T.C.

TURKISH-GERMAN UNIVERSITY

INSTITUTE OF SOCIAL SCIENCES

EUROPEAN AND INTERNATIONAL AFFAIRS DEPARTMENT

THE EUROPEAN UNION BETWEEN SOLIDARISM AND PLURALISM: A COMPARATIVE STUDY OF THE EU'S RESPONSE TO TWO MASS MIGRATION FLOWS

MASTER'S THESIS

Hatice Zeynep ŞEN

ADVISOR

Prof. Dr. Kai OPPERMANN

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(218101012)

Thesis Submission Date to Institute: 27.03.2024

Thesis Defence Date: 04.03.2024

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İstanbul, January 2024

DECLARATION

I hereby declare that this thesis is an original work. I also declare that I have acted in accordance with academic rules and ethical conduct at all stages of the work including preparation, data collection and analysis. I have cited and referenced all the information that is not original to this work.

Hatice Zeynep Şen

ACKNOWLEDGMENTS

First of all, I would like to thank my valuable advisor Prof. Dr. Kai Opperman, who supported me a lot in this process, for his valuable, constructive, and encouraging guidance and endless energy. I would also like to thank Dr. Nihal Eminoğlu, who has always inspired, supported, and guided me with her light throughout my academic life.

I would like to thank all my professors for their valuable efforts during my productive Master's education at the Turkish-German University. It was a privilege for me to take lectures from you. I am also grateful to dear Prof. Dr. Murat Erdoğan, who is one of the biggest reasons why I chose this university.

I would also like to thank the Turkish-German University family, who provided us with unique opportunities such as the Brussels-Berlin Excursion, and our administrative staff who always supported us.

Special thanks to my family. I would like to express my endless gratitude and respect to my beloved mother and father Gülçin & Oğuz Şen, my dear sister and brother-in-law Saliha & Enes Çolak, my beautiful niece Güldehan Çolak and my dear brother İsmail Şen. You also contributed to this thesis with your patience and faith in me.

Finally, endless thanks to my dear grandparents Ilhan and Enver Günay, whose hands I still feel on my shoulders.

I am eternally grateful to you, my dear family. You are my unique gift.

This thesis is dedicated to you:

"Annecim, Babacım, biricik Ablam ve canım Kardeşim, Anneannecim ve Dedecim!

Sizlere sonsuz minnettarım değerli ailem, siz benim eşsiz hediyemsiniz."

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Günümüz dünyasında Avrupa Birliği (AB) ulaştığı entegrasyon seviyesi ile uluslararası alanda önemli bir güç haline gelmiş ve son yıllarda yaşanan küresel düzeydeki krizler karşısında belirgin bir rol üstlenmiştir. Bu rolün önemi, ikinci dünya savaşından bu yana orta çıkan iki büyük kitlesel göç akınında tekrar ortaya çıkmıştır. Özellikle, 2011'de Arap Baharı sonrasında patlak veren ve 2015 yılında uluslararası bir krize dönüşen Suriyeli sığınmacıların göçleri ile 2022'de Rusya'nın Ukrayna'ya askeri operasyon başlatması sonucunda yaşanan ve en hızlı yerinden edilme krizi olarak tanımlanan Ukraynalı sığınmacı krizi, AB'nin büyük testlerden geçmesine neden olmuştur. Bu krizler aynı zamanda birliğin göç alanındaki entegrasyonunu da gündeme getirmiş ve tartışmalara yol açmıştır. Ekonomik ve siyasi birçok alanda entegrasyonunu derinleştiren AB için göç alanı, halen tartışmalı ve ihtiyaca göre şekillenen bir politika olarak ön plana çıkmaktadır. Üye ülkelerin bu alandaki çeşitli çekinceleri ortak politika oluşturma yolunda zorluklar yaratmaktadır. Bu iki büyük kitlesel akın sırasında da, üye ülkeler zaman zaman entegrasyonu derinleştirmeye zaman zaman ise halihazırda ulaşılan ortak politikalardan uzaklaşmaya yönelmiştir. Bu çalışma, AB'nin bu iki büyük kitlesel göç akınına nasıl yanıt verdiğini ve krizler karşısında oluşturduğu politikaları karşılaştırmalı olarak analiz etmeyi amaçlamaktadır. Bu analiz yapılırken, İngiliz Okulu'nun literatüre katmış olduğu Uluslararası Toplum kavramı üzerinden, çoğulculuk-dayanışmacılık tartışmasından yararlanılacaktır.

