# Selective solidarity: From European Institutional Idealism to Unequal Refugee Realities. A comparative study of the 2015 Refugee Crisis and Ukraine

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*To my parents,*

*whose courage carried them across borders and through uncertainty in search of a 'better future'. For choosing hope over comfort, resilience over surrender, and for teaching me that dignity is not given but defended. Everything I have been able to achieve stands upon the paths they forged before me.*

*To my mother, above all,*

*Through her perseverance, unconditional support, and quiet strength, I learned that hardship is not a reason to stop but rather one to continue. Giving me my name before giving me anything else: -------which comes from <<-------- >> and translates into 'indeed after every hardship comes ease'. A promise embedded in a word, carried through every moment of doubt and every difficulty.*

*Thanks to my family, I always remind that education is both a privilege and a responsibility. A privilege earned at the cost of others' sacrifices, and a responsibility to stand alongside those whose voices remain unheard.*

*Thanks to my friends as well,*

*for their continuous support during my academic journey inspiring in me an ambitious desire to continue searching for knowledge and personal fulfilment.*

*For all those whose rights continue to be denied, whose stories are overlooked, and whose humanity is often reduced to statistics, may this work contribute, however modestly, to a world in which solidarity transcends borders and human rights are upheld not as privileges of geography or biology, but as universal principles equally applied to all.*

***AI Usage Declaration***

During the elaboration of this research, AI tools specifically ChatGPT and Gemini, were strictly and exclusively used for the understanding of complex and long bibliography, such as Triandafyllidou's works above all. These tools were used for guidance regarding structuring the contents that I intended to cover, to outline a clear framework, ensuring I included all the necessary points, keeping a logical development and maintained cohesion in the text as well as to dismiss those sources that resulted not of relevance which were found on the making process. Despite this use, individual checking of coherence was fundamentally made to ensure no misleading. Additionally, these were used to verify the correct wording of certain terms in English language and to provide occasional stylistic suggestions, besides checking the correct format and order of the bibliography.

**Abstract**

The European Union has long been portrayed as a normative actor built on universal principles of human rights and peace. Nevertheless, the EU's different responses to the 2015 Mediterranean refugee crisis and the 2022 Ukrainian displacement reveal that these values are often conditional. Drawing on insights from moral psychology and European governance, this study comparatively analyses the mechanisms behind these contrasting reactions. While the 2015 crisis was characterized by fragmentation, border securitisation and institutional divergencies; the 2022 Ukrainian conflict generated unprecedent unity, reception policies, and the historic first activation of the Temporary Protection Directive. This research argues that this imbalance cannot be solely explained by legal or institutional frameworks, but rather include deeper moral boundaries, geopolitical interests, and processes of "Othering". By adopting this approach, the paper argues that European solidarity is largely selective and conditional depending on ethnic and cultural proximity, a fact that challenges the EU's universal principles and puts its lasting stability at risk.

**Resumen**

La Unión Europea se ha presentado tradicionalmente como un actor normativo basado en principios universales de derechos humanos y paz. Sin embargo, las distintas respuestas de la UE a la crisis de refugiados del Mediterráneo de 2015 y al desplazamiento forzoso de Ucrania en 2022 revelan que estos valores suelen ser condicionales. A partir de perspectivas de la psicología moral y la gobernanza europea, este estudio analiza comparativamente los mecanismos que subyacen a estas reacciones contrastantes. Mientras que la crisis de 2015 se caracterizó por la fragmentación, la securitización de fronteras y las divergencias institucionales, el conflicto ucraniano de 2022 generó una unidad sin precedentes, políticas de acogida y la histórica primera activación de la Directiva de Protección Temporal. Esta investigación sostiene que este desequilibrio no puede explicarse únicamente por marcos jurídicos o institucionales, sino que incluye límites morales más profundos, intereses geopolíticos y procesos de alterización. Adoptando este enfoque, el artículo argumenta que la solidaridad europea es en gran medida selectiva y condicional, dependiendo de la proximidad étnica y cultural, un hecho que desafía los principios universales de la UE y pone en riesgo su estabilidad a largo plazo.

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**Abbreviations**

**APD:** Asylum Procedures Directive

**BBC:** British Broadcasting Corporation

**CEAS:** Common European Asylum System

**CEPS:** Centre for European Asylum Studies

**CIDOB:** Barcelona Centre for International Affairs (*Centre d'Informació i Documentació Internacionals a Barcelona*)

**EC:** European Commission

**EASO:** European Asylum Support Office

**EU:** European Union

**Eurodac:** European Dactyloscopy Database

**FSWG:** Frontex Scrutiny Working Group

**IOM:** International Organization for Migration

**MGE:** Migration Governance Externalisation

**OLAF:** European Anti-Fraud Office (*Office Européen de Lute Antifraude*)

**PiS:** Law and Justice Party (*Prawo i Sprawiedliwosc*, Poland)

**RWA:** Right-Wing Authoritarianism

**SDO:** Social Dominance Orientation

**TEU:** Treaty on European Union

**TPD:** Temporary Protection Directive

**UNHCR:** United Nations High Commissioner for Refugee

***Introduction***

The European Union has long portrayed itself as a project built upon universal values, human dignity and solidarity. Emerging from the devastation left by the Second World War, European integration was largely conceived as an attempt to create a supranational order grounded in values such as peace, cooperation and the fundamental protection of human rights. Over time, this self-image evolved into a broader narrative in which the European Union came to be understood not only as an economic and political union, but also as a normative actor and a credible force for good in the international sphere. However, moments of crisis often test whether those values remain universal in practice or become conditional upon political interests, identity or institutional limitations.

This tension became particularly visible in the way it responded to two major displacement crises; these are the 2015 Mediterranean refugee crisis and the displacement generated by Russia's invasion of Ukraine in 2022. While both situations involved individuals fleeing war and threat, the reactions within the Union differed significantly regarding speed, coordination and reception policies. The activation of the Temporary Protection Directive for Ukrainian refugees, the broad political consensus surrounding protection measures, and the public narratives of solidarity contrasted sharply with the fragmentation, securitisation and institutional disputes that had characterised many responses during the 2015 refugee arrivals.

Explaining these divergencies requires moving beyond interpretations that understand migration governance exclusively through legal or institutional frameworks. Responses to refugees are also shaped by deeper moral boundaries through which societies have defined belonging or threat during decades. Therefore, by combining perspectives from moral psychology, theories of European integration and governance, this study examines how solidarity is constructed, limited and unevenly applied to different cases. The central research question guiding this work is: To what extent did the EU's response to both crises reveal patterns of selective solidarity shaped by institutional constraints, geopolitical interests and moralised public narratives? In addressing this question, the study seeks to compare but also explore a broader dilemma regarding the European project itself, as whether solidarity within the union functions as a universal commitment or remains contingent upon who the recipient of that solidarity is.

## *1. Humanity's Moral Boundaries: Empathy, Fear and "The Other"*

### *1.1. The paradox of human morality*

Throughout history, humanity has been shaped by a significant paradox, as the same species capable of building bonds of cooperation and solidarity is also responsible for some of the most atrocious acts that one can ever imagine. It is of common knowledge, and many studies in moral psychology agree, that cooperation has been essential for the survival of human communities such as the influential studies made by Charles Darwin[1], Karl Marx, and E. O. Wilson[2]. But also, some like James Waller[3], Pablo Malo[4] or Mark Bertness[5] acknowledge that competition between groups has been a core Darwinist view to explain the survival and development of species. Even though empathy, mutual aid, and that sense of responsibility toward others have allowed us to build social cohesion and what we know today as society, that would be seeing only one side of the coin, since the same morality that has been essential for our evolution as a species also sets the foundations for who deserves to be protected and who can be deprived of those rights. In this sense, morality has not only united us, and continues to do so, but has also served as a source of division which is central to understanding the logic of *selective solidarity* that I expose. Highlighting that solidarity is not universal but rather contingent upon feelings of belonging, proximity, and identity may be essential to better understand that what in some cases may be interpreted as an absence of empathy should not be understood as a breakdown of morality, but rather as the outcome of a moral framework that is either consciously or unconsciously applied exclusively to those perceived as part of one's own group[6].

[1] Darwin, C. (1886). (p. 34)
[2] Bertness, M. (2020). (p. 3)
[3] Waller, J. (2007).
[4] Pablo Malo Ocejo. (2021). (p. 15 – 41)
[5] Bertness, M. (2020). (p. 2 – 5)
[6] Hester, J., & Killian, D. (2019). (p. 195)

### *1.2.Intuitions, Social Learning and Shared Narratives*

Attempts to explain the origins of morality have often oscillated between accounts that emphasize innate moral structures and those that focus on social learning. Moreover, contemporary debates on the subject have increasingly moved beyond this traditional naturalistic or empirical dichotomy. In *The Righteous Mind*, Jonathan Haidt challenges this classical perspective by arguing that neither one nor the other can, on their own, fully explain the development of moral judgment. Against empiricism, which conceives children's mind as a blank slate, and nativism, which assumes morality to be entirely innate, Haidt adopts a rationalist developmental perspective influenced mainly by Jean Piaget's work, to argue that the concept develops through the interaction between cognitive and emotional innate capacities as well as social experience[7]. In this sense, human beings' moral intuitions develop from cognitive capacities that mature within the specific social context one is exposed to. This framework helps to account for both the apparent universality of certain patterns and the significant multicultural divergence in moral norms.

### *1.3.The fine line between explanation and justification*

However, a critical reading of Jonathan Haidt's work highlights certain limitations regarding his strong emphasis on intuitive and evolutionary processes. While the author acknowledges rational deliberation, his model mainly explains moral judgements as a result of automatic responses, thereby offering a powerful perspective of how moral reactions commonly arise, but proving less helpful to explain how moral views are consciously revised or questioned. The author theorizes his argument with the central metaphor of '*the elephant and the rider'*, where the elephant is our intuition (which comes first), and the rider is our strategic reasoning (that comes after)[8]. To better understand it I propose the following case example, looking at the refugee crisis through different lenses:

[7] Haidt, J. (2013). (p. 4-11)
[8] Haidt, J. (2013). (p. 44 – 83)

- Scenario 1→ Pro-refugee Intuition based on caring: People see the tragic photo spread on the news of Aylan Kurdi (the Syrian little kid on the beach), their 'elephant' reacts with immediate empathy. Consequently their 'rider' or their reason then justifies this by searching those arguments that enable the border frontier opening.
- Scenario 2 → Anti-refugee Intuition based on identity: People see an image where large groups of strangers cross/climb a border, their 'elephant' reacts with instant fear of threat to national identity. Therefore their 'rider' justifies this reaction by finding arguments that prioritize the native citizens.

This example is great to explain why we are so polarized, although it cannot fully explain how people change their minds through reflection, as us as humans we are capable of 'conscious revision'.[9] If we were guided exclusively by automatic responses many social changes would have been impossible. All in all, there is a risk that unjust practices became normalized by the simple fact that they are familiar or deeply rooted in society to us. Just as we are unable to fully explain the grammatical rules that compose our speech, we may also struggle to describe the complex structures that build our moral responses[10]. The key point here is that these models are based on experience so can change over time when we are exposed to new information, conforming a deeper learning process where views can be revised and turn into social progress, not only making up *post hoc* stories.

However, even if humans are capable of evaluation, correction and conscious moral revision, why many keep stick to their initial stereotypes? Mostly these models are shaped by experience, social environment, media exposure, education, and political narratives; by these means if an individual's experiences repeatedly associate immigration with threat, insecurity, economic competition or cultural loss, their evaluative model will integrate those associations. Over time, fear can become cognitive and not just emotional, becoming part of how the person understands the entire social framework.

[9] Railton, P. (2017). (p.173 – 175)
[10] Railton, P. (2017). (p. 177)

### *1.4. Us/Them division and the process of dehumanisation*

> *Morality binds us into teams so that we can compete with other teams, but our differences are smaller than they seem. We are all playing the same game.*[11]

Long before formal institutions or borders existed, human social life has always been organised around the feeling or sense of belonging, learning and building the image of who we are through those agents that surround us. Through these processes we get to internalize a sense of normality while any difference from that becomes associated with uncertainty or distance. We then, divide ourselves in groups that share our common views and sense of morality, creating the division of *'us'* the members of one's own group, versus *'them'* the individuals that share different values.

