European Union to cope with the irregular flow of migrants (Pichou, 2016). The aim of this approach is to provide accelerated procedures for the return of people who are not in need of international protection. Hotspots are created when there is a disproportionate migratory pressure on the European external borders,

mostly in Greece and Italy. Incoming migrants are being registered, fingerprinted, screened and they are being detained in reception centers until it is clear what will happen with these new arrivals. The hotspot approach is merely a coordination method that is able to merge efforts in an efficient way (Pichou, 2016).

According to the European Court of Human Rights (ECTHR), the detention of irregular migrants is lawful only for specific purposes, but not as a general border management technique (Pichou, 2016). It is proven that such detention, used as a form of protection, doesn't lead to a reduction of refugees trying to reach the European Union. Thus, the hotspot approach can only be seen as a temporary method to relieve the pressure on the external borders.

To summarize, a great deal of the methods the European Union uses to 'solve' this crisis are focused on protecting its borders and keeping out refugees. With this method, the European Union creates an even stronger border between 'us' and 'them'. The problem itself isn't solved in this way, it just moves.

4.2.4. Syria specific policy of the EU

We have seen that the European Union's policy regarding migrants and refugees is far from efficient and effective. Due to a number of reasons, such as the internal division in the European Union and the different opinions and interests of the member states, the European Union fails to come up with an effective universal asylum policy. Also the focus is on protecting the European Union and keeping out refugees and migrants, which is a questionable approach. In the following paragraph, I want to take a look at what the European Union does or doesn't do for Syrian refugees specifically, and the reasons behind this.

On the 20th of March 2016, a new policy regarding Syrian refugees has started. From now on, refugees from Syria that manage to make it to the European Union will be registered and sent back to Turkey immediately (NOS, 2016; Van Houtum & De Looijer, 2016). For every Syrian refugee that the European Union sends to Turkey, the European Union will adopt one Syrian refugee from Turkey. On top of this Turkey will receive three billion euro and Turkish citizens can now travel freely to the European Union, so they don't need a visa anymore. Finally, the negotiations about the possible addition of Turkey to the European Union will be reopened. The aim of this deal is that the biggest access road for Syrian refugees towards the European Union will be closed.

The country of Turkey is becoming the most important factor in this ongoing Syrian refugee crises. It is the crucial and only link between the war-torn countries of Iraq and Syria and the external borders of the European Union. Due to this essential geographic location, it is no surprise that Turkey has a key role in managing the current refugee crises. Turkey knows about their status as a key player in solving this crises, which leads to the situation in which the European Union needs Turkey more

than Turkey needs the European Union (Farcy, 2015). This situation gives Turkey a strong negotiation position, as they further pursue an European Union membership.

There are some clear arguments against an European Union membership for Turkey, as well as some arguments for the addition of Turkey to the European Union. The biggest con is that Turkey is a country that is too big, which would lead to them being the dominant force in the European Union (Debating Europe, 2016). Also, being a non-European member, it would open the door for a whole bunch of candidates outside the European Union, like Cape Verde and Kazakhstan (Debating Europe, 2016). On top of this there are some major questions about the political stability and the human rights, as well as the unequal spread of welfare in Turkey (Debating Europe, 2016). Despite these doubts and questions, the European Union is willing to accept Turkey as a member of the European Union just to try and control the Syrian refugee problem, which might be seen as a form of desperation and this is a result of the powerful negotiation position of Turkey. In any means it shows the determination of the European Union to keep themselves protected against Syrian refugees, as the European Union decides to further reinforce its external borders (Farcy, 2015).

This new policy already has to endure a lot of criticism. According to asylum lawyer Flip Schüller, this construction is, from a legal standpoint, very contentious (NOS, 2016), and it will probably be denied by the European court of justice. The right to asylum is secured in the European refugee Convention of Geneva (UNHCR, 1951). Also, according to Schüller, the decision of the European Union to only accept Syrian refugees is a form of discrimination towards refugees from other countries (NOS, 2016). This is an interesting development. This new rule may be further expanding the social inequality they used to experience, but they are now favored over refugees from other countries. So this new rule forbids Syrian refugees to apply for asylum in the European Union, as they are sent to Turkey, but at the same time refugees from other countries are completely unable to reach the European Union.

But this new policy raises even more questions. It creates the contradicting situation that Turkish inhabitants are now given the right to travel freely through the Schengen area, a right which they don't need, in order to prevent Syrian refugees to travel through the European Union, who are in desperate need of this freedom in order to find protection and safety. Why is the European Union willing to give nearly 80 million Turkish citizens the right of free travel through the European Union in order to prevent a far smaller group of endangered Syrian refugees to reach safe grounds? Is this new policy based on some kind of fear for Syrian refugees? Nevertheless it is an interesting development and an excellent occasion to further zoom in on, as well as an excellent example of social inequality and discrimination towards Syrian refugees.