Anahtar Kelimeler: Avrupa Birliği, Göç Krizi, Suriyeli Mülteciler, Ukraynalı Mülteciler, İngiliz Okulu, Dayanışmacılık, Çoğulculuk.

Tarih: 22.01.2024

ABSTRACT

THE EUROPEAN UNION BETWEEN SOLIDARISM AND PLURALISM: A COMPARATIVE STUDY OF THE EU'S RESPONSE TO TWO MASS MIGRATION FLOWS

In today's world, the European Union (EU) has become an important power in the international arena with the level of integration it has reached and has played a prominent role in the face of global crises in recent years. The importance of this role has emerged again in the two major mass migration flows that have occurred since the Second World War. In particular, the migration of Syrian asylum seekers, which broke out after the Arab Spring in 2011 and turned into an international crisis in 2015, and the mass influx of Ukrainian asylum seekers, which is defined as the fastest displacement crisis experienced as a result of Russia's military operation in Ukraine in 2022, have caused the EU to pass major tests. These crises also brought the integration of the Union in the field of migration to the agenda and led to discussions. For the EU, which has deepened its integration in many economic and political areas, the field of migration still stands out as a controversial and need-based policy. Various reservations of member countries in this area create difficulties in establishing a common policy. During these two large mass flows, member countries sometimes tended to deepen integration and sometimes to move away from the common policies that had already been reached. This study aims to comparatively analyze how the EU responded to these two major influxes of mass migration and the policies it created in response to crises. While making this analysis, the pluralism-solidarism debate will be used through the concept of International Society, which the English School added to the literature.

Keywords: European Union, Migration Crisis, Syrian Refugees, Ukrainian Refugees, English School, Solidarism, Pluralism.

Date: 22.01.2024

LIST OF ABBREVIATIONS

CARE   : Cohesion's Action for Refugees in Europe

CEAS   : Common European Asylum System

EASO   : European Union Agency for Asylum

EC   : European Commission

EEC   : European Economic Community

EP   : European Parliament

ES   : English School

EU   : European Union

EUAA   : European Union Agency for Asylum

EURES   : European Employment Services

EURODAC   : EU's asylum fingerprint database

EUROJUST : European Union Agency for Criminal Justice Cooperation

EUROPOL   : The European Union Agency for Law Enforcement Cooperation

FRIT   : Facility for Refugees in Turkey

FRONTEX   : European Agency for the Management of Operational Cooperation at the External Borders

FSA   : Free Syrian Army

GAMM   : Global Approach to Migration and Mobility

IND   : The Immigration and Naturalization Service

IOM   : International Organization for Migration

ISIS   : Islamic State of Iraq and ash-Sham

JHA   : The Justice and Home Affairs Council

NATO   : North Atlantic Treaty Organization

OCHA   : United Nations Office for the Coordination of Humanitarian Affairs

PYD   : Democratic Union Party

QMV   : Qualified Majority Voting

REACT-EU : Recovery assistance for cohesion and the territories of Europe

TFEU   : Treaty on the Functioning of the European Union

TPD   : Temporary Protection Directive

UK   : United Kingdom

UN   : United Nations

UNHCR   : United Nations High Commissioner for Refugees

USA   : The United States of America

USSR   : Union of Soviet Socialist Republics

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1. INTRODUCTION

The mass migration waves following the 2011 Arab Spring events and the 2022 Russia-Ukraine war had serious effects at both global and regional levels. With the civil war that broke out in Syria in 2011, a migration flow that has caused significant global consequences since World War II has reached a different dimension. Due to the violence in Syria, millions of people had to leave their country and became refugees. While migration was a situation that primarily affected neighboring countries, it later spread to Europe and became a serious humanitarian crisis in 2015. On the other hand, the war that broke out between Russia and Ukraine on February 24, 2022, resulted in another mass forced migration. This situation has been described as the fastest migration to Europe in the last thirty years (UNHCR, 2022). These waves of migration have also affected the European Union (EU), forcing it to deal with complex irregular migration flows. These mass influxes have brought not only their humanitarian dimensions to the fore but also strategic issues such as the sustainability of the EU's migration and asylum policies, social integration, and national security.