The sense of belonging lays the foundation for the engagement in *identity-protective cognition*. A term coined by Dan Kahan (2013) to describe how beliefs, moral judgements, and interestingly assessments of empirical evidence; are filtered through the lens of social identity. In this sense, loyalty to one's group is pre-eminent which unconsciously provokes the interpretation of the information in ways that preserve it. This interpretation operates alongside *heuristic-driven information processing*[12], or mental shortcuts that rely on affect, familiarity and similarity, humanising those within the in-group as subjects deserving of attention and solidarity, while out-group individuals result easily morally discounted. In this sense, we use our reasoning power to justify why our group, '*us*', is right and the '*other*' is wrong, and meanwhile during this process we believe we are being objective. Identity-protective cognition, therefore, is not a failure of thought, it's how moral reasoning is designed to work.

It is at this point when an essential and deeply concerning question emerges: under what conditions does the depiction and exclusion of the 'other' become facilitated or normalized? Its normalization is facilitated under specific psychological and discursive conditions that make the dehumanization of the out-group appear somehow justified, legitimate or socially acceptable. Among the factors that contribute to dehumanisation we can classify enduring

[11] Haidt, J. (2013). (p. 451)
[12] Kahan, D. M. (2013). (p. 408)

and episodic. *Enduring* factors include ideological and personality traits such as *Social Dominance Orientation* (SDO), right-wing authoritarianism (RWA), and disgust sensitivity. While short-term or *episodic* factors are related to the way we use language or we see other people, as an example hearing hateful insults or reading stories designed to create disgust can further the development of dehumanizing thoughts towards a group[13].

Zygmunt Bauman correctly coins that strangers have always caused us anxiety especially because of being 'strange' which in our minds goes hand in hand with being fearsomely unpredictable. As unlike those with whom we live and interact daily, we cannot assign to strangers any category nor read properly their gambits, and it is this lack of knowledge of how to deal with a situation not of our making that triggers our fears[14]. Consequently, what begins as a psychological discomfort towards unpredictability, can gradually materialise into stable moral hierarchies. If morality binds us into teams, as many studies suggest, the crucial question is not only why we defend our team, but how entire global orders have historically defined which groups matter more than others. It is here that the psychological mechanisms explored above intersect with historical power structures that must be examined beyond individual cognition to understand why solidarity is selective.

### *1.5. Global Hierarchies of Solidarity*

Selective Solidarity must be understood within a broader historical and structural context that precedes contemporary humanitarian responses, as the world's division between the so known Global North and the Global South is the result of a long historical process shaped by colonialization, economic exploitation, and asymmetrical power relations[15]. Despite the fact that these terms gained prominence during the Cold War, the hierarchies underpinned to them have much deeper roots. These division doesn't remain just in a terminology to divide geographically the world but reflects centuries of unequal integration into the global system,

[13] Haslam, N., & Stratemeyer, M. (2016).
[14] Bauman, Z., & Santos Mosquera, A. (2016). (p. 15)
[15] Acemoglu, D., Johnson, S., & Robinson, J. A. (2001).

a system by which certain regions accumulated wealth, political power and authority at the cost of others[16].

Historically, the emergence of the Global North is closely tied to processes of colonization, land possession, early industrialisation, and imperial expansion, with the consolidation of state powers in Europe and later North America. These regions, far from just dominating the global economic structures, they also come to define the standards by which progress and modernity were to be measured. In contrast, what it is now referred as Global South has been characterized as incorporating to this global system primarily by excavation sites, labour exploitation and geopolitical control over both the territory and their populations. This record has profoundly shaped contemporary perceptions, which usually associate the South with poverty, instability and lasting conflicts; while the North is depicted as the house of order, development and what is interesting for this work: moral leadership.

These characteristics came hand in hand with powerful symbolic and discursive constructions. Edward Said's concept of Orientalism captures how Western Knowledge production systematically portrayed external societies as fundamentally different, inferior, irrational, emphasizing violence, and backwardness in contrast to a supposedly rational and civilized West[17]. Such narratives contributed to the normalization of suffering, framing violence as something to expect rather than something exceptional on those regions. As time has passed, these representations became embedded in moral perceptions as stereotypes hard to break down facilitating what can be described as moral distance.

## *2. Europe as a Moral Narrative: From Post-War Ideals to Emotional Politics*

### *2.1. The Post-War Universalism and the Moral Foundation of European Integration*

The devastating scenario that followed the end of the Second World War generated a strong shared desire for a united Europe and an urgent need for reconstruction and political

[16] Pritchett, L. (1997).
[17] Ribeiro dos Santos, R. (2018). (p. 4 – 5)

reconfiguration, as the scars left by both world wars translated into a yearning for global peace and stability.[18] In response, European politicians and international actors sought to reconstruct not merely institutions, but the very normative foundations[19] upon which political authority rested, beginning the process of building what we know today as the European Union[20].

The creation of institutions such as the United Nations in 1945 symbolised the institutionalisation of this new universalist horizon[21], being conceived as a mechanism to prevent future wars and safeguard international peace while representing the belief that global governance could replace the violent logic of politics based on balance of power. Over time, the European Union created a powerful narrative of itself where it is described as a community built on shared values rather than in one specific culture or ethnicity, however even though those values sound universal, they only fully apply within its own borders. A contradiction that becomes especially visible when dealing with migration and refugee protection.

Moreover, the cornerstone of international refugee protection emerged with the Geneva Convention Relating to the Status of Refugees (1951) and its 1967 Protocol[22]. These provided an international recognized definition of a refugee and outlined the rights and protection that it must receive. Perhaps the most significative principle introduced is the core of *non-refoulement*, which holds that no refugee may be transferred back to any state in which their liberty or life would be exposed to serious threat, alongside establishing the basic minimum standards for them to live a dignified life[23]. In this sense, while states can regulate entry, they have prohibited returning individuals to territories where their life or freedom is in danger.

The deepening process of European integration began to transform asylum into a shared policy domain. The first decisive structural shift occurred with the Schengen Agreement (1985) and its implementing Convention (1990), by which internal border controls between members were abolished altering the distribution of responsibility within Europe. This

[18] Judt, T. (2006). (p. 1 – 10)
[19] Mut Bosque, M. (2025). (p. 19)
[20] European Union. (s.f.). *History of the European Union – 1945-59*.
[21] Judt, T. (2006). (p. 21)
[22] Carrera, S., Karageorgiou, E., Ovacık, G., & Tan, N. F. (Eds.). (2025) (p. 58)
[23] ACNUR. (n.d.). *The 1951 Refugee Convention*.

removal of internal borders required strengthened external border management, thereby associating national asylum decisions to collective consequences, as this free movement created external border pressure. Shortly thereafter, the Dublin Convention (1990), which established the principle that the Member State responsible for examining an asylum application would generally be the state of first entry, was designed to avoid "*asylum shopping*", that is individuals seeking asylum in the country of their own choice; and "*orbiting*" which states for individuals being on Europe without any country taking responsibility of them.[24] However, it ended up introducing a structural asymmetry into the asylum system as responsibility became geographically concentrated in frontier states, who were exposed to disproportionate migratory pressure.

In 1993, by formally incorporating Justice and Home Affairs into the architecture of the newly and finally formally established European Union, the Treaty of Maastricht (or also known as the Treaty on European Union (TEU))[25], acknowledged that migration and asylum were no longer peripheral issues but structural challenges. The treaty did not establish a common asylum policy nor give concrete effect to the principle of solidarity between Member States, but instead it laid the groundwork for future supranational development, particularly through the Treaty of Amsterdam (1999)[26] and the subsequent creation of the Common European Asylum System (CEAS).

### *2.2. From humanism to Humanitarianism*

However, the universalist promises of global peace introduced by these entities have been faced to confront some political realities gradually. Thus, the United Nations initially aimed to prevent wars and conflicts while securing peace, increasingly became associated with humanitarian intervention and crisis management. Peacekeeping operations and humanitarian relief efforts implicitly acknowledged the persistence of violence in the international system; as these universal institutions rather than eliminating the elements that

[24] CIDOB. (n.d.). *Why Dublin doesn't work*.
[25] European Parliament. (n.d.). The Maastricht Treaty.
[26] EUR-Lex. (1997).

lead to war, ended adapting to manage its consequences. This transition reveals the tension between the initial normative aspirations and the final result of political contingency, a tension that would later shape the EU's external and internal policies.

For some, humanitarian assistance should not even exist and even less to be an activity performed by international organisations such as the UN whose essential purpose is to maintain international peace and security. When initially established, the UN vision was often captured in the idea of *peace and progress*, understood as two sides of the same coin[27]. Helena Torroja here raises the following question: '*Between this peace and progress, where do the UN's humanitarian functions fit in today?'*[28]. In my mind's eye, the author is correct when she states that the large-scale humanitarian actions only serve to justify and promote wars, instead of preventing them. When individuals' humanitarian action is needed and performed this leads to the inaction of the public powers, it is here when the confrontation between humanism and humanitarianism arises. On the one hand, humanitarianism seeks to alleviate the suffering caused by catastrophes. On the other hand, humanism aims to prevent those catastrophes through the development of policies able to avoid those clashes.

### *2.3.A Union that forms under crises*

> *"Europe will be forged in crises and will be the sum of the solutions adopted for those crises"*[29]

The history of European integration has often been narrated through treaties, enlargements or institutional reforms, which is not a wrong framework, but the EU formation has also been shaped by the testing of efficacy of those same treaties when needed. EU's integration has been characterized by a combination of incremental change and periodical bursts of deeper integration that often have followed moments of profound instability.

The institutional capacities and the coherence between the normative study and practical ability to respond to crisis, of a European Union that had defined itself after 1945 as a peace

[27] Torroja Mateu, H. (2004). (p. 29)
[28] Torroja Mateu, H. (2004). (p.47)
[29] Monnet, J. (1978). Memoirs. London: Collins. (p. 417)

project grounded in human rights, had been tested for the very first time during the wars in Bosnia (1992-1995) and Kosovo (1998-1999)[30]. In the early post-Maastricht period, limitations on the existing mechanisms for conflict prevention and civilian protection were highlighted by the failure to prevent atrocities such as the 1995 genocide in Srebrenica, as by the time the European Union did not yet possess a fully developed Common Foreign and Security Policy which constrained rapid and unified decision-making. Therefore, the war revealed a gap between Europe's initial normative commitments with its actual institutional capabilities.

A turning point regarding Europeanization of asylum and immigration, once the Bosnian conflict had come to an end, was the signal of an amendment on the Maastricht treaty which came to be known as the Treaty of Amsterdam (1997) [31]. Together with the Tampere conclusions (1999), gave the European Commission a stronger role in proposing laws, paving the path for new initiatives on temporary protection, integration of refugees and a shared burden among member states. Thus, by 1999, concerns about renewed ethnic cleansing and regional destabilisation induced military intervention by NATO with the support of several European governments[32]. Despite the lack of explicit authorisation from the UN Security Council and being highly disputed, it was lastly justified as a humanitarian necessity. This intervention became a central reference point in subsequent debates about humanitarian intervention, sovereignty and protection of civilians. The Balkan wars contributed to reshaping the institutional architecture that would later structure European responses to displacement, which contributed to the consequent development of new international norms.

Besides, the European Union gradually began to develop what would become the first phase of the Common European Asylum System (CEAS). Referring to the emerging set of common European rules aiming to coordinate how member states received, processed and classified asylum claims. Within this first phase of the CEAS, perhaps one of the most significant early measures developed was the Temporary Protection Directive (2001), an exceptional emergency mechanism aimed to provide specific and immediate legal responses to situations of mass influx. Acknowledging that ordinary asylum procedures might be insufficient when

[30] Thaube, Y. (2003). (P. 1 – 5)
[31] Chalmers, D., & Tomkins, A. (2007). (p.32)
[32] Ruiz Jiménez, J. A. (Ed.). (2010) (p. 196)

confronted with sudden and large-scale displacement caused by war or humanitarian emergencies[33].