Not for the first time this 'solution' seems to only shift the problem, instead of solving it (Van Houtum & De Looijer, 2016). Those in real need of protection, especially Syrian refugees, will be

stranded in Turkey, a country without an effective policy regarding refugees. The agreement with Turkey allows member states of the European Union to externalize the management of migration outside of their own borders, which falls short of a proper common asylum policy (Farcy, 2015). Earlier, the externalization of the British borders on French territory led to the 'urban jungle of Calais'. Critics wonder if there will be a new Calais in Bodrum, due to this new agreement between the European Union and Turkey (Farcy, 2015).

Apart from shifting the problem, you could also see this agreement as an attempt to shift the responsibility. The European Union has given all responsibility to Turkey and relies on them to manage the problem. Paying for this Turkish support can't be seen as a form of burden sharing, instead it just shifts the burden from the European Union to Turkey (Farcy, 2015). Especially because Turkey seems to be unable to handle this influx of Syrian refugees, as they seem to be tightening their open door policy by partly closing its borders, even for Syrian refugees (Korkut, 2016; Human Rights Watch, 2016).

Also, while the European Union claims to fight against human smugglers, this new policy will only inflate the prices of human smugglers (Van Houtum & De Looijer, 2016). At the same time the alternatives remain non-existent, which means that refugees will look for another, and probably more dangerous route into the European Union (Van Houtum & De Looijer, 2016).

It looks like, until now, the European Union doesn't want to take its humanitarian responsibility, and to help those in need. Instead of helping endangered Syrian refugees, they continue to seek a 'solution' that is most beneficial for themselves. In order to achieve this, visa rights and EU memberships are given away as a form of compensation. This is a questionable basis to give away such rights. In the next paragraph I will further focus on and declare the policy of the European Union regarding refugees from Syria and find an answer to these questions.

4.2.5. Explaining the fear of the European Union and its inhabitants

In the previous paragraphs we have seen what the European Union does and doesn't do for migrants and refugees, and for Syrian refugees in particular. We have seen that they face some difficult problems, like the internal division in the European Union towards refugees, which makes formulating an effective and efficient policy a difficult task. This refugee crisis has now been going on for so long, that saying that they have been caught 'off guard' by this crisis can't be the case. It looks like the European Union is being resolved on purpose, and that they have clear arguments to refuse to help solving this crisis.

An important factor that has led to the current closed door and fearful policy of the European Union is the relatively recent economic crisis. Most member states of the European Union have had a tough time during this economic crisis, which resulted in an increase in unemployment

rate and a decrease in the standard of living (Trauner, 2016). Especially in countries like Spain, Greece, Portugal and Ireland the effects of the economic crisis are big. A lot is being said in the media about the costs for a country of the European Union to give shelter to a refugee, ranging from €15.000 to €30.000 per person per year (Deutsche Welle, 2016; The Independent, 2016). Money is always an issue in today's world, so the combination of the relatively recent economic crisis and the fact that giving shelter to refugees costs quite a lot of money, could have led to the fact that some member states of the European Union don't want to spend money on forming an effective external border policy.

The recent economic crisis also affected the way people from member countries of the European Union see refugees and migrants. According to Trauner (2016), the recent economic crisis has led to a rise in xenophobia, racism and violence against third-country inhabitants. In other words, people are afraid. But what exactly are we afraid for? Afraid that 'our' country will become 'full'? Afraid that giving shelter to refugees will cost too much money? Afraid that terrorists will find a way into 'our' country? These are important questions to answer, taking into account that the terrorist attacks in Paris and Brussels and the ongoing rumors about more terrorist attacks have only made this fear bigger.

Van Houtum & Pijpers (2007) have done further research about this subject. They argue that the external border policy of the European Union is a product of fear, and that the external border policy focuses on protecting itself from unwanted immigration of so-called 'fortune seekers'. They also state that, to understand the current protective external border policy, we need to further investigate this fear that is running through the member states. According to Van Houtum & Pijpers (2007), we are afraid to get out of our comfort zone, afraid to lose part of our economical welfare and afraid to lose our public security and social identity.

What the European Union is basically doing, is constructing and protecting a space that they believe belongs to them, to make its inhabitants feel more at ease (Van Houtum & Pijpers, 2007). To achieve this, the European Union tries to maximize comfort. The stranger trying to get into the European Union can be seen as a threat to this comfort. But although the European Union wants to protect itself from these 'others', this obsessive protection could at the same time be limiting the amount of comfort inhabitants of the European Union experience.

While the creation of this gated community by the European Union is meant to dissolve the fear of refugees and migrants of those inside (Van Houtum & Pijpers, 2007), it only makes this fear bigger, as inhabitants of the European Union get the image that they actually need protection from these people from the outside. In other words, it creates the image that refugees and migrants are dangerous, harmful and something you need protection from, which makes the external border politics of the European Union fear-evoking (Van Houtum & Pijpers, 2007).

In contrary to this fearful and protective external border policy, the European Union strategically selects immigrants from other countries that can increase our comfort and economical welfare (Van Houtum & Pijpers, 2007). This selective immigration policy leads to the image of a hermetically sealed 'Fortress Europe' or a gated community. A gated community is a housing development that restricts public access as it is protected through the use of gates, booms, walls and fences (Atkinson & Blandy, 2013). Gated communities can be found most often in countries that have a great income differential such as Mexico, Brazil, United States and the United Kingdom (Blakely & Snyder, 1997). In other words, gated communities can be seen as a reproduction of income inequality.