The legal framework of the European Union (EU) refugee policy is based on the Convention Relating to the Legal Status of Refugees dated 1951. One of the most important steps of EU countries trying to establish a common immigration and asylum policy throughout the history of integration was the adoption of the Dublin Regulation in 1997. This regulation tried to determine the conditions for developing a common attitude on immigration and asylum issues. Subsequently, the Dublin II and III Regulations were adopted, which aimed to take action at the Union level and share the responsibilities of member states against unexpectedly intense migration flows. According to these regulations, asylum seekers would apply for asylum in the first EU member state they entered (European Commission, 2013). With the regulations, the EU aimed to distribute migration flows to Europe equally among member states. However, as a result of unexpected mass immigration influxes, there were many disruptions in the practical implementation of the Dublin regulation. Due to reasons such as differences in practice

and intense migration waves, especially during the 2015 crisis, refugees coming through the Mediterranean, Aegean and other routes were concentrated in the borders of the Balkan countries and countries such as Spain, Greece and Italy (Hopyar, 2016, p. 62). Following negative experiences, practices such as Hungary violating the regulation by building a fence on the Serbian border and Germany declaring that it will evaluate Syrian refugee applications individually have shown the lack of integration of EU member states in a common decision mechanism and migration management policy. The fact that the EU has not yet reached the expected level of integration in the common field of migration and asylum has become even more evident, especially in the Syrian refugee crisis in 2015.

Member countries have diverged widely in terms of making and implementing a common policy in crisis management, and it has even been discussed that the Union may experience divisions during this crisis process. It is not an uncommon practice for member states to legitimize their policies by citing their domestic law against the EU law in the crises the Union experiences from time to time. However, in the Syrian refugee crisis, member states acted so vocally for the first time in a long time and suspended even the integration mechanisms that had already been achieved at the Union level due to sovereignty and security concerns. On the other hand, the EU has demonstrated a unique unity both at the Union and at the national governments level during the asylum process of Ukrainians who massively migrated to Europe after the Russia-Ukraine war that broke out in 2022. On the tenth day of the war, the Temporary Protection Directive, which was declared in 2001 after the Kosovo war, was unanimously approved by the Council and the open-door policy to Ukrainians was implemented unquestionably.

In this thesis, the EU's first stage policies for managing these two large mass influxes and the general process will be evaluated chronologically from a comparative perspective. Primarily, concepts related to migration will be introduced in the theoretical framework chapter, and the concept of international society, which the English School has contributed to the literature, will be conveyed in terms of analyzing these policies. The English School theory and its concept of international society have become increasingly used in International Relations literature. The international society is a union of states that come together willingly and form this structure in line with common interests, norms and rules. States voluntarily accept that common rules and interests bind them, and in line

with these, they institutionalize their common identities and create common institutions (Buzan, 2004, p. 7). They maintain their existence through these institutions and ensure order in the anarchic system. Although the modern international society is considered global and single, the existence of sub-regional international societies that constitute the global international society is also accepted by the relevant literature (See. Stivachtis, 2014). The most important debate we encounter regarding the existence and nature of international society is the debate on solidarism and pluralism.

The solidarist approach argues that relations between states should be based on more normative regulation, cooperation, and protection of human rights. Solidarists argue that international society should be founded on moral values and human rights, not just on interests. According to this approach, the sovereign rights of states may be limited.

The pluralist approach, on the other hand, argues that relations between states are based more on interests and balance of power. Pluralists argue that international society should be based on the sovereign rights of states and that an interventionist normative regulation could lead to dangerous consequences. Pluralists argue that the sovereignty of states must be respected and that the international society is fundamentally built on interests.

The unique integration of the EU makes it a particularly important unit in the analysis of regional international society. In this structure, where sovereign powers are transferred to the Union at various levels, crises that occur from time-to-time witness member states' conflicts with the Union. Mass migration flows and refugee crises in recent years have also been among the issues in which these conflict areas manifest themselves. As Adelman (2010) states, refugees are integral elements of the international state system. In today's globalizing world, we see that refugees appear as a high policy issue from time to time. For this reason, migration is a phenomenon that needs to be addressed in a multidimensional way, both in terms of sociological and international policy issues. In this study, the aim is to analyze the policies produced by the countries facing refugees rather than the axis of refugees. Each of these waves of migration from Syria and Ukraine has different political, cultural, and socioeconomic dynamics. However, this study aims to reveal and evaluate the policies produced by the EU towards these mass influxes. The EU's policies towards Syrian and Ukrainian refugees will be brought together and how

the EU responded to these two major influxes will be evaluated through the lens of the English School and its debate on solidarism pluralism. First of all, the conceptual framework will be presented in the first section. The next section will provide background on the EU's migration history and evaluate the history of immigration policies of the EU and current criticisms. Subsequently, the historical background of the two mass influxes will be explained and the comparative evaluation will be presented through a theoretical framework. Within the scope of the method of the study, the processes that started with the arrival of two mass migration flows to the EU borders will be presented in a chronological context.