After the conflicts in former Yugoslavia[34], it was clear that more concrete operational instruments must be designed, one of the translations of these aims was the creation of the Eurodac system included in the CEAS, a wide fingerprinting database for asylum seekers, which became closely linked to the Dublin system by helping determine which member state was responsible for examining an asylum claim[35]. Its significance lies in the fact that it reflected a dual development with the European asylum governance; while the Union was gradually building instruments for refugee protection and temporary protection, it was also strengthening systems of registration, and responsibility allocation designed to manage and contain asylum mobility across Member States. This logic was further reinforced by Dublin II, a system that also embedded a structural imbalance by placing disproportionate pressure on frontline states, such as Greece or Italy. As a result, even during its first phase, the CEAS combined efforts at coordination and protection with mechanism of control and responsibility allocation that would later become highly contested during the 2015 refugee crisis.

### *2.4.Crisis Scenario Response*

Three is the number of the analytical scenarios studied to picture how the EU acts under crises[36]. Often, in these urgent situations public organisations must balance between choosing to stabilize or quickly adapt and transform. While the first case doubts the EU's capacities to cope with crisis, the others stand that it adapts to it:

**Scenario 1→** *Breaking Down*: suggested by neorealist scholars, it follows their assumptions that it is difficult that states will be willing to delegate sovereignty to supranational authorities as they act in an anarchical state order prioritising to increase their relative power, and own security over supranational institutional action.[37] Besides, post-functionalists also believe

[33] European Commission. (s.f.). Temporary protection.
[34] European Commission. (s.f.). Temporary protection.

[35] Riddervold, M., Trondal, J., & Newsome, A. (Eds.). (2021). (p. 455)
[36] Riddervold, M., Trondal, J., & Newsome, A. (Eds.). (2021). (p. 8)
[37] Riddervold, M., Trondal, J., & Newsome, A. (Eds.). (2021). (p. 9)

that this scenario is fuelled by domestic politization and anti-EU sentiments. As Hooghe and Marks highlight, a clash emerges between transnationalism and local identities which over time lead the development of a new transnational party cleavage due mainly to the breakdown of the permissive consensus[38] system.

**Scenario 2→** *Muddling Through*: this other scenario suggests that the EU adapts to crises through path-dependency. This translates in the building over already existing institutions, here also appears '*functional spillover*' which means that integration in one sector leads to pressures to integrate in other related sectors similar to a domino effect, and '*failing forward'* building on policies that are incomplete[39]. Member States are only capable of reaching agreement on the minimum for surviving the situation, what it is called 'lowest common denominator' which ends in incomplete institutional arrangements[40]. It is this unfinished solution that ends provoking a new crisis in the long-term.

**Scenario 3→** *Heading Forward*: the last scenario argues that crises act as catalysts that trigger deeper integration and significant institutional change. On the one hand, by an institutionalist approach, a crisis represents a critical juncture that disrupts the status quo, generating 'windows of opportunity' for significant policy innovation and the creation of new ones[41]. Also, this scenario leads to the delegation of new capacities to supranational EU institutions in policy fields that have never been integrated before.

The academic literature acknowledges that the Union rarely experiments a pure state scenario, but rather it can happen that the three of them occur simultaneously[42]. This happens because of the 'interactive complexity'[43] of crises. Therefore, the refugee crisis was stuck in *Muddling Through* or at the limits of *Breaking Down* due to the negative refusal of Eastern countries to provide asylum, besides the foreign border security policy experienced a clear *Heading Forward* with the fast expansion and militarization of the agency Frontex. The *domino effect* can also be seen before with the financial crisis which drastically limited the resources of countries such as Greece and Italy resulting in the hard management of the

[38] Hooghe, L., & Marks, G. (2009). (p. 5)
[39] Riddervold, M., Trondal, J., & Newsome, A. (Eds.). (2021). (p. 10)
[40] Scipioni, M. (2018). (p. 1358 – 1361)
[41] Riddervold, M., Trondal, J., & Newsome, A. (Eds.). (2021). (p. 12)
[42] Riddervold, M., Trondal, J., & Newsome, A. (Eds.). (2021). (p. 700)
[43] Riddervold, M., Trondal, J., & Newsome, A. (Eds.). (2021). (p. 765)

arrival of refugees. Consequently, the social panic generated by the refugee crisis was the perfect fuel that British politicians used to win the Brexit referendum. Ultimately the *Palgrave Handbook of EU Crisis* concludes that although the union has demonstrated exceptional technical resilience to survive these clashes, it has often done so through technocratic solutions and a logic of external closure (*Fortress Europe*) that have increased politization of the project and the questioning of its democratic legitimacy.

### *2.5.Between Functional Efficiency and National Sovereignty*

Just as individuals possess the capacity to re-evaluate their ethical limits through the concept of 'conscious revision', states undergo a similar process to shift their attitudes toward the common interest internalizing cooperation as beneficial for individual success. States can learn to collaborate through *functionalism* a term coined by David Mitrany, by shifting their attitudes towards the common interest[44]. Moreover, Altiero Spinelli proposed *federalism* as another way of integration, the creation of a superior unified entity that guarantees peace and stability is essential as the nation-state alone fails to greatly respond to crises. Karl Deutsch further suggested that constant communication and the creation of trust networks between societies allow for, even during deep crises, a sense of security community which avoids the Breaking Down scenario, he theorises this idea under the term of '*communicative interactionism'*[45].

But is cooperation, as these classical theorists argue, the best way to act under crises? And if so, then why states keep prefer to act independently in some crisis than others? According to Functionalism, the answer would be a yes, as in a globalized world crisis such as pandemics or climate change do not respect frontiers so the most technical and efficient response is the collective one. However, often the success of this cooperation is limited by a natural conflict within the way societies are governed. The limits of cooperation became even clearer with the politization of European integration. During its first decade integration was driven by insulated elites under a *permissive consensus*, where decisions were largely insulated from

[44] Khan, S. (2024). (p. 78)
[45] Khan, S. (2024) (p. 91)

public opinion. However, in the 1990s, this scenario radically transformed into a *constraining dissensus*, by which the European integration fully entered mass politics forcing leaders to constantly look over their shoulders at public opinion when negotiating European agreements[46]. Far from being chaotic, this politization has been structured around a new ideological dimension that goes beyond the traditional economic divide between left and right, a new transnational party cleavage emerged. This new political axis came to be defined as the GAL/TAN dimension, ranging from green, alternative, and libertarian (GAL) positions to those based on traditionalism, authority, and nationalism (TAN)[47]. As a result, crises that activate concerns over borders and identity often intensify opposition to collective EU responses.

### *2.6.EU as a credible force for good and the importance of 'Othering'*

> *But since the 1980s, and above all since the fall of the Soviet Union and the enlargement of the EU, Europe is facing a multicultural future. Between them refugees…and the voluntary and involuntary migrants from failed or repressive states at Europe's expanded margins have turned London, Paris…and a dozen other places into cosmopolitan world cities whether they like it or not. This new presence of Europe's living* ***'others'****—perhaps fifteen million Muslims in the EU…has thrown into relief not just Europe's current discomfort at the prospect of ever greater variety, but also the ease with which the dead 'others' of Europe's past were cast far out of mind.* [48]

The European Union frequently has defined itself as a normative power and a credible force for good driven by universal values such as democracy and human rights. However, as Elena Korosteleva argues, this self-image is deeply complicated by the sociological concept of 'Othering'. By framing neighbours and non-members as subordinates who must be moulded to fit a specific Western ideal the Union risks undermining its own claims to universality. This creates a fundamental paradox regarding how the European Union can remain a credible force when its external relations are built on a dynamic of exclusion rather than egalitarian

[46] Hooghe, L., & Marks, G. (2009). (p. 5)
[47] Hooghe, L., & Marks, G. (2009). (p. 16 – 17)
[48] Judt, T. (2006). (p. 9)

partnership. To address this contradiction Korosteleva argues that *'Ultimately, the EU would first need to model itself on the utopia that it seeks to project on to the rest of the world'*[49].

> *<<'Whatever accession was it was not an "equal treaty". There was a whiff of colonialism in the air.' The EU rationality was simple – to attain the territories which had once been subjugated by the Soviet Union…a new subjectivity was naturally constructed by the EU to ensure its control and political influence.>>*[50]

Historically this dynamic of *Othering* became institutionalized during the post-Cold War era when the fall of the Berlin Wall forced the Union to manage its enlargement toward Central and Eastern Europe. To control this process the Copenhagen Criteria were established in 1993 consisting of a set of rigid political and economic requirements that any candidate wishing to be part of the Union must satisfy. Hence, this framework gave birth to *conditionality* which is a process of EU-ization where the applicant is not viewed as an equal partner but as an entity that must be disciplined and civilized to reach the standards of the 'modern West'. Although initially the aim of this model was to ensure stability after conflicts, it effectively created a hierarchy where the Union holds the power to define what is European and what constitutes the *Other*.

It was important for joining countries to try to apply a set of values to ensure that peace and security inside the new EU would remain, to the basic well-functioning of the initial EU (*acquis communautaire*), however, there is a fine line between legitimate normative alignment and ideological imposition. This distinction is crucial because when this line is crossed the European project risks transforming from a partnership to start to resemble a form of cultural hegemony or a fortress where the neighbour must erase part of its own identity to be accepted. How then can the EU become a credible force for good if it depicts the other as a subordinate not considering all members but trying to induce the Western Ideal? This explains why solidarity is often selective, if the relationship with the own neighbour is based on constructing an Other that must be managed or controlled then humanitarian reception ceases to be a universal value and becomes an exercise in *identity-based affinity*.

[49] *Echoes of Empire: memory, identity and colonial legacies.* (2015). (p. 270)
[50] *Echoes of Empire: memory, identity and colonial legacies.* (2015). (p. 271)

## 3. Case Study I: The Mediterranean crisis (2015): Compassion collided with fear

### 3.1. A Brief Historical Context

> *Article 1 of the 1951 Convention defines a refugee as someone who "owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of [their] nationality and is unable or, owing to such fear, is unwilling to avail [themself] of the protection of that country; or who, not having a nationality and being outside the country of [their] former habitual residence, is unable or, owing to such fear, is unwilling to return to it.*

The 2015 Mediterranean refugee crisis did not emerge as an isolated or sudden phenomenon nor was only a humanitarian tragedy but rather as the culmination of a geopolitical series of events that had been unfolding over the previous decade. Its origins can be traced primarily to the destabilisation of regions neighbouring the European Union, specifically the Middle East and parts of Africa, where the collapse of states[51] generated a high economic insecurity leading to large-scale displacements. (See Appendix, Table 1)

Previously I exposed how the earlier Yugoslavia wars supposed a major turning point for EU institutions. However, the 2015 migration challenge has surpassed those precedents in both scale and complexity. Due to the broader uprisings within the context of the Syrian conflict beginning in 2011, known as the Arab Spring. By 2015 according to the UNHCR, over 5.6 million people fled Syria between 2011 and 2016, and about 6.6 million became displaced within the country. Primarily this mass influx was directed seeking refuge in neighbouring countries such as Turkey, Lebanon and Jordan[52]. However, when the situation in these hosting countries deteriorated, due to either limited resources or economic and social pressures, an increasing number of refugees began to move towards Europe.

Contributing to the framing of the crisis were the routes taken by these populations, mainly two corridors emerged. The first is the Eastern Mediterranean route, passing through Turkey and into Greece; and the other main route is the Central Mediterranean route, linking North Africa to Italy. These routes were not static but evolved in response to changing political and

[51] Haas, H. de, Castles, S., & Miller, M. J. (2014). (p. 217 – 218)
[52] Haas, H. de, Castles, S., & Miller, M. J. (2014). (p. 218)

security conditions implemented during the journey and were highly intertwined with smuggling networks, which adapt rapidly to the policy changes and border enforcement measures[53]. In other words, what at first was aimed to protect and eliminate this movement flows, ended up in contributing to their redirection in more complex, longer and riskier routes.