The consequences of the above mentioned selective policy can be huge. Due to this 'cherry-picking', incoming migrants are scanned on their 'human capital' or their potential value for the European Union. Only when this potential value is big enough, access to the European Union is granted. This security-obsessed policy is questionable as it sustains and reproduces global inequality and segregation, both materially as well as symbolically (Van Houtum & Pijpers, 2007).

The creation of the image that we should fear refugees is not only done by the policy of the European Union, but also by the media. The terminology that is used by the media plays a big role in the image we create when thinking about refugees and migrants. For instance, terms like 'tsunami', 'wave', 'stream' or 'flood' are often being used when talking about migration, and all these metaphors contain a rather negative load. This terminology is even more bizarre when you compare the flow of migrants from countries like Syria with an everyday form of crossing borders; tourism. If you compare tourism, which can be seen as a short-term and impermanent form of migration, with migration, you will see that the numbers are substantially higher. To give an example, there were 2,1 million tourist who spend a long vacation (one week or longer) in France, from the Netherlands alone (CBS, 2015). We never see this as a (big) problem. With these negative terms about migration and refugees, the media creates the image that refugees and migrants are a threat, while some see them as an opportunity (Gabriel, 2015; Newland, 2015; Carrion, 2015; Portes, 1997).

5. Towards a 'new' external border policy

Now that the current policy of the European Union has been critically analyzed, it is time to focus on the future to form a more effective policy which reduces the social inequality and improves mobility for Syrians and inhabitants from other third world or war-torn countries. It is time to shift the focal point of the external border policy of the European Union from a protective approach towards an approach in which an effective cooperation and partnership with third countries is achieved (Carrera et al., 2015).

5.1. The humanitarian visa

The humanitarian visa can be a solution for refugees that want to flee their home country in case of a war (Van Houtum, 2015; Van Houtum & De Looijer, 2016). The humanitarian visa is part of the so-called Protected Entry Procedures, which allows a non-national to:

“ - Approach the potential host state outside its territory with a claim for asylum or other form of international protection

- Be granted an entry permit in case of a positive response to that claim, be it preliminary or final” (European Parliament, 2014)

This humanitarian visa is not a 'new' policy, as these visas are already given in exceptional cases in the form of an LTV visa. According to Article 25 (1) of the Visa Code, a visa with limited territorial validity will only be issued in one of the following cases:

“- When the Member State concerned considers it necessary on humanitarian grounds, for reasons of national interests or because of international obligations

- When for reasons deemed justified by the consulate, a new visa is issued for a stay during the same 180-day period to an applicant who, over this 180-day period, has already used a uniform visa or a visa with limited territorial validity allowing for a stay of 90 days” (Council of the European Union, 2009).

Although forming an universal European asylum policy has been high on the agenda of the European Union since the Tampere conclusions of 1999 (European Commission, 2002), it is exactly this universal legislation that is missing (European Parliament, 2014). According to the European Parliament (2014), some member states of the European Union have issued different types of visas for humanitarian reasons than other member states. For instance, in comparable cases there have been given LTV visas, short-stay visas, national visas and Schengen visas to incoming refugees.

This lack of universal asylum policy is for a great deal a result of the unclear regulations in the Visa Code, which can be seen as an unstable and vague base for issuing the humanitarian visa

(European Parliament, 2014). The Visa Code is considered to be inconsistent, as two identical cases can result into two different outcomes concerning the possible issuing of a humanitarian visa. Also it is unclear when member states are required to issue humanitarian visas and whether appeal is possible when the application for an LTV visa is refused (European Parliament, 2014).

Apart from the current problems regarding the universality of the humanitarian visa, its main idea could actually be a great help for Syrian inhabitants, or inhabitants from other war-torn countries. Unfortunately there is another huge problem with this system. The biggest issue of this policy is that, in order to be eligible for a humanitarian or LTV visa, you need to arrive on the territory of a member state of the European Union, and apply for asylum here (European Parliament, 2014). As discussed earlier, the legal route to the European Union is non-existent for most of these refugees, as they often come from countries that need a visa to enter the European Union and these people often don't qualify for this ordinary visa.

So, while this humanitarian visa is potentially a solution for refugees from war-torn countries, there are still two big issues that need to be tackled in order for it to be effective. First, the legal access route towards the European Union is lacking, which forces refugees to take the illegal and dangerous route. If a safe and legal route into the European Union can be accomplished, the humanitarian visa can be an excellent solution to the visa problems refugees face. Second, the vague and unclear guidelines of the Visa Code need to be reformed. This Visa Code should be formed into a transparent and universal Code that is consistent. Tackling these issues will be crucial in order to form an effective policy. In the following paragraphs, I will focus on the first issue exclusively, thus the construction of the legal and safe route into the European Union. The Visa Code is a complex and tough document that is hard to effectively understand and to be able to improve in such short time without the necessary knowledge, and that is why I choose not to zoom in on this. Further research could focus on this Visa Code and how the European Union could improve this Code.