2. CONTEPTUAL FRAMEWORK

2.1. MIGRATION

The history of the concept of migration goes back as far as human history. For this reason, many different conceptualization studies have been conducted regarding migration. To define it, the concept of migration refers to population movements that result in the displacement of people, regardless of their duration, method, and reason (Adıgüzel, 2016, p. 18). This concept of migration, which can be seen all over the world, is defined in its simplest form as a universal event, a general name given to the spatial displacement of people for various reasons (political, social, economic, or cultural) (Koçak and Terzi, 2012, p. 164). According to the Glossary on Migration of the International Organization for Migration (2011), migration; occurs by crossing an international border or by moving within a state. Regardless of its cause, structure, and duration, it is expressed as a displacement movement. The nature and content of migrations, expressed as displacement movements, have constantly changed since the first times of humanity's existence on the historical stage. Displacement movements, which occurred in the initial stages due to climatic conditions, war, or famine, were replaced by social, cultural, political, or educational reasons over time (Kara and Öykü, 2015, p. 11). With the increase in migration movements around the world, concepts such as migrant, refugee, asylum seeker, temporary protection and complementary protection have started to take more place in international area. Although these concepts are used interchangeably, they mean different things. In order to avoid confusion in the meaning of studies conducted or to be carried out on migration, all concepts must be clearly defined.

2.1.1. TYPES OF MIGRATION

2.1.1.1. Internal and External Migration

In its simplest definition, if a migration is made within the country's territory, it is called internal migration, and if a migration is made outside the country, it is called external migration. Internal migration is defined as population mobility between

settlements such as villages, towns, or cities within a certain country. In another definition, internal migration is defined as "migrations that occur when the residence of the population living in the country is different between two general censuses" (Keleş, 1998, pp. 50-63). Internal migrations can be classified as permanent migrations, seasonal migrations as labour migrations, forced migrations and voluntary migrations (Koçak and Terzi, 2012, p. 169). One of the reasons for internal migration is the differences in economic growth between regions. It is stated that greater economic growth and development in industrialized regions increases internal migration and mobility towards economically developed regions (Kara and Öykü 2015, p. 21). Political reasons also constitute an important area for internal and external migration.

For migration to be called external migration, there must be two different countries in that migration movement. In other words, it is defined as displacement or population mobility outside the borders of a country to other countries in order to work or stay in the place of migration permanently or partially. External migrations can be classified as exchange migrations, labour migration, brain drain, and migrations caused by natural disasters, wars and conflicts (Uzuner, 2021, p. 53). This migration may be the asylum migration of citizens escaping from war and oppression to other countries, or it may be migration from developed countries to other countries in search of raw materials and cheap labour with the development of globalization and technology (Aksoy, 2012, p. 293). Migration affects both the people who move for various reasons, the society they belong to, and the economic and social structure of the country they decide to migrate to and will lead to many changes. For this reason, the phenomenon of migration needs to be studied multidimensionally.

2.1.1.2. Voluntary and Forced Migration

The type of migration that occurs when people leave their country with their consent is called voluntary migration. Pull factors have an impact on the formation of voluntary migration. In other words, migrations made by people with the desire to live in better opportunities and conditions are referred to as voluntary migration (Sayın et al. 2016, p. 3). There is no pressure in voluntary migration; people generally migrate to increase their welfare or have better living conditions (Koçak and Terzi, 2012, p. 171).

When we look at the patterns of voluntary migration, it seems that it is sufficient for one or more of the family members to find a job or settle in another country as a pioneer. In this way, voluntary migration continues as the person establishes a life in the country, he/she goes to and encourages the rest of his/her family members to migrate. After the Second World War, European countries received migration from various countries due to insufficient workforce. The migration that Germany received from Türkiye and Greece in the 1970s can be cited as an example of voluntary migration (Kara and Öykü, 2015, p. 27). The fact that displacement does not depend on any coercive or oppressive means in migrations that occur depending on the will of the person is the factor that distinguishes voluntary migration from forced migration.