### *3.2. The Legal and Institutional framework of the EU*

The 2015 events exposed significant tensions between the initial objectives and EU's capacity to respond effectively under crises regarding large-scale displacement. Precisely this gap between their legal design and practical action is of central interest here. To begin with, due to the burden of the crisis it has been highly argued the efficiency and effectiveness of the Dublin Regulation legislation even asking for its suspension[54]. But in practice it was not that easy to suspend, as the system is characterized by a strong degree of path dependency, besides it had more systems associated making it more difficult. Meaning that any fundamental reform would have required redesigning the system as a whole which was unthinkable.

What emerged instead, was the process of "failing forward". This dynamic is reflected in the successive revisions of the Dublin System (Dublin I, II, and III), which introduced modifications while preserving the core principle of responsibility allocation based on first entry. As a result, rather than resolving existing imbalances, these layered reforms often reproduced and intensified them. Therefore, during the 2015 crisis this contributed to a breakdown in coordination among Member States, leading to unilateral decisions and the partial suspension of common laws.

The EU itself poses a high contradiction, while on the one hand it operates with the aim of defending refugees and human rights; on the other hand, at the same time many of its institutions are designed to control and limit; seeking for the establishment of policies that allow Member States to control and prevent individuals' free movement across the Union. A great example is the establishment of the Eurodac system associated to the Dublin

[53] Triandafyllidou, A. (2012). (p. 15-17)
[54] Fullerton, M. (2016).

Regulation, reflected a strong duality. The incongruity arises when that same logic of control displaces the obligation to protect people who flee from war, prosecution, or massive violence. Because according to the definition of refugee, these are not ordinary migrants, they are individuals fleeing extreme life-threatening circumstances. So, treating them primarily as a security problem can therefore be morally problematic as it reduces an urgent human issue to an administrative one.

> *It is recognised that it is legitimate for Member States to return illegally staying third-country nationals, provided that fair and efficient asylum systems are in place which fully respect the principle of non-refoulement.*[55]

Aimed to harmonize return procedures across Member States while ensuring the protection of fundamental rights and the principle of non-refoulement, the EU adopted the Returns Directive (2008). In paper, it aimed to create a fair and transparent system in which individuals would be given the opportunity to leave voluntarily preferred to forced return and each should beneficiate from an individual assessment of its situation before any decision is enforced[56]. However, the implementation of the directive during the 2015 mediterranean crisis revealed significant shortcomings. The unprecedent number of arrivals placed enormous pressure on national asylum systems and border authorities, which under these conditions found it increasingly difficult to distinguish accurately between irregular migrants and individuals entitled to international protection. As a result, numerous individuals were returned without a proper assessment of their protection needs undermining the safeguards embedded in the Directive.

This issue was exacerbated in the context of border management controls, where agencies such as Frontex, as well as national authorities, were later accused of engaging in *pushbacks* (informal returns carried out without due evaluation violating human rights and international rights in many cases implying use of force and violence), which effectively crossed the legal guarantees established under EU law. Furthermore, several members attached to unilateral measures such as closing borders or restricting access to asylum procedures, prioritizing

[55] European Parliament and Council of the European Union. (2008, December 16). [8]
[56] European Parliament and Council of the European Union. (2008, December 16). [10]

border control over legal obligations, showcasing the imbalances between seeking national sovereignty in contrast to functional efficiency of the Union.

One of the shortcomings considered in the EU asylum law was largely based on the use of the term 'minimum standards', a term that allowed Member States considerable discretion in how they implemented asylum procedures, which resulted in asymmetrical differences between countries in terms of how applications for international protection were assessed and granted. So, the Asylum Procedures Directive recast (APD), which entered into force on 19 July 2013 as part of the second phase of the CEAS, was initially designed to overcome these fragmentations in the previous system by introducing a "single asylum procedure" with common guarantees across members[57]. However, despite its objectives, significant differences remained between states as the directive did not fully eliminate state discretion. In short, the issue is not simply non-compliance by Member States, but a structural limitation of the CEAS where a unified legal framework coexists with unequal protection applied in practice.

### *3.3. Border Control and Management of Migration flows*

Recalling the figure of the "stranger" posed by Bauman, controlling movement is far from something new, it becomes an attempt to transform uncertainty into something we are able to classify, manage, and when necessary, exclude. Within the European Union, this aim can be found in its complex system of border governance which seeks to reconcile openness while keeping its desire of control. Hence, when the events of 2015 took place, border control emerged as a central component of migration governance. Furthermore, encouraged by the rapid development of digital technologies[58], as the EU expanded the mandate of its border management agencies.

Parallel to this expansion, the EU introduced an internal operational instrument defined as the "*hotspot approach*", established in frontline states (primarily Greece and Italy), reception and identification centres where arriving individuals would be identified, registered, fingerprinted and directed towards asylum procedures or return ones. Initially implemented

[57] European Asylum Support Office (EASO). (2018, January). (p. 16)
[58] Gandhi, S. (2024). (p. 1 – 2)

to ease the situation of "*hotspots*" or regions within the EU that were at risk of receiving high numbers of irregular arrivals, there was no legal framework for the implementation of its practices which led to the rise of serious fundamental rights concerns. Within the hotspot system, the European Asylum Support Office (EASO) was assigned responsibility for processing asylum claims and identifying relocation candidates. However, the absence of clear coordination structures among agencies meant that accountability for rights violations remained diffuse. Besides, in this fragmented landscape, the Agency Frontex played a key role in some respects even more prominent than that of EASO, as it was charged with nationality determination needed for relocation[59].

Frontex, refers to the European Border and Coast Guard Agency that was established in 2004 with the purpose to '*facilitate the application of existing and future Community measures relating to the management of external borders by ensuring the coordination of Member States' actions*'[60]. Over time the agency has undergone a significant transformation, recent years following the refugee crisis, have raised concerns regarding its involvement in practices that may undermine fundamental rights[61]. It is highly important to highlight here that Frontex did not acquire this power by its own but rather was the same EU during the crisis which expanded its mandate. It was rebranded as the European Union Border and Coast Guard in 2015, which implied a significant increase in its budget, transforming it into the wealthiest agency within the Union. The powers of Frontex at that moment included coordinating with Europol to deal with the management of cross-border terrorism and organised crime, as well as coordinating with third countries for return operations[62]. Frontex's external action is mainly implemented through working agreements with 17 third country authorities, (arrangements that are not legally binding under international law, so they do not carry the same obligations as formal treaties)[63]. The use of these instruments has enabled cooperation in areas such as information exchange, risk analysis, joint patrols, and return operations, whilst simultaneously allowing the Union and its agencies to act beyond its borders without assuming full legal accountability for the consequences. <<*With its main modus operandi*

[59] Guild, E., Costello, C., & Moreno-Lax, V. (2017). (p. 44 – 51)
[60] Council of the European Union. (2004, October 26).
[61] Gandhi, S. (2024). (p. 1 - 2)
[62] Gandhi, S. (2024). (p. 3)
[63] European Parliament. (2015). (p. 44)

*being prevention, detection and deterrence through land, sea and air operations across Europe (Operation Hera in the Canary Islands, Hermes in Italy, Poseidon in Greece)>>*.[64]

These dynamics have given rise to the practice commonly referred to as "*pushbacks*", violating the principle of non-refoulement enshrined in Article 33 of the 1951 Refugee Convention and also reaffirmed in the article 19 of the EU Charter of Fundamental Rights. Frontex, that has been directly and credibly implicated in such practices, has undergone certain investigations as for example, in late 2020 the European Parliament's Scrutiny Working Group on Frontex (FSWG), tasked a four month investigation which concluded in its final report due in July 2021 that the agency had disregarded reports of fundamental rights violations made by human rights organisations and that it had failed to adequately respond to internal observations about certain cases of probable fundamental rights violations[65]. FSWG concluded that there was no definite proof of Frontex directly executing pushbacks or collective expulsions, however the agency was aware of fundamental rights violations occurring within Member States during joint operations and despite having evidence of these, the agency failed to respond[66]. These conclusions were compounded by those of the European Anti-Fraud Office (OLAF)[67], whose investigation found that senior agency officials had engaged in serious misconduct by keeping important information from the Fundamental rights Officer and providing inaccurate information to EU institutions[68].

Furthermore, some agreements stand out as particularly significant in the context of the 2015 crisis. First and foremost, the EU-Turkey Statement of March 2016 represented perhaps the most consequential of these agreements, as under its terms, irregular migrants arriving in Greece from Turkey would be returned while each Syrian refugee would be resettled from Turkey to the EU. It was framed as a mechanism to reduce dangerous crossings, effectively transforming Turkey into an intermediate state responsible for containing migration flows before they reached European territory. It might have risen serious concerns regarding the

[64] Triandafyllidou, A., & Dimitriadi, A. (2013). (p. 602)
[65] European Parliament. (2021, July 14). (p. 2 – 3)
[66] European Parliament. (2021, July 14). (p. 5)
[67] European Anti-Fraud Office. (2022).
[68] European Anti-Fraud Office. (2022).

principle of non-refoulement and the right to individual assessment, as mass returns carried the risk of returning individuals to unsafe conditions without adequate procedural safeguards.

However, a study made one year after its implementation has found that the number of arrivals into Greece was reduced from 1,740 people per day to just 47, so apparently these results confirm that the deal successfully sealed the eastern borders of the Union (which encouraged other countries such as Germany or Malta to suggest a replication with Libya). Despite that, the results also showed that the deal failed to keep with two fundamental objectives that it initially had. First, large-scale returns of migrants to Turkey did not take place, with fewer than 1.000 Syrians actually returned. Second, safe and legal pathways to Europe have not been effectively established, as fewer than 3.000 people had been resettled[69].

Similar dynamics can be observed between Italy and Libya, where bilateral agreements facilitated the interception and return of migrants before they could reach European shores. The Italy-Libya cooperation started in 2000 with the purpose of fight against terrorism, organised crime as well as drug trafficking, and irregular immigration. The arrangements between these two countries supposed different implications compared to the EU-Turkey in the sense that these included the provision and funding of training from part of Italy (and with support of the EU) to the Libyan Coast Guard, so that the last one was able to intercept migrants located in the sea and thereby return them to its own territory. Between May and November 2009 Italian vessels intercepted and returned over 800 persons to Libya[70]. It is interesting how in this case the EU externalizes the 'pushback', as it is not made directly but instead it uses financing and enables a third country, the country of origin to do such work, which can be referred as a '*pullback by proxy*'[71].

[69] Garcés-Mascareñas, B., & Sánchez-Montijano, E. (2017). (p. 1- 2)
[70] Pijnenburg, A. (2018). (p. 399)
[71] Kapogianni, V., Mutsvara, S., & Xanthopoulou, E. (2025). (p. 02)

### *3.4.Policy implementation: Fragmentation and Uneven Responses*

The 2015 events revealed significant divergences among Member States, exposing a high level of fragmentation shaped by national and political priorities and different individual administrative capacities. The main reason of these divergences can be associated mainly to the uneven responsibility within the own European Asylum System. This translated into significant pressures as national systems struggled to register and process individuals at the same time as to accommodate large number of arrivals within a short period of time.

Particularly, the Greek case has been suffering a trend that has reshuffled the irregular migration and asylum seeking highly influenced by the geopolitical events near the region, which contributed to a rapid increase of arrivals in the Greek islands by twenty times from 2,500 in 2013 to over 42,000 in 2014, further increasing relentlessly during 2015 and 2016[72]. This situation was further exacerbated by the country's ongoing economic crisis that had weakened public institutions besides constraining public resources to respond effectively following the Global Financial crisis (2008). As a result, the provision of reception and protection services increasingly relied on non-state actors, including NGOs and international organisations, which assumed functions that would traditionally fall under state responsibility moving from a right based humanist framework towards a more assistance-oriented humanitarian approach. However, the response to migration pressures was not limited to its capacity constraints but also included earlier attempts of border management and control. Notable examples are those of the implementation of Operation Shield (or also known as Aspides) in 2012, along with perhaps one of the biggest land border operations carried out by Frontex's agency[73]. By which a 12,5-kilometre fence was built along the region of Evros, at the Greek border with Turkey[74]. The operation aimed at reducing irregular crossings by strengthening control, had also the effect of redirecting migration flows towards more dangerous maritime routes in the Aegean Sea. Such dynamics illustrate how restrictive border policies do not necessarily reduce migration, but rather reshape its routes, often increasing the risks faced by migrants.