5.2. Legal access route into the European Union

As said in another chapter of this bachelor thesis, the current policy of the European Union focuses for a large part on fighting human smugglers. Through institutions like EUNAVFOR-Med, the Mediterranean Sea is guarded and boats used by human smugglers are destroyed. Fighting human smugglers is also an important goal for the above described Protected Entry Procedure (Noll et al., 2002). This approach is essentially good, as the conditions in which human smugglers transport refugees are often shocking, but it lacks an alternative method for refugees to reach the European Union. To win the battle against human smugglers, I think it is crucial to take away their market and provide a safe and legal access route towards the European Union. Simply fighting human smugglers by controlling the known access routes will only force them to take longer and more dangerous

routes, and they will continue to be active.

In order to achieve this new route, some huge changes regarding the current rules and policies have to be made. This is why Fachhi (2012) recommends that these changes will be made in the form of a step by step approach. The general objective should be to “enlarge step by step the possibilities of persons in need of international protection to reach EU territories in a regular and orderly manner” (Facchi, 2012). As I said earlier, the focus will solely be on entering the European Union, instead of the asylum procedures and the legislative framework.

In order to achieve this, it means that there needs to be made major changes to the tendency that can be observed over the last decades, in which access to space for regular and orderly entry into the European Union is being limited more and more (Facchi, 2012;), an observation earlier seen in this bachelor thesis by analyzing the successive ‘Visa Restriction Indexes’ from Henley & Partners.

As Van Houtum said in De Volkskrant (2015), it is crucial to create a safe and humane route into the European Union. This can be achieved by processing asylum claims outside the European Union (Orchard & Miller, 2014; Van Houtum, 2015), for instance at the embassy of the country the refugee wants to go to. With this system, refugees that are in need of international protection can in this way apply for the above explained humanitarian visa without having to reach the territories of the European Union, which means they don’t have to take the dangerous route into the European Union.

The idea of this extra-territorial processing of asylum claims is not that new. In 1986, Denmark first came up with a plan to set up UN centers where asylum claims could be processed and the resettlement of refugees would be coordinated among all states (Léonard & Kaunert, 2016). A few years after this first concept, the Dutch came up with the idea of creating European processing centers. In 2003, the first specific plan was elaborated by the British government (Hatton & Williamson, 2004). In an attempt to improve the global asylum system, they suggested to set up so-called ‘transit processing centers’ for asylum seekers. The idea was that these centers would have been established along the main migration routes into the European Union, for instance in countries like Albania, Romania, Croatia, Turkey, Iran, Somalia and Morocco (Hatton & Williamson, 2004). In these centers, the refugee status of asylum seekers would be determined. Those that were actually in desperate need of international protection would be transported to a developed country based on a certain quota (Garlick, 2015).

Although some member states of the European Union were somewhat interested in this idea, others were skeptical. In particular the governments of Sweden and Germany were against the proposals and different reports from journalists and other organizations saw legal, moral and financial issues (Léonard & Kaunert, 2016).

The extra-territorial processing of asylum claims has a few advantages compared to 'spontaneously' processing incoming asylum seekers. The most important advantage is that this system gives refugees a safe way into the European Union, which will result in a massive reduction of deaths on the external border of the European Union. Second, it would mean that the market for human smugglers will be taken away, as there will now be an alternative method to reach the European Union for refugees. It would also allow refugees to seek protection relatively close to their country of origin, which can lead to more refugees eventually returning to their country of origin (Léonard & Kaunert, 2016).

The earlier mentioned legal problems could be fairly significant. This extra-territorial processing of asylum claims might be in contrary with the a right embedded in the Universal Declaration of Human Rights, which says that everyone can seek and enjoy in other countries asylum from persecution (Léonard & Kaunert, 2016). A second legal problem is the possible violation of 'non-refoulement' (Garlick, 2015), which is the right that one will not be returned to a country in which a refugee's life or freedom would be threatened (UNHCR, 1977,). As most, if not all of these centers will be placed in countries in which the living conditions are mediocre at best, there are doubts whether it can be guaranteed that non-refoulement will not take place. Finally there are also doubts about the procedure itself. Like mentioned earlier, the Visa Code doesn't look to be airtight or consistent.

Apart from the legal issues, there are also moral issues that concerns those that are against this extra-territorial processing. It is not surprising that this method is often linked with the idea that it can be used by governments to try to limit the number of migrants and asylum-seekers (Léonard & Kaunert, 2016), as it is easier to say 'no' when they are not already on your territory. Also, if the European Union chooses to use this method, they need to watch out that they don't make the same mistake as with earlier explained policies. It might be very tempting to shift the responsibility to the states in which these centers will be located, especially for people who see their asylum applications being turned down (Léonard & Kaunert, 2016). The European Union needs to be in full control and have full responsibility when they choose to implement these transit processing centers, also when they turn down someone's application.