The situation where people have to leave the places they live against their will is called forced migration. Push factors are effective in the formation of forced migration. Mandatory situations such as regional wars, epidemics, natural disasters, and ethnic pressures are the main reasons for forced migration (Uzuner, 2021, p. 53). With increasing globalization in today's world, forced migrations occur due to reasons such as development policies, unbalanced growth, climate change and lack of resources (Tuzcu, 2008, p. 41). Although the concept of migration is generally expressed as an action that takes place in line with the wishes of individuals, people have been subjected to forced migration against their will in every period.

2.1.1.3. Permanent and Temporary Migration

Another type of migration classification that is considered multi-dimensional is the distinction between permanent migration and temporary migration based on the duration of migration. When people leave their places of residence without any time limit with the idea of never returning, it is called permanent migration or definitive migration (Günder, 2018, p. 380). In permanent migration, people aim to continue their lives in the destination country. Individuals or societies have to integrate into the regions they migrate to. These migrations can be made voluntarily or compulsorily. Migrants who live in another country and obtain a work and residence permit after living for a while can be an example of permanent migration at this point. Even if these migrants lose their jobs in the

country they work in, they do not have to leave the country, and they can take their families with them if they meet certain conditions regarding work and residence.

In temporary migration, people decide to migrate to any target country for a certain period for some reason (Günay, et al., 2017, p. 43). Seasonal workers, students, people working on a project basis or soldiers relocating for duty can be given as examples of temporary migration. The duration of stay of individuals who migrate for temporary purposes in the places they migrate to is almost certain. They tend to return when they complete their missions in the places they migrated to. Generally, people who go for education or work seasonal jobs can start living permanently where they go after a certain period (Kara and Öykü, 2015, p. 28). Therefore, there is always the possibility that temporary migration will turn into permanent migration.

2.1.1.4. Individual and Mass Migrations

Mass migrations usually occur in forced situations such as wars and natural disasters. Mass migration is a type of migration that is large-scale and involves large groups or communities. This type of migration usually occurs as a group and is triggered by a major cause or factor to leave one region or settle in another. In such migrations, thousands or even millions of people can move from one place to another at the same time.

Individual migrations are often based on more personal motivations or individual needs. In individual migrations, the main reason is mostly economic. When individuals decide to migrate, they make this decision individually by carefully analyzing the benefits and costs of migration (Bayraklı, 2007, p. 18).

2.1.1.5. Regular (Legal) and Irregular (Illegal) Migration

Regular migration is migration that generally takes place by legal procedures determined by states. This type of migration takes place within a legal and official process, with migrants obtaining visas according to predetermined criteria, applying for migration, or within the scope of certain programs. It means that migrants travel and settle in accordance with the migration policies of the source and destination countries.

Irregular migration is migration that does not follow or violates legal procedures, usually set by the state. This type of migration usually occurs illegally, through illegal border crossings, or without complying with established migration rules. Irregular migrants are in a country without legal status, either without meeting visa requirements or by entering a country illegally.

There is no internationally accepted definition of the concept of irregular migration. The International Migration Organization (IOM) defines the concept of irregular migration as "movement that takes place outside the regulatory norms of the sending, transit and receiving countries" (Migration Data Portal, 2022). Irregular migration is seen as a problematic area by states (Koser, 2007 cited in Şemşit, 2018, p. 281). States and International Organizations are working and developing policies to prevent irregular migration, or if not, to control it.

2.1.2. Causes and Consequences of Migration

Since migration occurs due to several factors, it cannot be explained by a single reason. In general, individuals must migrate due to problems such as political pressure, unemployment, poverty, religious pressure, ethnic pressure arising from the place where they live, or due to reasons such as population exchange and war. These factors constitute the driving factors of migration. Opportunities in the new settlement, which have features that will solve these problems, also constitute the attractive factors of migration (Tümtaş and Ergun, 2016, p. 1349).

The main reason for migration movements between regions and countries is socio-economic reasons. It can be said that migration is affected by macroeconomic indicators such as unemployment, economic growth, and inflation (Sağlam, 2006, p. 155; Aksoy, 2012, p. 294). This migration usually takes place to very developed places with high national income. Historically, it is seen that some countries have accepted migration to fill the workforce gap. In this period of rapid industrialization after the World War II, countries that did not have sufficient labour capacity had to open their doors to migrant workers. An example of this is the labour migration from Türkiye to Germany in 1960 (Danış, 2013, p. 7).