[72] Shteiwi, M. (2016). (p. 83 – 84)
[73] Triandafyllidou, A., & Dimitriadi, A. (2013). (p. 602)
[74] Shteiwi, M. (2016). (p. 84)

Italy presents a similarly complex yet distinct case within the 2015 crisis, particularly following the destabilisation of Libya and Tunisia with the cut-off of the Spanish enclaves Ceuta and Melilla (2005), flows of irregular migrants were redirected towards Lampedusa. As a response, the country had already implemented significant search and rescue operations previous to reaching the peak of the crisis, perhaps the most significant is *Operation Mare Nostrum*. This consisted in a large-scale humanitarian naval mission aimed at rescuing migrants in danger. Approximately, 100,000 migrants have been rescued by Italian navy ships on their own for about ten months[75] besides it was used as a security tool aiming (and efficiently reaching to) capture smugglers. Although the operation was a great success and was widely supported by national political parties and humanitarian organisations, it did not last long and saw its end in October 2014 due to financial and political constraints, opposition parties pointing its financial costs and the idea that it could carry with it unintended consequences such us acting as a 'pull-factor' for enhancing migration by knowing about this protection[76].

Eventually, a new operation was launched, this time by the agency Frontex, *Operation Triton*. However, the International Organization for Migration (IOM) among some authors expressed concerns that *Triton* could not be considered as a 'replacement' of *Mare Nostrum* in relation to its objectives and humanitarian terms[77]. Unlike *Mare Nostrum*, whose operational scope prioritized large-scale search and rescue activities; Triton operated with a more limited mandate primarily focused on border management and migration control and due to its limited core patrol area. Critics such as IOM's general director William Lacy Swing[78] or Pablo Cuttitta, have argued that the Frontex's operation reflected the EU's increasing *securitisation* of migration, prioritising territorial protection and border management over the human security of migrants crossing the Mediterranean. Nevertheless, Cuttitta also acknowledges that not everything of the previous one was perfect as its vessels interrogated migrants only to identify and try to gather useful information for the arrest of presumptive smugglers, while forgetting about investigating of missing or dead people. This

[75] Cuttitta, P. (2014). (p. 26)
[76] Panebianco, S. (2016). (p. 13)
[77] Panebianco, S. (2016). (p. 13 – 14)
[78] International Organization for Migration (IOM). (2015, March 27).

outweighs the ambiguity of state authorities towards human security aims outstanding humanitarian ones.

Despite the strict limitations introduced by the Dublin Regulation (III), a temporary departure of its application was made by Germany and some other states that followed (e.g., Austria and Sweden). Germany's case was particular in its approach for a partial suspension of the directive and its adoption of what became internationally known as an "*open-door policy*". Thus, a central question raises here; why did Germany choose to move, at least temporarily, against the prevailing tendency toward restriction while other Member States remained reluctant to do so? Part of the explanation lies in the particular political and moral framing that was adopted by Chancellor Angela Merkel during the crisis. Following the events of the so called "march of hope" in September 2015, that was when thousands of refugees who had been left stuck in Budapest began walking towards the Austrian border after Hungarian authorities had blocked their passage, Merkel together with Austrian Chancellor Werner Faymann, decided to keep German borders open. A decision that temporarily overruled the Dublin system and replaced the narrative of strict border control, that some had chosen to adopt, with that one of openness and reception[79]. This sudden change, on Merkel's political approach, highly influenced by her visit to a refugee camp in Eastern Germany where anti-refugee demonstrators were shouting hate slogans and insults, was influenced by the feeling of necessity to take an opposing attitude towards racist and xenophobic behaviours[80].

However, Germany's response cannot be understood only through moral idealism, as Germany possessed greater economic capacity and administrative infrastructure than many other member states, enabling it to welcome higher numbers of asylum seekers. Nevertheless, Germany's policy generated significant tensions both domestically and across the EU that can be seen in large sectors of German civil society mobilised around what became to be known as a "welcome culture". The Welcome Culture acted as a counter-narrative to the anti-refugee discourse by reframing the crisis as a humanitarian imperative and mobilizing social and political resources for reception; however, its impact was conditioned by subsequent

[79] Gebauer, C. (2023). (p. 101 – 104)
[80] Gebauer, C. (2023). (p. 102)

concerns over cultural change, Islamisation and public security that increasingly gained visibility in political discourse and social media[81].

Moreover, many Eastern and Central European states rejected Germany's approach, arguing that mandatory relocation mechanisms and the suspension of the Dublin principles undermined national sovereignty and threatened internal stability[82]. Thus, despite its solidarity approach showed that alternative approaches to migration management were possible within the EU framework; at the same time it exposed the fragility of European consensus when solidarity enters into conflict with national political priorities, acting as two sides of the same coin, embodying a more humanitarian vision of Europe and at the same time acting as the catalyst for the intensification of political polarization regarding migration.

In contrast to Germany, Hungary became one of the clearest examples of a restrictive and securitized response to the 2015 refugee crisis. Unlike many Western European states with larger legacies of post-colonial migration and multiculturalism, Hungary became an increasingly ethnically homogeneous society following the demographic transformations of the twentieth century. According to a report using Eurostat data, in 2013 only 1.4% of the population were classified as foreigners living in Hungary, representing around 140,000 people in a country of nearly ten million inhabitants. It is then within this context that the sudden arrival of large numbers of refugees from Syria, Afghanistan, Iraq and other conflict zones was perceived by great part of the society as an unfamiliar and destabilizing phenomenon, increasingly framed through a security-oriented perspective often associated with terrorism, criminality, and cultural threats what came to be defined as a "classic case of securitisation". This framing translated into concrete measures, for instance in June 2015 Hungary announced the construction of razor-wire fences along its borders with Serbia and later Croatia, and expanding detention measures for asylum seekers. These measures had an immediate result as daily arrivals reportedly fell from more than 7,000 during the peak months of the crisis to around ten people per day by the end of the year[83]. Furthermore, the country also openly opposed to apply the European Union's relocation quotas backing in their arguments that migration policy should remain under national control and criticising

[81] Gebauer, C. (2023). (p. 99 – 101)
[82] Gebauer, C. (2023). (p. 99 – 102)
[83] András Hettyey (2017). (p. 108)

EU's instability to protect its external borders. An event that culminated with a referendum in 2016 about the relocation scheme, in which 98% of participating voters rejected the quotas despite the turnout remained below the legal threshold. These results showcase the swift from interpreting the crisis as a humanitarian issue to amplifying it to a bigger question of sovereignty and identitarian control over the territory[84].

### *3.5. Political Narratives and the Rise of Fear*

The evolution of solidarity towards migrants in the European Union cannot be understood without considering the political narratives that have shaped public perception in recent decades that have followed. Particularly, a series of traumatic events linked to terrorism in Europe between 2000s and 2010s have significantly influenced how migration (especially that from Muslim majority countries)[85], is framed in political and social discourse. The temporal coincidence between the events portrayed the figure of the refugee to that of the terrorist in public imagination, sustained not only by public perceptions but also by media representations and political narrative rhetoric. Which translated in anti-migrant as well as anti-Muslim prejudice sentiments, making this last one especially susceptible to the instrumentalization by far-right actors. In a large-scale comparative analysis of survey data across Europe from 1990 to 2017, a sustained increase in anti-Muslim attitudes is documented to have intensified following the major terrorist attacks, particularly in Western European countries with significant Muslim-minority populations. As a result, these strong attitudes can exist even where Muslim communities are scarce, reflecting processes of "othering" in which these communities are portrayed as culturally different and external to the European "in-group"[86].

This helps explain patterns of selective solidarity, as refugees perceived as culturally and religiously closer were more readily accepted and supported. However, as correctly found in the study made by Bell et al., there is still limited empirical evidence providing a direct causal

[84] András Hettyey (2017). (p. 112)
[85] Bell, D., Valenta, M., & Strabac, Z. (2021). (p. 4)
[86] Bell, D., Valenta, M., & Strabac, Z. (2021). (p. 4 – 5)

link between media coverage and anti-Muslim attitudes. Research also suggests that opposition is not necessarily stronger toward Muslims than toward Christian immigrants, but rather toward highly religious individuals in general, especially when religiosity is seen as conflicting with liberal and secular values, as for example shown by stronger negative reactions to visible symbols like the headscarf[87]. Additionally, Muslims are often associated with crime and terrorism based on heuristic-driven biases, despite more inclusive integration policies and greater exposure to these communities are linked to lower levels of prejudice[88].

In this violent historical scenario, nationalist and populist parties saw their emergence in Europe fuelled by uncertainty, crises and widespread scepticism toward European integration. A widespread economic instability feeling can be mainly related to the financial crisis of 2008, which made citizens lose confidence in traditional political elites and shift towards supporting these new political groups. These saw their major victory with the success of UK's leaving campaign in 2016 (Brexit), which further highlighted issues of sovereignty making member states to advocate for more national against supranational governance[89].

Furthermore, it is fundamental to mention here the consolidation of far-right parties across Western Europe. In France, Marine Le Pen's *Front National*, translated de climate of fear into its political achievements, as after successive strong performances in the 2017 and 2022 presidential runoffs, the party consolidated the country's right ideas relating sovereignty, immigration and Euroskepticism. In Germany, the *Alternative Für Deutschland*, founded in 2013 as a Euroskeptic formation, rapidly turned into a far-right nationalist movement following the 2015 migration crisis, evolving around anxieties of Islam and national identity, even its electoral programme explicitly advocated for "de-foreignization", opposing EU supranational governance. In Italy, Giorgia Meloni's Fratelli d'Italia turned nationalist discourse into governmental policy, Meloni strengthened border controls, expanded Mediterranean naval patrols, restricted refugee admissions, intensified the crackdown on NGOs conducting sea rescue operations (this went so far that she even proposed a naval blockade), and negotiated containment agreements with North African states. All these while

[87] Bell, D., Valenta, M., & Strabac, Z. (2021). (p. 5)
[88] Bell, D., Valenta, M., & Strabac, Z. (2021). (p. 5)
[89] Majeed, A., Liaqat, B. B., & Mustafa, G. (2025). (p. 6 – 7)

she advanced a domestic agenda centred on the *Made in Italy* brand slogan, which implied higher birth rates and explicit opposition to multiculturalism and LGBTQ+ rights[90].

Moreover, in Central and Eastern Europe, the far-right turn assumed a distinctive sovereign character, as a great example can be seen with Viktor Orbán's Fidesz party in Hungary. Since he introduced the concept of "illiberal state" in 2014, Orbán has systemically concentrated executive power and subordinated media and judicial institutions to governmental control, rejecting liberal democratic norms aligning himself with leaders such as Putin and Erdogan in what he framed as resistance to Western globalist influence. The 2015 refugee crisis proved to be a decisive accelerant, for instance, Hungary erected physical border fences, rejected imposed quotas by the EU and deployed the figure of the Muslim migrant as an existential threat to European Christian civilisation. A framing that resonated across the region and provided the ideological ideas for Poland's *Law and Justice Party*, which similarly rejected EU asylum burden-sharing mechanisms while cultivating a nationalist identity rooted in historical anti-Russian unfairness[91].

What makes this scenario significant for understanding selective solidarity is the internal contradiction it reveals; as the same parties that erected fences against Syrian and Afghan refugees enthusiastically welcomed Ukrainian displaced persons, framing them as victims of a shared enemy rather than threats to national cohesion. As Majeed et al. observe, this Janus-faced posture (simultaneously exclusionary and selectively inclusive), demonstrates that nationalism driving European refugee policy extends beyond security concerns and works through cultural and racial ideas that are decisive, prior to any legal assessment, to determining who deserves protection and under which conditions[92]. (See appendix, Table 2)

[90] Majeed, A., Liaqat, B. B., & Mustafa, G. (2025). (p. 13 – 16)
[91] Majeed, A., Liaqat, B. B., & Mustafa, G. (2025). (p. 9 – 10)
[92] Majeed, A., Liaqat, B. B., & Mustafa, G. (2025). (p. 21)

## *4. Case Study II: The Ukrainian Displacement (2022): A coordinated Europe.*

### *4.1. A brief introduction to a different kind of crisis*

On 24 February 2022, Russia launched a full-scale military invasion of Ukraine, triggering what would become one of the largest forced displacement crises in Europe since the Second World War, numerically surpassing both the Yugoslav displacement of the 1990s and the 2015 Mediterranean crisis. Over 3.7 million people were internally displaced within the country and more than 5 million were reported to be refugees in Europe at the end of 2024. The Ukrainian displacement placed more than eight million refugees seeking refuge across Europe, estimating that 12,7 million will be needing humanitarian assistance by 2025, a figure that surpasses any prior displacement crisis in the continent[93].