The last issue regarding the extra-territorial processing of asylum-seekers concerns the costs. A lot of practical adjustments need to be done, and the centers need to meet certain standards regarding access to water, electricity and food, as well as meeting sanitation and safety standards (Léonard & Kaunert, 2016), but one could argue that costs are not that relevant when talking about human lives.

While the concept and argument about the potential extra-territorial processing of asylum-seekers has been going on for over a decade now, in practice the idea has never been tested in the

European Union. Outside Europe however, some countries have experienced with this system, for instance Australia and the United States. During the 1980's and 1990's, the United States implemented a system in which asylum-seekers from Haiti were intercepted and transported to a temporary holding center to question them about their refugee claim (Léonard & Kaunert, 2016). This policy was ended when the political situation in Haiti improved in the mid-1990's.

About a decade later, Australia did approximately the same with their so-called 'Pacific Solution' (Afeef, 2006). Asylum-seekers on unauthorized ships were intercepted and transferred to offshore processing centers on nearby countries, like Nauru and Papua New Guinea (Afeef, 2006). This system was ended in 2008, but the return of it was announced in 2012, which have led to much controversy and it has even been challenged in court (Léonard & Kaunert, 2016).

To sum this all up, while there are still a lot of issues with this extra-territorial processing of asylum claims, this system could be of much help for refugees and other migrants. In order for it to be effective, it is crucial for the European Union to make sure responsibility is always on them, also when an application is turned down. If handled correctly, the extra-territorial processing of asylum applications can provide a legal access route into the European Union for those who need this. The extra-territorial processing of asylum claims can improve the mobility of refugees from countries such as Syria, and give them the right to travel which they desperately need.

5.3. Improving the reallocation system

The improvement of the reallocation system will consist of two important factors that are still a problem in the current situation. The first problem is probably the hardest one, namely managing the earlier explained differing opinions of member states of the European Union regarding the refugee crisis. In order to achieve an effective reallocation system in which the burden is shared equally over all member states of the European Union, first there will need to be made an agreement that is accepted by all actors. The second part of improving the reallocation system will focus on the actual dividing of refugees across the European Union.

5.3.1. Freedom of choice

While the current problems with the reallocation system suggest that this is a relatively new problem, the opposite is true. The first cry for a common European reallocation system comes from the early 1990ies, when Germany had to deal with an uncommonly high number of asylum-seekers (Bendel, 2015). Also, there are a lot of scientists that have done research about this problem (Czaika, 2009; Marx, 2012; Angenendt et al., 2013), as well as a research requested by the European Parliament (Thielemann et al., 2010). The conclusion of these researches were all roughly the same, as they all concluded that there should be a solidarity-based refugee allocation system (Bendel,

2015).

The eventual proposals however differ from each other. There are a few options that are being brought up in the literature. The first option is called the 'free choice of refugee' (Bendel, 2015). This system sees the asylum seeker as an actor. The main idea is that every asylum seeker has its own favorite host country, due to a number of reasons such as his network of friends and family. The concept of the 'free choice of refugee' method is that, by allocating the asylum-seeker to his favored country, this will help further integration and integrations costs will be reduced (Bendel, 2015).

The biggest problem with this system is that "Member States fear that networks as well as relatively good reception and asylum procedures might create new pull factors and thus undermine the pursued aim of shared responsibility and solidarity" (Bendel, 2015). This is also the reason that this approach has failed in recent years. As before with the Dublin system, this approach puts a bigger pressure on a certain part of the EU member states, this time around those with favorable living conditions for refugees. In order to improve this approach, a system in which member states that are disproportionately burdened are compensated financially could be implemented. Such an approach has already been refused by all member states but Italy and Greece (Bendel, 2015), so this doesn't seem like a very realistic option. I also think that giving refugees a free choice is a passive approach in trying to solve this crisis, and this would again mean that the responsibility is shifted, this time towards the refugees themselves. I think that the European Union by all means should maintain an active approach, instead of this passive approach.

5.3.2. The quota model

Another proposal to improve the reallocation system of the European Union is the quota model



The "Königstein Key" for the EU Asylum System?