Another reason that causes migration is political reasons. Although these reasons generally arise from wars, terrorism, political crises, exiles and security problems also subject people to forced migration. Even though people are not parties to wars, physical attacks against civilians and heavy chemical weapons cause people to leave their homes and go to safe areas. Environmental variables such as natural disasters, lack of resources, drought, and climate change also cause migration movements.

When the results of migration are analyzed in terms of places that receive migrants, it is seen that the biggest impact of the phenomenon of migration on the places that receive migrants is the growth of population. This situation may negatively lead to irregular urbanization. Intensive migration flows in developing countries cause monocentric urbanization, unlike modern urbanization in developed countries (Başel, 2006, pp. 289- 290). The concept of urban poverty comes to the fore in places that receive intense migration, and this especially causes slums (Tümtaş and Ergun, 2016, p. 1353).

When the factors that cause migration are examined, it is seen that the same reasons arise as a result of the act of migration. For example, migration caused by economic inequality creates a new economic inequality in the destination country. The approach of citizens in countries towards migrants affects the migration policies of countries. The integration process of migrants to the country they immigrate to varies according to migration policies. This situation is related to the fact that the phenomenon of migration is bidirectional. Because the phenomenon of migration brings opportunities as well as dangers to a country. Recently, it has been observed that countries approach the phenomenon of migration as a "security problem." Due to the negative policies of the receiving countries, migrants are considered "foreigners" and treated as "potential enemies" (Güler, 2021, p. 223).

When looking at the consequences of migration in terms of sending countries, the concept of migration erosion comes to the fore. According to this concept, just as erosions in nature take away the most productive parts of the soil, the concept of migration takes away the most productive layer of society. In other words, the driving human force that will ensure development disappears. In countries sending immigrants, rural areas are emptied and the rate of development decreases due to the loss of qualified labor force that will ensure development (Başel, 2006, p. 315-316). In other words, the most negative

consequence for the sending countries is the brain drain problem. Most studies on migration point out that brain drain has negative consequences in the sending country. Because with the decrease in qualified workforce, productivity in the country decreases and economic growth is negatively affected (Aktaş, 2015, p. 42). Some countries that send immigrants may also see the concept of immigration as an advantage that reduces unemployment and provides foreign exchange inflows to their countries (Güler, 2021, p. 223). Because the money that migrating workers send to their families behind them is one of the most direct benefits of migration.

When we look at the consequences of migration for those who migrate, first of all, changes occur in individual behaviour and therefore in social relations. Because when individuals migrate, they not only change place but also their social environment, the order and culture they are accustomed to change. One of the main difficulties is language differences. This situation mutually affects both receiving countries and migrants. Both socio-cultural and language differences often create adaptation problems between migrants and local people. For these reasons, immigrants' inability to develop good relations with the places they go to makes it difficult for them to get used to and adapt. In addition to integration problems, migrants can only work in low-paid jobs due to their low education levels and therefore cannot increase their welfare levels as much as they would like. As a result, it is often observed that asylum seekers live in worse conditions than their previous status in the countries they go to.

2.1.3. Definitions of Migrant, Refugee and Asylum Seeker
2.1.3.1. Migrant

According to Glossary on Migration (2011, p. 61), there is no universally accepted definition of the concept of migrant. The International Organization for Migration (IOM) (2011) defines a migrant as an umbrella term that reflects the general understanding of a person not defined in international law who moves away from his or her usual place of residence, temporarily or permanently, for several reasons, within a country or across an international border. The United Nations (UN) defines a migrant as an individual who lives in a foreign country for more than one year, regardless of the reasons, voluntary or involuntary, regular, or irregular (Glossary on Migration, 2011, p. 62). This definition

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does not include people travelling for a long time. It is known that migrants often decide to relocate of their own free will, without any compelling factors. When the concept of migrant is examined from this perspective, it is accepted as individuals who migrate to other countries or other regions in order to improve their material and social conditions.