However, the origins of the conflict cannot be understood exclusively through the events of 2022, as the war itself represented the escalation of tensions that had already been developing since 2014[94]. Continued and frequent ceasefire violations made the country to deepen its political and economic cooperation with the EU and strengthened ties with NATO[95], developments that Russia interpreted as a direct threat to its geopolitical sphere of influence. Unlike the 2015 crisis, in which displacement unfolded gradually over months the Ukrainian exodus was not only massive but extraordinarily rapid and geographically concentrated as millions of people crossed into countries like Poland, Slovakia, Hungary and Romania in a matter of days, without the hazardous sea crossings or the reliance on criminal networks that had largely characterized the Mediterranean route seven years earlier.

### *4.2. EU's immediate response*

Unprecedent both in its speed and scope, the response to the invasion by the EU comprised four distinct and simultaneous measures; eleven sanctions packages against Russia (the most

[93] ACNUR. (2025). (p. 9)
[94] European Commission. (2014).
[95] Kyrydon, A., & Troyan, S. (2022). (p. 162)

severe sanctions ever imposed by the EU on a third country), the decision to provide military support to Ukraine through the European Peace Facility (EPF), the implementation of the Temporary Protection Directive (TPD) for the first time in its history, and the offer of EU candidacy status to Ukraine and Moldova[96]. Each of these measures represented, independently, a departure from prior EU practice, but taken together they constituted a response without precedents in the history of the Union.

Why did then the EU achieve such solid unity in 2022, a unity not even seen during the 2015 refugee crisis? Perhaps the temporal proximity of these episodes is not coincidental the migration crisis exposed the EU's internal fractures, but it also taught a painful lesson: lack of cooperation and coordination carries enormous political and humanitarian costs. It is then that by 2022, with the large-scale eruption of the war in its immediate neighbourhood, that the EU seemed to have learned (at least to some extent), that hesitation or implementing half measures or what in previous chapters we referred to as "failing forward", can be even more costly. So, the difference between 2015 and 2022 is not about how dangerous the situation looked, but the Union acted together because the war threatened not only international rules but the Union's own identity and credibility as a global actor. Is it then surprising that it reacted more strongly than ever before? Perhaps not or maybe it is simply that, this time, looking away was no longer a viable option.[97]

The European Commission, under the leadership of Ursula Von der Leyen, had already begun preparing a detailed catalogue of sanction measures approximately two months before the invasion happened, which enabled the institution to push ahead immediately with tough restrictive measures the moment the invasion was launched[98]. This degree of institutional preparation stands in direct contrast to the reactive and fragmented character of the EU's crisis response in previous displacement crises. The €2.5 billion financial support package for direct military assistance to the country through the EPF was an instrument that had never previously been used to supply lethal weapons to a country at war[99]. Josep Borrell, the EU

[96] Bosse, G. (2024). (p. 1232)
[97] Bosse, G. (2024). (p. 1223)
[98] Bosse, G. (2024). (p. 1232)
[99] Maurer, H., Whitman, R. G., & Wright, N. (2023). (p. 220)

High Representative for Foreign Affairs and Security Policy, characterised the overall response as a "geopolitical awakening" for the Union[100].

### *4.3. From dormant instrument to historic activation: The Temporary Protection Directive*

The Temporary Protection Directive (TPD), formally adopted as Council Directive in 2001, constitutes one of the most significant, and until recently most neglected, instruments of EU asylum law. Conceived in the aftermath of the mass displacement produced by the Yugoslav wars of the 1990s, the Directive was designed to provide, immediate, collective protection in situations of mass influx without requiring individual status determination. Both host states and asylum seekers from the procedural burden of refugee processing. Furthermore, the directive provides beneficiaries with a temporary residence permit, access to labour market, housing, medical care and education for minors, a substantial package of rights[101].

Despite the magnitude of the displacement situations that followed its adoption, the Directive was never activated since its foundation. This dormancy has attracted considerable scholarly attention, some like Meltem Ciger and Arne Niemann[102], have argued that it was fully applicable to the mass influx produced by the Syrian conflict and the 2015 crisis, and that the political unwillingness to activate it reflected not legal constraints but a fundamental absence of solidarity among member states[103].

### *4.4. Member State's responses, solidarity in practice*

The activation of the TPD established a common legal framework at the EU level, but the concrete reception of Ukrainian displaced persons was ultimately determined by Member States individually, and whose responses varied. The distribution of displaced persons as

[100] Maurer, H., Whitman, R. G., & Wright, N. (2023). (p. 220)
[101] Council Directive 2001/55/EC of 20 July 2001. (2001).
[102] Niemann, A., & Zaun, N. (2018). (p. 1 – 8)
[103] Ineli-Ciger, M. (2016). (p. 16 – 20)

shown in the following figure (Figure 1.), was deeply unequal at the outset, Poland had already received 1,412,503 people, while Hungary had received 214,160, Slovakia 165,199, Romania 84,671 and Moldova 82,762. (See Appendix, Figure 1.)

At first glance, one may ask if it is hypocritical that Poland and Hungary hosted the majority of Ukrainian refugees after opposing refugees in 2015, which may appear contradictory, given their explicit opposition to refugee relocation schemes during the 2015 refugee crisis. However, in academic terms, this situation is better understood not as hypocrisy but as a differentiated and selective response to forced migration, shaped by legal, geographical, political and socio-cultural factors. So, one key explanatory factor of this situation is Geography, Poland, Hungary, Slovakia and Romania are direct neighbours of Ukraine. Usually in armed conflicts, displaced populations tend to flee first to the nearest safe country, rather than to their preferred long-term destination. In contrast during 2015 Poland and Hungary were primarily transit countries.

The case of Poland and Hungary is particularly revealing for the argument developed in this thesis, as both countries had been among the most vocal opponents of refugee reception during the 2015 crisis, yet responded in nuanced different ways during 2022. On the one hand, Poland's response to the Ukrainian displacement of 2022 constitutes one of the most significant reversals in recent European migration history as less than a decade earlier, during the 2015 crisis the Polish government under the *Law and Justice Party (PiS)* had rejected EU asylum policies, at the same time it fuelled nationalist sentiments and refused to accept relocation quotas of asylum seekers such as those from Syria and Afghanistan[104]. In 2022 the same political environment produced the opposite response, as between 24 February 2022 and 24 February 2023, a total of 10,056 million refugees from Ukraine crossed the Polish Ukrainian border, turning Poland into the largest receiving country in Europe by far. Up to two million of these individuals found shelter in private homes throughout the country with more than 90% of resident refugees being women and children, and around 900,000 seeking employment primarily in the services sector[105].

[104] Majeed, A., Liaqat, B. B., & Mustafa, G. (2025). (p. 493)
[105] Jankowski, M., Lazarus, J. V., Kuchyn, I., Zemskov, S., Gałązkowski, R., & Gujski, M. (2023). (p. 2)

Moreover, the Polish government subsequently enacted the so-called Special Act of 12 March 2022[106], by which all Ukrainian citizens arriving directly from the conflict, were granted a wide range of rights, including access to healthcare, education, the labour market and social benefits[107]. This turnaround is highly significant for understanding the idea of selective solidarity, we have seen how during 2015, Polish society was widely perceived as hostile towards migrants and refugees, especially those coming from the Middle East and predominantly Muslim countries. However, after Russia's invasion of Ukraine in 2022, this country experienced an unprecedent wave of support and solidarity toward Ukrainian refugees; this contrast does not necessarily mean that previous anti-immigration attitudes disappeared but rather shows that solidarity was more easily extended to groups perceived as culturally closer to the host society. Ukrainians were often seen as fellow Europeans, Christians and part of a more familiar social and cultural "in-group"[108]. Therefore, this response illustrates, as mentioned in the initial chapters, the natural social moral division between *us* the members of one's own group versus *them* the members of the outer group.

On the other hand, Hungary's response was equally paradoxical, though in a more politically complex way. Viktor Orbán, whose government had built border fences during the 2015 crisis and made the rejection of Muslim and non-European refugees a central pillar of his political identity, opened Hungary's border to Ukrainian displaced persons within days of the invasion. It is then this articulation of selective humanitarianism, in which the same government that had institutionalised exclusion in 2015 embraced reception in 2022, that illustrates with particular clarity the identity-based logic that I argue underpins the EU's approach to protect refugees. Nevertheless, the response also revealed the limits of this solidarity as even it was opted to open the borders, close political relationships were maintained between Orbán and Vladimir Putin, he largely built a positive story around what he refers to as "Eastern opening"[109] presenting countries like Russia as promising partners for Hungary's future. By talking about an "Eastern wind blowing in the world economy", he created a symbolic frame that made cooperation with authoritarian states seem modern and strategic, transforming Putin's Russia from a threatening "them" to a friendly "us". However,

[106] Gaweł, A., Mroczek-Dąbrowska, K., Marcinkowski, B., & Kania, A. (2024). (p. 215)
[107] Gaweł, A., Mroczek-Dąbrowska, K., Marcinkowski, B., & Kania, A. (2024). (p. 215)
[108] Letki, N., Walentek, D., Dinesen, P. T., & Liebe, U. (2025). (p. 1 – 2)
[109] Madlovics, B., & Magyar, B. (2023). (p. 259)

the irony is hard to ignore, as before Orbán had condemned Russia's invasion of Georgia warning that Hungary must not become "Gazprom's happiest barrack", but in power he reversed his own rhetoric and began portraying the president in a positive way to justify Hungary's new political direction[110]. This raises an uncomfortable question: How can we explain the apparent contradiction between Hungary's long-standing political alignment with Russia and its willingness to welcome Ukrainian refugees in 2022, especially when contrasted with its strong rejection of asylum seekers during the 2015 refugee crisis?

The answer may seem simple, as the EU responded with unprecedent unity, openly rejecting Ukrainian refugees would have isolated Hungary within the Union, which comes hand in hand with access to EU funds and political influence within the membership as well as maintaining good relations with Russia was fundamental for maintaining the economy of the country. As in Hungary Russian gas accounted for 36% of primary energy use and this was used by V. Orbán in his political campaign portraying that "Hungarians should not pay the price of war"[111], he smartly understood aiding refugees while maintaining certain relations with Russia essential. So perhaps the best way was accepting as a strategic way to avoid sanctions both from the union and from neighbouring partners. Moreover, this makes us question a highly and worrying matter: to what extent then, does the strategic behaviour of certain EU member states undermine the Union's normative foundations by selectively adhering to shared values while simultaneously benefiting from EU membership? And does this persistence of selective solidarity pose a long-term threat to the coherence and legitimacy of the Union as a project?

If solidarity becomes contingent on cultural proximity, political convenience or based on narratives, the EU risks fragmenting into individual states that cooperate only when it aligns with their national interests. Such a trajectory threatens the Union's long-term coherence, as it weakens the mutual trust necessary for collective action in areas ranging from migration to security and foreign policy. Ultimately, selective solidarity does not merely reflect internal divisions, it actively deepens them, challenging the EU's unity. A tension that lies at the heart of contemporary debates on the future of EU integration.

[110] Madlovics, B., & Magyar, B. (2023). (p.259 – 261)
[111] Madlovics, B., & Magyar, B. (2023). (p. 267-269)

## *5. Two Crises, One Europe: What the difference reveals*

Perhaps the most uncomfortable conclusion emerging from comparing both case studies is that the European Union did not suddenly become more capable, more humanitarian or more united in 2022 than it was in 2015. The institutional tools for coordinated action largely already existed, however, what changed was not only the crisis itself but the way it was perceived. (See appendix, Table 2.) The response to the 2015 refugee arrivals exposed divisions around sovereignty, burden-sharing among members and asylum governance as a whole; besides the fast activation of the Temporary Protection Directive for Ukrainians demonstrates that when political consensus exists, European institutions can act with remarkable speed and cooperation. Therefore, the core difference between both crises raises a difficult question: If solidarity has shown to be more than capable of being mobilised efficiently, what is the reason behind its lack of mobilisation in an equal way before? How are collective decisions distributed among different members and political levels?