calculated by Prof. Dr. Daniel Thym, Carolin Beverungen and Sigrid Gies

Member State	Key	Asylum Applications	Quota based on Key	more/less applications than Quota	Deviation from Quota
Austria	2.1%	17.450	6.275	+11.175	+178%
Belgium	2.7%	18.450	7.830	+10.620	+136%
Bulgaria	0.7%	1.230	2.017	-787	-39%
Croatia	0.5%	:	1.514	:	:
Cyprus	0.1%	1.590	435	+1.155	+266%
Czech Republic	1.5%	515	4.344	-3.829	-88%
Denmark	1.6%	6.075	4.783	+1.292	+27%
Estonia	0.2%	75	514	-439	-85%
Finland	1.3%	2.920	3.956	-1.036	-26%
France	14.7%	54.280	43.365	+10.915	+25%
Germany	19.1%	64.540	56.148	+8.392	+15%
Greece	1.7%	9.575	5.113	+4.462	+87%
Hungary	1.2%	65	3.387	-3.322	-98%
Ireland	1.1%	940	3.965	-2.425	-72%
Italy	12.0%	15.570	35.182	-19.612	-56%
Latvia	0.2%	190	731	-541	-74%
Lithuania	0.4%	560	1.079	-519	-48%
Luxembourg	0.3%	2.000	750	+1.250	+166%
Malta	0.1%	2.060	184	+1.876	+1.019%
Netherlands	4.2%	9.665	12.298	-2.633	-21%
Poland	4.5%	9.175	13.217	-4.042	-31%
Portugal	1.5%	290	4.535	-4.245	-94%
Romania	2.1%	2.420	6.122	-3.702	-60%
Slovakia	0.7%	550	2.120	-1.570	-74%
Slovenia	0.3%	260	932	-672	-72%
Spain	8.3%	2.355	24.494	-22.139	-90%
Sweden	2.7%	43.930	7.999	+35.931	+449%
United Kingdom	14.1%	27.410	41.450	-14.040	-34%
Gesamt	100.0%	294.140	294.140		

Explanation: The calculation is based on the 2012 eurostat-data; key = 1/3 population, 2/3 nominal GDP in €; the number of asylum applications refers to new asylum applications; there is no asylum statistic for Croatia; for Hungary only for 2011; the number concerning Austria includes follow-up applications, thus the number of new asylum applications is actually lower.

(Bendel, 2015). The base principle of this model is that quotas are established for all European Union member states. These quotas are based on certain relevant factors, and these factors eventually determine how much refugees each member state should receive. The exact implementation of this model and which factors are considered relevant is still unclear, and this is something that should be further looked into.

An interesting way to calculate these quotas is the Königstein formula (Thym et al., 2013). This formula originates from Germany, where this model is used for over

Figure 14: Quota model based on the Königstein Key (Thym et al., 2013).

twenty years to calculate how many refugees are located in each 'lånd' (province). In this way, poorer and less populated 'länder' carry a smaller part of the burden. This formula is calculated every year and it consists of the factors population (which counts for 1/3 of the eventual number) and GDP (counts for 2/3), which are given in percentages of the total. If you look at the European union as a country, and see every country as a 'lånd' or province, you could apply the same strategy to calculate a quota for each member state country. For example: Germany accounts for 16,1% of the total population of the European Union, but at the same time generates 20,6% of the total GDP, which gives them a quota of 19,1%. In other words, Germany should give shelter to 19,1% of the incoming refugees, according to the Königstein formula.

Based on this formula, Thym et al. (2013) have calculated the quota for each member state of the European Union. This is combined with an overview of how much the actual applications of each member state differs from this quota, and this is formed into a table. This table can be seen above (figure 14), and here you can see clearly that the differences between the member states are huge. Some countries welcome much more refugees than needed according to this quota model (for instance Sweden and Malta), and some countries do much less than they 'should' (Hungary).

The biggest advantage of this system is that it can be implemented fairly easily, and with relatively low costs (Bendel, 2015). The European Union already has some experience with a reallocation system and it is plausible that they are open to the idea of extending this kind of approach. Also the fact that this system is already used by Germany with much success helps with smoothly implementing this system. In reaction of the success Germany has had with this system, similar systems have been implemented by other European countries, such as Denmark, Italy and the Netherlands (Bendel, 2015).

Critics of this model argue about the factors used and, not unimportant, the factors that aren't used. The method and factors used above are a subject of controversy (Bendel, 2015). Are economical welfare and the number of inhabitants the only relevant factors? Angenendt et al. (2013) think otherwise. They suggest that the above explained calculation should be extended with more relevant factors. For instance, land area and the unemployment rate should be taken into account. If this Königstein formula is going to be extended, the weight of each factor should be recalculated. However, I think this are all minor issues that the European Union should be able to overcome.

When the European Union chooses to use this quota model, they can still implement it in two different ways. In the first method, incoming refugees will be physically transported to a country that has yet to reach its quota. This method could get some resistance, especially from countries in the centre of the European Union. They fear that other member state countries with external borders will have no further interest in securing their borders once they have reached their quota (Bendel, 2015). Instead, they would allow incoming refugees to just walk through into the European

Union. Also, redistributing refugees across the European Union can be a logistic challenge, and it can raise the costs of this system.

Because of these problems, the European Union might want to avoid such a redistribution. To do this, a combination between the freedom of choice model and the quota model can be made. This would mean that the countries that go over their quota will be financially compensated by the member states that don't reach their quota (Angenendt et al., 2013). The biggest upside of this combination of systems is that even fewer has to be done in order to be able to implement this system. It avoids an expansion of infrastructure, which would be necessary with the quota model, and thus reduce costs.

The financial stimulation is the key factor in this system. The new Asylum, Migration and Integration Fund (AMIF) of the European Union has been given 3.1 billion Euros for the period 2014-2020, in order to "enhance solidarity and responsibility sharing between Member States" (Bendel, 2015). This budget can be used to compensate the member states that carry more of the burden (Angenendt et al., 2013). On top of this, the system can start on a voluntary basis (Bendel, 2015). When the financial stimulation is high enough, more and more member states will join the program as time progresses.