2.1.3.2. Refugee

Refugees are defined by the 1951 Geneva Convention Relating to the Legal Status of Refugees as "persons who are outside the country of their citizenship because of fear of being persecuted due to their race, language, religion, belonging to a certain social group, or political opinions, and who cannot benefit from its protection, and who are in danger of death and persecution when they return." [Geneva Convention, 1951, Article 1(2)]. The Geneva Convention is accepted as the only legal basis regarding refugees, and since the concept of refugee is defined here for the first time, it is necessary to get the definition from here. According to the Convention, refugee status is limited to events that occurred before 1951 and to Europe. However, with the protocol dated 1967, this term was abolished, and the refugee status was expanded for every person who had to leave the land of his/her birth for fear of being persecuted [Protocol Relating to the Status of Refugees, 1967, Article 1(2)]. The biggest difference between a migrant and a refugee is that a person with refugee status does not have the opportunity to return to the country he/she left. Article 33 of the 1951 Geneva Convention prohibits the return of a person who has escaped from persecution and who is in danger of death if he/she returns, against his/her will. The states that are parties to this agreement accept the non-refoulement principle, and according to this, asylum seekers and refugees are under international protection and cannot be sent back (Geneva Convention, 1951, Art. 33). In addition, the right of a person who has to leave his/her own country due to the danger of death or persecution to seek asylum in other countries is clearly stated in the Universal Declaration of Human Rights [Universal Declaration of Human Rights, 1949, Article 14(1)]. Refugees are under international protection and international organizations such as UNHCR and the IOM are effective in countries producing policies suitable for the refugee regime within the framework of the refugee regime.

2.1.3.3. Asylum Seeker

An asylum seeker is defined as "a person who seeks safety in a country other than his own to be protected from persecution or serious harm and who is waiting for the outcome of his/her application for refugee status within the framework of relevant national or international documents." In other words, he/she is a person whose international protection request has not yet been decided by the country he/she applied for. Every recognized refugee is initially an asylum seeker (UNHCR, 2006, p. 4). If their applications are not accepted, these people will be forced to leave the country where they sought asylum (IOM, 2011). Again, if asylum seekers are not allowed to stay in the country for humanitarian or other reasons, they can be deported like ordinary foreigners who entered the country illegally.

The concept of migrant, as stated in the definitions, is defined as a person who leaves her/his country mostly due to economic concerns and embarks on this journey with her/his wishes and desires. However, this is not the case for refugees and asylum seekers; there are compelling reasons beyond their will. The legal concept of refugee entered the literature after the Second World War. Along with the concept, after the end of the war and the establishment of the UN, the United Nations High Commissioner for Refugees was founded in 1950 by the decision of the General Assembly in order to help these people escape from conflicts.

2.2. MIGRATION AND EUROPEAN UNION
2.2.1. Migration Trends in the European Union

European countries, which were "sending immigrants" until the Second World War, became countries receiving immigrants from the second half of the 20th century and, in parallel, started to create their migration policies (Canpolat and Arıner, 2012, p. 12). Demographic and economic developments after the War accelerated international migration. The period of poverty and war that Europe has experienced has worn out European communities and created a major obstacle to the recovery process. This situation led to a high demand for a labour force from the countries in the East and South of Western European countries, which wanted to regain their former power in the

industrial field (Martiniello, 2009, p. 301). The German Government of the period signed agreements on the recruitment of "guest workers" with Italy (1955), Greece and Spain (1960), Türkiye (1961), Morocco (1963), Portugal (1964), Tunisia (1965) and Yugoslavia (1968). While the number of guest workers reached one million in 1964, this number increased to over two million 10 years later (Hansen, 2003, p. 25).

The 1970s can be described as the years when the prosperity period ended. The most important reason for the end of this period was the "Oil Crisis" in 1973-74. Following the Crisis, community member states experienced a period of economic stagnation. As a result of this, unemployment rates increased and became one of the most key factors that ended Europe's migration demand (Özerim, 2014, p. 14). Despite all the legal restrictions on migrant entry, the instability and chaos in the underdeveloped and developing countries of the world, especially in African and Middle Eastern countries, have caused the rise of irregular migration and have been affected by these ongoing influxes in Europe.

In the 1990s, another wave of population mobility took place, this time with the collapse of the Soviet Bloc the collapse of the Berlin Wall and the reunification of Germany. Following the dissolution of Yugoslavia and the Bosnian and Kosovo wars, more than 400.000 people sought asylum in other European countries (Wanner, 2002, p. 14). Global migration mobility towards Europe declined in 2005 and reached the lowest figure after 1980 (UNHCR, 2005).