> *Governance is a means to achieve collective benefits by co-ordinating human activity... But governance is also an expression of community. Citizens care – passionately – about who exercises authority over them. The challenge for a theory of multi-level governance is that the functional need for human co-operation rarely coincides with the territorial scope of community…To understand European integration we need, therefore, to understand how, and when, identity is mobilized.*[112]

Nevertheless, not every crisis affects all members in an equal scope as we have seen, so this makes responses to different crises to be very variate. Migration was widely perceived as a high-politics issue directly affecting national identity, sovereignty and security. For several states, accepting refugee quotas represented a political and cultural threat rather than a collective benefit, a perception intensified by the Dublin Regulation. Here arises the complexity of balancing national sovereignty respecting national identities with supranational integration a principle that in fact has been explicitly protected in EU treaties[113].

[112] Hooghe, L., & Marks, G. (2009). (p. 2)
[113] Mut Bosque, M. (2025). (p. 16)

Ukrainians were not granted temporary protection because the legal conditions or institutional ones were clearer, but because the political conditions, that is to say, solidarity among members, public support for reception as well as framing of Ukrainians as culturally proxime aligned in a way that had not during 2015. Thus, the legal tool itself did not change, what changed was the political willingness to use it, showing less that EU solidarity became stronger and more that this solidarity has always been conditional, shaped by factors beyond laws or humanitarian need.

An important distinction here must be made between *institutional* solidarity and *social* solidarity. In a study made by Koos and Seibel on public and social perceptions using mainly Eurobarometer data during 2016 to measure until which point are European citizens prone to support solidarity with refugees and why does it vary among member states, their findings partly challenge pessimistic assumptions. One may often align with their initial hypothesis that public solidarity with refugees in Europe is uneven and strongly conditioned by individual level factors such as those I expose, expecting higher solidarity in countries more exposed to refugee inflows and in societies with stronger welfare-state traditions (as Germany's case), anticipating that economic and cultural anxieties may undermine support. Nonetheless, the authors' research shows that solidarity with refugees is more widespread and stable than often assumed, even in countries heavily affected by the burdens (such as the example of Greece I expose), where public support for helping refugees remained relatively high.

While perceptions of cultural threat and right-wing attitudes reduce solidarity, economic self-interest has proved during 2016 to play a weaker role than expected. Overall European societies are not inherently hostile to refugees, but solidarity is conditional, context dependent and mediated by narratives of deservingness and threat rather than by material costs alone. These narratives were highly showcased in the BBC News reports recorded during the dismantlement of the Russia's full-scale invasion of Ukraine portraying Ukrainian refugees as more deserving in relation to their natural traits ('blonde with blue eyes'), and cultural proximity (see appendix, Table 2). Even Bulgarian Prime Minister Kiril Petkov declared: *'These [Ukrainians] are not refugees we are used to…these people are Europeans…these people are intelligent, they are educated…This is not the refugee wave we*

*have been used to…there is not a single European country now which is afraid of the current wave of refugees'.*[114] (See Appendix, Media Framings).

As a matter of crucial study here, is the fact that while the activation of the TPD for Ukrainians as a welcome and positive step towards ensuring solidarity and compassion towards those who are suffering and in need of protection, the response also included cases of unequal treatment at the EU borders related to institutionalised racism towards non-Ukrainian third country nationals. <<*This has led some actors, such as the African Union to issue a statement on 28 February 2022 'on the reported ill treatment of Africans trying to leave Ukraine' where it declared itself to be disturbed by reports that African citizens on the Ukrainian side of the border are being refused the right to cross into the EU. The African Union called for equality of treatment and no discrimination regarding the right to leave Ukraine on the basis of nationality or racial identity, as 'unacceptable dissimilar treatment would be shockingly racist and in breach of international law'.*>>[115]The implications of this episode for the present study are significant, as they reveal that selective solidarity did not merely operate between the two crises shown in this analysis but were reproduced within the 2022 response itself. This discriminatory treatment exposes the extent to which protection was conditioned by racial and national identity rather than purely based on humanitarian need which further reinforces the central argument that solidarity is not merely a product of political differences, but reflects deeper structures of racial and cultural hierarchy that persist even when political will to humanitarianism is present.

## *6. What Europe Could Become: Toward a non-conditional solidarity.*

> *'Crises and critical junctures have positive effects on community-building, both with regard to identification processes and to transnational public spheres. In that sense, the current crises and the increasing politization of European affairs will in the end be healthy for the construction of a European polity'*[116].

[114] Carrera, S., Ineli Ciger, M., Vosyliute, L., & Brumat, L. (2022). (p. 8)
[115] Carrera, S., Ineli Ciger, M., Vosyliute, L., & Brumat, L. (2022). (p. 8)
[116] Risse, T. (2010). (p. 252)

In order to remain a "credible force for good", Europe must transcend its psychological and political borders, evolving toward a framework of non-conditional solidarity that protects human life regardless of its origin. For this evolution to take place, it must be grounded in the concept logic of *veil of ignorance* theorized by John Rawls, by which designing an asylum and refugee policy without previously knowing individuals' nationality, ethnicity or religion would result in a system whose logic goes far beyond the deeply ingrained "us versus them" bias. Behind this veil, protection would be distributed strictly based on human vulnerability and the objective analysis of the seriousness of crises rather than subjective cultural affinity approaches.

However, acknowledging these shortcomings does not mean ignoring Europe's profound capacity of humanism, the European Union is not stagnant in the face of these challenges; it is actively working to evaluate and improve its asylum governance. This is manifested in initiatives such as the ASILE project, funded by the EU's Horizon 2020 research and innovation programme, which demonstrated a profound institutional commitment to studying the interactions between international protection systems and human rights. Indeed, as studied, the EU and several Member States have frequently implemented highly inclusive policies and demonstrated a robust capacity to host and integrate migrants. The TPD itself is a formidable legal instrument, however, its delayed use reveals a tragic missed opportunity. As analysed by scholars like Dr. Ineli-Ciger, the reluctance to activate the TPD during the 2015 Mediterranean crisis, often justified by arguing that the numerical threshold for a "mass influx" had not been met or that it would cause "adverse effects" on asylum systems, ultimately placed an unbearable and avoidable burden on frontline countries like Italy and Greece. The justifications for keeping the TPD dormant for two decades arguably masked a lack of political will and double standards, suggesting that if the aggressor in 2022 had been a state other than Russia (or under different circumstances), the directive might have remained inactivated[117].

While Europe's foundational values champion human rights and international protection, these ideas are increasingly compromised by the deviations made in practice. Thereby, when legal voids allow border agencies like Frontex to engage in or turn a blind eye to pushbacks,

[117] CARRERA, S., & INELI CIGER, M. (Directors). (2023). (p. 59 – 78)

the moral compass of the Union becomes severely undermined. To prevent national governments or EU agencies from interpreting legal ambiguities from suiting exclusionary domestic agendas, the EU must enforce uncompromising accountability and transparency. There must be tangible sanctions for member States or mechanisms that threaten European cohesion by violating the principle of non-refoulement or weaponizing migration for political leverage. Leaving legal frameworks ambiguous only invites arbitrary application, eroding the mutual trust that holds the Union as one.

Looking forward the future, the New Pact on Migration Asylum (2024) attempts to navigate the turbulent waters between two highly polarized visions of Europe. As Yuval Noah Harari greatly exposes, taking a neutral but analytical stance to ideological conflicts, one must recognize the validity within both camps. On the one hand, the preservation of national security, social and economic cohesion capacities are legitimate concerns for any sovereign state as policies cannot survive without the managing of entry. On the other side, the humanitarian imperative is absolute if individuals are fleeing extreme violence war and systemic persecutions cannot be reduced to mere security threats or demographic statistics.

This delicate matter is increasingly mediated by what has become the dominant approach and supposed "silver bullet" of European migration policy: the Migration Governance Externalization (MGE). As analysed by Francesco Pasetti and Francesca Lupi, the MGE has expanded both quantitatively and qualitatively, evolving itself around stable and long-term financial architectures such as the NDICI-Global Europe framework, which finances several flagship externalisation initiatives for instance the partnerships with Tunisia (€105m for 2023) or Egypt (€200m for 2024 – 2027). This mechanism shifts the operational reality of migration control directly to the origin and transit countries, diversifying policy goals under the New Pact to encompass international protection processing and the facilitation of return hubs via the "Safe Third Country" concept, this is exemplified by the Italy-Albania Memorandum of Understanding[118].

Notably, the rise of far-right wing populist narratives and ethnonationalism across the continent has heavily taken advantage on the security dimension, pushing narratives of border closures and prioritizing strict exclusion over solidarity. Populist pressures have come at the

[118] Francesco Pasetti, F., & Francesca Lupi (2025). (p. 4)

cost of informal instruments and informal multi-actor structures that have systematically obscured lines of accountability and democratic evaluation which not only have left certain legal areas open to arbitrary national interpretations, but also have triggered direct institutional conflicts as manifested in the recent high-profile disputes between political authorities and European courts over the legal validity of the Albania MoU[119].

The critical question is whether the New Pact will successfully forge a genuinely unified equitable asylum system, or if it will simply institutionalize a "Fortress Europe" that bends to populist pressures. As global instability increases, can the EU improve its asylum analysis systems to efficiently distinguish between economic migrants and those in desperate need of refuge, without quitting them from dignity? The future for the European project then, depends on its ability to reconcile legitimate right to national security with its historical and moral foundational obligations of remaining a refuge for the persecuted.

***Conclusions:***

The evidence accumulated throughout the study confirms the central hypothesis, showing EU's selective solidarity as something not incidental but structural. What the comparison between 2015 and 2022 reveals is that these are not two different crises handled by the same institution, but the same institution revealing two different conceptions of who deserves to beneficiate from that protection. Legal tools existed in both cases, however, what differed was the political will and mobilisation to use them; and it is that will that has proven to be systematically shaped by cultural proximity, racial divergencies and geopolitical interests rather than by purely human needs. Perhaps the most uncomfortable conclusion is not that the EU failed in 2015 while it did succeed during 2022, but that the very solidarity celebrated in 2022 was made possible by the same logic of exclusion that produced the failures during the previous crisis. When solidarity requires recognising oneself in the other to be activated, it ceases to be solidarity in any meaningful universal sense and becomes a form of in-group preference dressed in humanitarian language. Whether the EU can move beyond this contradiction is perhaps the defining political question of its future and one that no treaty revision on its own will be able to answer.