While some researchers think this latest system is the most beneficial for all parties involved (Bendel, 2015; Angenendt, 2013), I still want to take into account that even this last system has its problems as it still puts a greater deal of the burden on certain member state countries, in this case countries with an effective and open-door policy regarding refugees, and thus undermines the central thought of "shared responsibility and solidarity" that the European Union aims to pursue. However, it does financially compensates them for this extra burden and when this stimulation is high enough, I think that more countries will join the program, maybe even those that initially had a negative approach against accepting refugees. That is why I think this quota model with financial compensation is the most effective way of sharing the burden among all member states of the European Union.

In the end, I think that having an effective reallocation system will help to make member states of the European Union more positive regarding accepting refugees. In the current situation, member states are reserved to accept refugees, as they don't benefit from it. Why would they do more than other member states? No member state is willing to take responsibility, and this leads to finger-pointing at each other. With this reallocation system, member states are stimulated to accept refugees and I think this will make sure that some member states eventually will take responsibility.

6. Conclusions and recommendations

In this chapter, the central research question will be addressed and answered. After that I will do some recommendations for the European Union, and also for future research.

6.1 Conclusions

The main research question was, as given in the first chapter:

To what extent do Syrian inhabitants experience social inequality caused by international visa policies and the limitation of their mobility, and how can this be tackled by formulating a 'new' visa policy for the European Union?

We have seen that Syrian inhabitants experience a lot of social inequality. As formulated by Przeworski (1985), a social inequality occurs when a certain attribute or good, is distributed across units of the society. This becomes 'unequal' when different units possess different amounts of this attribute. The study of inequality then consists of explaining the determinants and consequences of the distribution of these attributes across the appropriate units. In this case, mobility is the good that is being divided over the different units. The units in this case are inhabitants all over the world.

The limitation of the good 'mobility' is done by international visa policies. The division of this good isn't done randomly. Instead, inhabitants of poor third world countries, as well as inhabitants of countries with a high percentage of Muslims, receive 'less' of this good, as their mobility is limited more than inhabitants of rich western countries. Apart from this being unfair, this is also in contrary with the constitution, as it discriminates people based on place of birth and religion.

I have analyzed this phenomenon by taking Syria as an example. The inhabitants of Syria, a poor third world and war-torn country with a high percentage of Muslims, experience a lot of social inequality as their mobility is hugely limited through visa restrictions.

This limitation of their mobility doesn't prevent them from trying to reach the European Union. Because of the violent war that is going on for a few years, a lot of Syrian inhabitants are forced to flee their country. The lack of legal access route into the European Union forces them to take the dangerous and illegal route, which have resulted in a lot of deaths on the external border of the European Union. The European Union keeps on protecting its external borders, and their policy is mainly focused on keeping out refugees and fighting human smugglers. A controversial approach which only leads to more deaths alongside the border of the European Union, and which can be seen as a product of fear for refugees and migrants.

Instead, the European Union should focus on a legal and safe access route into the European Union when formulating a new external border policy. This legal and safe access route should be

established through a humanitarian visa. At the moment the European Union sometimes uses the LTV-visa for humanitarian reasons, but this concept should be extended.

The biggest adjustment should be made in the way refugees can apply for this kind of visa. In the current system, refugees can only apply for this LTV- or humanitarian visa when they actually reach the territories of the European Union. This is a strange situation, as they can't legally reach the European Union. Although providing a safe and legal access route into the European Union for refugees from war-torn countries doesn't completely solve the social inequality found in the current visa-system, it does take away the biggest problem of this limited mobility. It gives the ones that are in desperate need of international aid a way out of their dangerous country. In other words, it gives an opportunity to travel for those that need it the most.

The concept of the humanitarian visa can be seen as a potential solution for refugees that are locked up in their country, but is only effective in combination with a way into the European Union. This can be achieved with the extra-territorial processing of asylum claims. In this way, the European Union can determine if someone should get asylum before they make a dangerous journey, which will result in far less deaths on the border of the European Union. In order for this to work effectively it is crucial for the European Union to not see this as a method to deny more refugees access to the European Union. Furthermore, they should realize that they have full responsibility, also for persons who's application is denied.

To make sure that the reallocation of refugees follows the main idea of 'shared responsibility', which the European Union pursues, adequate agreements should be made. This reallocation could be done with a 'freedom of choice' approach. With this model, refugees can choose to which country in the European Union they want to go to. Member states that receive a lot of refugees will be financially compensated. I believe this model won't be effective enough, as it again puts more pressure on certain member states.

The European Union can also choose to use a 'quota model' approach, in which each member state receives a number of refugees based on certain criteria, for instance GDP and population. I argue that a combination between the freedom of choice approach and the quota model approach would be the most effective. This would mean that each member state gets a quota based on predetermined factors, and countries that go over their quota are financially compensated by the European Union. This model is easy to implement and the financial stimulation makes it possible to be voluntary, but at the same time more and more countries will join the program as time progresses when this financial stimulation is high enough.

To summarize, the limitation of the mobility of Syrian inhabitants can be seen as a form of social inequality. A new external border policy of the European Union could tackle this partly. Especially inhabitants from war-torn countries experience a lot of social inequality, as they live in

dangerous living conditions and are at the same time locked up in their country. It are exactly these people that need to right to travel the most, but at the same time these group of people is limited the most by international visa restrictions. Through a humanitarian visa that can be applied outside the European Union and by reallocating new refugees effectively across the European Union, the social inequality in this system can be limited. By improving the reallocation system, the burden of accepting more refugees can be shared and this burden can be minimized. In the end, it should be possible for refugees from war-torn countries to reach the European Union in a safe and legal way, for instance by boat or plane. Only when this is achieved, the war against human smugglers can be won.

6.2. Recommendations for the European Union and further research

As mentioned in the conclusion, the European Union has to do major adjustments to their external border policy in order to improve the mobility of Syrian inhabitants. Some of these adjustments will prove to be a challenge. For instance, the European Union will have to find a way to solve the internal division regarding refugees and asylum-seekers, or find a way around it. I think it is not a realistic goal to say that every country of the European Union should be open-minded and handle an open door policy for refugees, as it is clear that certain countries will never accept this.

Instead, the European Union should focus on a way in which they can force these countries to cooperate. For instance through implementing a system based on the 'shared responsibility principle', in which countries that refuse to cooperate can be forced to. This can also be done in a more subtle way, through the earlier mentioned financial stimulation for reallocating refugees. When this financial stimulation is high enough, it would force those countries to cooperate as they don't want to miss out on this financial compensation.

The European Union should also consider, when adopting the base principles of the quota model, which factors they find relevant. This is something that should be debated with all member state countries. The factors in the mentioned Königstein formula, which are GDP and number of inhabitants, are logical. In the literature however, I have seen that it might be wise to expand this formula with a few more factors. For instance, unemployment rate and land area could also be relevant factors.

In general, I suggest that the European Union should lose the protective approach when it comes to their external border policy. It is time to accept migration and to find a way in which especially refugees from war-torn countries are helped. If we look at the relative amount of refugees the European Union has accepted compared to small countries like Lebanon, it is clear that the European Union doesn't do as much as a lot of people think. The European Union should lose its fearful external border policy and create a system in which refugees are helped effectively and

efficiently to minimize and share the burden.

Last, I suggest the European Union takes a new look at the Visa Code, which is also something that further research could focus on. At the moment, the Visa Code is very inconsistent and unclear, as identical cases can lead to two different outcomes. Further research can focus on improving this Visa Code, on which existing literature is lacking right now.

7. Reflection

In this last chapter, I want to reflect on the process and the result of my bachelor thesis. I want to discuss problems I faced, things I could have done differently and what I would do the next time I write a big essay, for instance during my master thesis.

Now that my bachelor thesis is completed, I am happy with the chosen research perspective, because I defined my research objective and research question adequately. It is important to be specific when defining your research question, especially with a big subject like this. I am glad that I managed to do this, and because of this I was able to really get to the bottom of this subject, and in this way I made sure that I didn't drown in the existing literature by trying to write about a far bigger subject.

In the process however, I did have some troubles when doing my research. I found it hard to find scientific papers about recent developments in the ongoing refugee crisis. As it takes longer for a scientific paper to be written than a news article to be made, I often could only find news articles when researching a certain part of this subject. For instance, I had troubles describing the new agreement between the European Union and Turkey, as there was no literature about this to be found yet. This is a problem when researching something that is so topical like my bachelor thesis subject. This sometimes also leads to the fact that you are 'overtaken' by recent developments, which gives the problem that what you are writing is 'old news'.

This problem also shows in the literature used. Often I found myself using one specific article or paper when explaining a theory or writing about a subject. Due to the fact that the problems and solutions regarding the refugee crisis are all so recent, the subject can sometimes be a bit underexposed. This can make it more difficult to support your argument with relevant literature, as I would have liked to support some of my statements with more different scientific articles or papers.

When working on my bachelor thesis, I sometimes found it hard to decide how much I wanted to use the available help from my supervisor. On the one hand, regularly sending my progress to my supervisor could have helped to more efficiently use my time and to tackle problems I encountered on the way, but on the other hand, I think it is more instructive to figure this all out by myself. This is why I chose to do the latter. In the end, writing a bachelor thesis is also a learning process, which will later help me when writing a master thesis. This is also why I chose to write my thesis in English, as this is required for the master thesis. I realize that my English might not be perfect yet, but it has definitely improved over the last months.

Last, I think it is unfortunate that I didn't get a chance to further investigate the Visa Code. Due to the time and amount of words available, as well as the fact that this Visa Code is hard to understand, it was not possible to further look in to this. However, it can be a interesting starting point and research focus for further research.

Further research could also focus on doing more fieldwork. Personally I would find it very interesting to know what Syrian inhabitants and also refugees from other countries think about this subject. I think it could be very informative to talk to them, for instance in an AZC here in the Netherlands, and talk about their experiences in Syria, during their route into the European Union and also their experiences here in the Netherlands.

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