[119] Francesco Pasetti, F., & Francesca Lupi (2025). (p. 6)

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## *Appendix:*

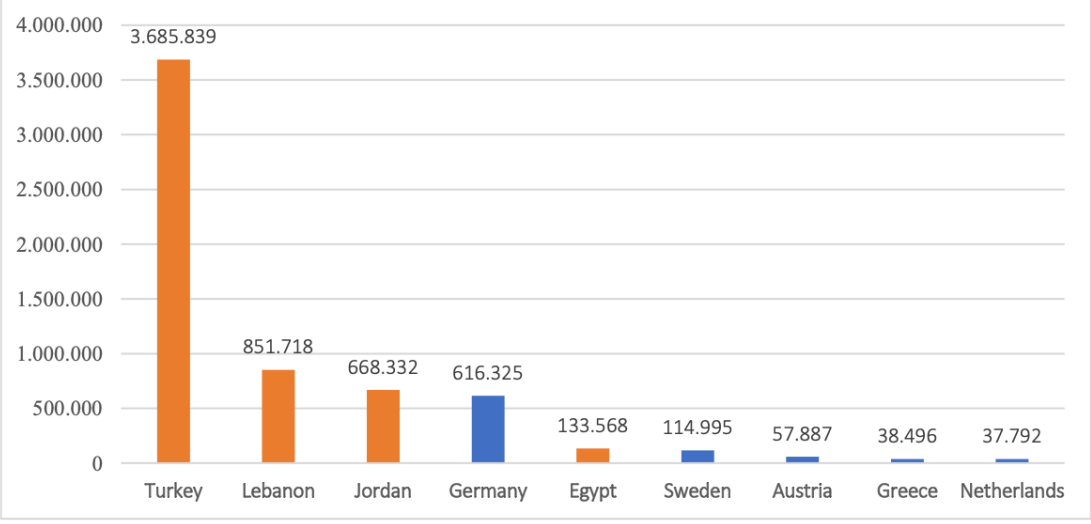
Table 1. The Refugee Crisis in Europe (2010–2021).

| Year | Key Events and Developments | Major Countries Affected | Number of Refugees and Asylum Seekers | Key Policy Responses by EU |
|---|---|---|---|---|
| 2010 | Early signs of migration increase due to unrest in the Middle East and Africa. | Italy, Greece, Spain | ~200,000 | The EU starts discussing stricter border controls. |
| 2011 | The Arab Spring uprisings, Libyan and Syrian conflicts begin. | Italy, Greece | ~300,000 | Italy faces the Lampedusa migrant crisis. |
| 2012 | Syrian Civil War intensifies, increasing refugee flow. | Greece, Turkey | ~500,000 | EU debates burden-sharing mechanisms. |
| 2013 | Mediterranean Sea becomes a major migration route. | Italy, Spain | ~600,000 | EU launches *Operation Mare Nostrum* for sea rescues. |
| 2014 | ISIL rise worsens displacement; first signs of major influx. | Germany, Sweden, Greece | ~800,000 | Frontex launches *Operation Triton*. |
| 2015 | Peak of the refugee crisis; over 1 million arrivals, mostly Syrians. | Germany, Austria, Hungary, Greece | 1.3 million | Germany's *Willkommenskultur*, EU-Turkey deal discussions. |
| 2016 | EU–Turkey deal reduces arrivals but tension remains high. | Turkey, Greece, Germany | ~500,000 | Balkan route restrictions, rise in anti-migrant sentiment. |
| 2017 | Shift toward stricter policies, decline in numbers. | Italy, Greece, France | ~300,000 | Italy–Libya deal to curb migration. |
| 2018 | Right-wing parties gain ground, tougher immigration laws. | Italy, Spain, Germany | ~250,000 | Stricter asylum policies, border security enhancements. |
| 2019 | EU tensions over burden-sharing, arrivals drop further. | Greece, Spain | ~200,000 | Focus shifts to repatriation policies. |
| 2020 | COVID-19 pandemic disrupts migration patterns. | Greece, Italy | ~120,000 | Border closures, limited asylum processing. |
| 2021 | Afghan crisis after Taliban takeover triggers concerns. | Germany, Poland, Belarus border | ~150,000 | EU–Belarus standoff, renewed refugee aid discussions. |

*Sources*: UNHCR, Migration Policy Institute (MPI), Europe Asylum Support Office (EASO).

Source: Majeed, A., Liaqat, B. B., & Mustafa, G. (2025). Resurgence of nationalism in Europe in the shadow of the Russia–Ukraine war: A critical analysis. *China Quarterly of International Strategic Studies, 11*(4). https://doi.org/10.1142/S2377740025500204 (p. 8)

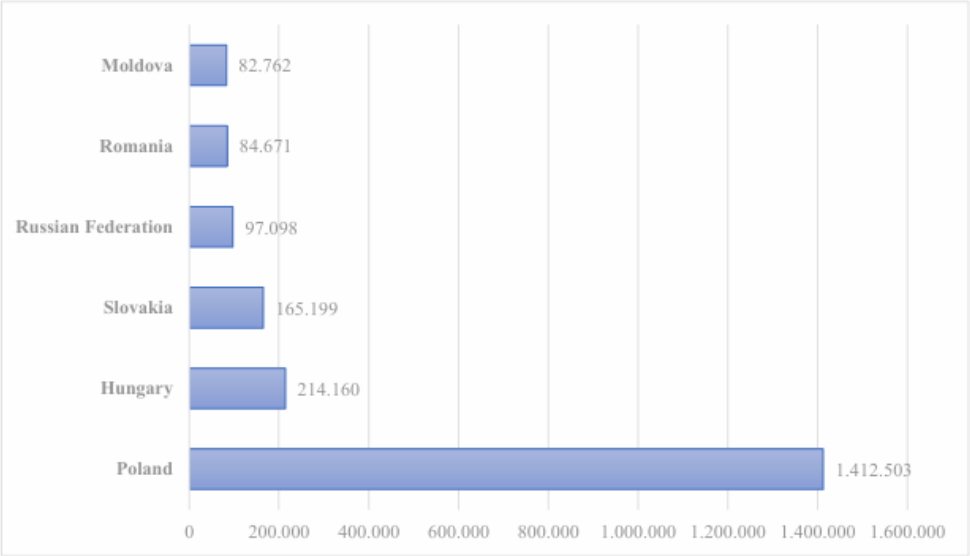
*Figure 3. Distribution of Syrian refugees under the UNHCR mandate in the top five EU countries and top four in the Middle East*




Source: Carrera, S., Ineli Ciger, M., Vosyliute, L., & Brumat, L. (2022). *The EU grants temporary protection for people fleeing war in*

*Ukraine: Time to rethink unequal solidarity in EU asylum policy*. Centre for European Policy Studies (CEPS). https://www.ceps.eu/ceps-publications/eu-grants-temporary-protection-for-people-fleeing-war-in-ukraine/ (p.

*Figure 1. Number of people fleeing Ukraine by country (as of 9 March 2022)*




Source: Carrera, S., Ineli Ciger, M., Vosyliute, L., & Brumat, L. (2022). *The EU grants temporary protection for people fleeing war in Ukraine: Time to rethink unequal solidarity in EU asylum policy*. Centre for European Policy Studies (CEPS). https://www.ceps.eu/ceps-publications/eu-grants-temporary-protection-for-people-fleeing-war-in-ukraine/ (p.

## Table 2. EU Responses to the Crises: A Comparative Overview

| ***Dimension*** | **2015 Refugee Crisis** | **2022 Ukrainian Displacement** |
|---|---|---|
| *Scale of displacement* | • 1.3 million arrivals<br>• 5.6 million Syrians displaced globally (2011 – 2016)<br>• Greek arrivals: 2,500 (2013) → 42,000 + (2014) | • + 8 million across EU \| 3.7 internally displaced<br>• + 5 million by the end of 2024 \| 12.7 needing assistance by 2025<br>• 10 million border crossings into Poland in 1 year |

| | | |
|---|---|---|
| *Profile of displaced individuals* | • Syrian, Afghan, Iraqi nationals \| Muslim majority<br>• Reliance on smuggling networks, dangerous crossings by sea<br>• Gradual displacement over months via multiple routes | • Ukrainian nationals \| Christian/secular \| perceived as culturally 'Europeans'<br>• Immediate land crossings \| no smuggling networks \| no sea risk |
| *Key EU legal Instruments* | • Dublin III asymmetry on frontline states \| "Failing forward"<br>• Returns Directive (2008)→ shortcomings in individual assessment<br>• APD recast (2013): "minimum standards" gap and uneven application<br>• Hotspot Approach<br>• EU-Turkey Statement (2016): reduced arrivals (1,740→47/day)<br>• TPD (2001) not activated | • TPD (2001) activated unanimously first time ever (4 March 2022)<br>• Social rights<br>• 11 sanctions packages against Russia (most severe in EU history)<br>• European Peace Facility (EPF): 2.5 billion € of military support<br>• EU candidacy for Ukraine and Moldova<br>• Poland's Special Act (12 March 2022): rights for Ukrainian citizens |

| | | |
|---|---|---|
| *EU institutional response* | • Muddling Through/Breaking Down<br>• Heading Forward in border security: Frontex's budget and military capabilities' expansion | • Heading Forward: unprecedent speed and unity coordination<br>• Sanctions prepared 2 months before invasion (Von der Leyen) |
| *Border management* | • Operation Mare Nostrum (Italy 2013-14) → approx. 100.000 rescued<br>• Operation Triton (Frontex): border control. | • Open borders, no securitisation<br>• Collective protection via TPD, no individual status determination requirements<br>• Discriminatory treatment documented for non-EU nationals fleeing Ukraine (Africans) |
| *Political responses* | • France – Front National (Le Pen): anti-immigration<br>• Germany AfD: "de-foreignization"<br>• Italy: Fratelli d'Italia (Meloni): naval blockade proposal/ NGO crackdowns/bilateral agreements<br>• Hungary: Fidesz (Orbán): border fences | • "Janus-faced" posture<br>• Hungary (Orbán): aid + remaining relations with Putin and Erdogan<br>• PiS Poland largest EU host nation<br>• Selective humanitarianism rooted in cultural/racial proximity |

| | | |
|---|---|---|
| | • Poland: PiS rejection of EU quotas + nationalist discourse<br>• Brexit (2016) | |
| *Public and media narratives* | • Aylan Kurdi photo (2015)→ solidarity wave<br>• Refugees = terrorism frame anti-Muslim sentiment<br>• "Strangers" (Bauman) | • Explicit racial framing: "blue eyes and blond hair", "civilized", "not the third world"<br>• Ukrainians framed as "fellow Europeans" and Christians (in-group)<br>• Massive spontaneous public solidarity→Ukrainians hosted in private homes |
| *Moral/Social framework* | • Selective solidarity based on cultural and religious/racial "Othering" (Said)<br>• Prevailing of fear-based intuitions (heuristics)<br>• Identity-protective cognition (Kahan)<br>• Global North/South hierarchy normalised | • Solidarity activated by cultural proximity<br>• Identity-protected cognition: but protection not exclusion<br>• TPD since 2001→ will not law |
| *Key outcomes/limitations* | • CEAS failure + Dublin preservation | • Most comprehensive EU refugee response in history |

| | |
|---|---|
| • Frontex pushbacks + pullbacks \| OLAF findings<br>• Far-right consolidation<br>• Technocratic solutions and external closure logics | • Non-EU nationals fleeing Ukraine denied equal access<br>• "*Etnonationalism*" as primary driver of discriminatory asylum policy |

*Source: mainly all bibliographical sources used for this study, among them primary sources such as the UNHCR, EASO, EU parliament and CEPS.*

**Media Framings:**

"*I look on as the soldiers help Ukrainian women and children with their heavy luggage. I watch as they play with the children and caress their faces. As the scene unfolds, I can't help but think that this is the same border force which, for months, a short distance north, along the same eastern border, has been violently pushing back asylum seekers from Syria, Iraq and Afghanistan who attempt to cross the frontier from Belarus. It is the same border force which, instead of offering a caring touch and a comforting smile, brutally beat the refugees from Aleppo, who are also victims of Vladimir Putin's bombardments. In Przemyśl, the Ukrainians are served hot drinks. At the Belarusian border, at least 19 migrants have died in the frigid forests.*" – Lorenzo Tondo (CARRERA, S., & INELI CIGER, M. (Directors). (2023). *EU responses to the large-scale refugee displacement from Ukraine: an analysis on the temporary protection directive and its implications for the future EU asylum policy* (S. CARRERA & M. INELI CIGER, Eds.; Version [Migration Policy Centre]). European University Institute. https://hdl.handle.net/1814/75377/ p. 69)

*"But this isn't a place, with all the respect, like Iraq or Afghanistan that has seen conflict raging for decades. This is a relatively civilized, relatively European, I have to choose those words carefully too, city where you wouldn't expect that or hope that it's going to happen"- BBC News Charlie D'Agata*

*"Is very emotional for me because I see European people with blue eyes and blond hair being huge, children, being killed by Putin's missiles…"- BBC News David Sakvarelidze Ukraine's deputy chief.*

*"Now the unthinkable has happened to them and this is not a developing third world nation, this is Europe!" – BBC News Lucy Watson journalist*

*"I mean first of Europe has been home to some of the worst wars and worst war crimes in human history. I mean, the Holocaust! So why this surprise that bad things are happening in Europe?"-Mehdi Raza Hassan, MSNBC*

https://x.com/mehdirhasan/status/1498132218685837312?s=20