However, global migration started to rise again due to reasons such as the US invasion of Iraq in 2003, the Arab Spring that started in Tunisia in 2010, and the Syrian civil war that started in 2011 (DePillis, Saluja and Lu, 2015). Today, Europe has become the primary target for people escaping from internal conflicts in regions such as Syria, Pakistan, Afghanistan, Iraq, Somalia, and Sudan. So much so that the number of people seeking refugee status in European countries reached one million in 2015 (UNHCR, 2018).

Finally, Europe faced a huge wave of migration again, which started with Russia's invasion of Ukraine in February 2022 and was considered one of the biggest and fastest waves. According to the most current figures, 5.931.500 of the 6.335.100 Ukrainian refugees registered worldwide are in Europe (UNHCR, 2023).

2.2.2. European Union Migration Policy

European countries, which acted in line with common interests within the structure of the European Economic Community (EEC), experienced a rapid development phase as a result of this unity and had the opportunity to recover their economies damaged after the War. During this period, European countries, especially France and Germany, were among the main countries that needed migrants for the workforce required for economic development. During this period when the "open door" policy was followed, hundreds of thousands of migrant workers entered these countries to work (Özcan, 2005, p. 26).

Following the 1973 Oil Crisis, community member states experienced a period of economic stagnation. As a result of this, unemployment rates increased, and "guest" workers within the scope of the open-door policy began to become a problem rather than a solution factor for European economies (Özerim, 2014, p. 23). While it can be stated that during this period, migration was restricted and the migrations occurred in the form of family reunification and recruitment of qualified workers, another critical issue regarding this period is that the issue of illegal migration began to occupy the agenda. Despite all the legal restrictions on migrant entry, the instability and chaos in the underdeveloped and developing countries of the world, especially in African and Middle Eastern countries, have led to the rise of illegal migration (Özgür, 2013, p. 75). Since this period, changes have occurred in the perception of migration, more restrictions on migration have been preferred for socio-economic reasons, and the open-door policy has gradually been replaced by a closed-door policy (Duruel, 2017, p. 3).

It can also be seen as the period when the securitization of migration in Europe began to materialize ideologically. During this period, guest worker programs and other practices that encouraged migration were limited, national migration legislation was developed to take precautions against possible illegal migration, and searches for control over international migration began. The first step taken in this period was the Trevi Group, created in 1976 (European Parliament, 2018, p. 73). This cooperation, which was initially established against terrorism and human and drug trafficking, took on a new structure after 1984, including the coordination of policies in areas such as international organized crime and border control (Bunyan, 1993).

Another development at the intergovernmental level after the Trevi Group was the signing of the Schengen Agreement in 1985. With this agreement, it is planned to ensure the free movement of production factors within the EEC borders, the removal of internal border controls and the strengthening of external border controls against possible migration from third countries to the EEC (Elmas, 2016, p. 37). With the agreement, internal and external security measures prevent the entry of refugees who may come from outside. Although the Schengen Agreement is an intergovernmental agreement, today it is one of the important reference sources for the EU's policies towards migration.

The EEC, which faced a migration influx in the period that started with the dissolution of the Soviets, adopted the Dublin Convention (Dublin-1) on 15 June 1990 to determine the areas of responsibility of the member states due to the increase in the number of refugees (Duruel, 2017, p. 3). The Convention aims to identify people seeking asylum and those caught crossing EEC borders illegally. Article 10 of the Convention authorized members to determine whether foreign nationals residing illegally within their borders are seeking asylum in another country (European Communities, 1997, p. 5). The Dublin Convention generally includes the rules regarding asylum requests included in the Schengen Convention. In addition, more comprehensive explanations were included regarding the determination of the country responsible for determining the conditions and an agreement was reached on who the political refugee was. On the other hand, the Dublin Convention does not deal with the content of asylum requests but only determines the responsible country by considering the entry and application conditions of asylum seekers into the territory of member states (Duruel, 2017, p. 3). However, at the end of the 1990s, it was seen that the Dublin Convention, which regulates the responsibility of the state in asylum applications, was not actually functioning as it should. While there is growing dissatisfaction in some of the member states of the Community with the lack of explicit solidarity clauses in the regulation, in other member states the idea has prevailed that the aim of Dublin is not a fair redistribution but a sharing of the responsibility for processing applications (Scipioni, 2018, p. 1364).

Although Schengen removed the borders and provided free movement and worked on asylum with the Dublin Convention, major disagreements arose regarding their implementation in the national legislation of the member states. These disagreements and

the inability of EU member states to make common decisions regarding asylum and refugees have continued.

The Maastricht Treaty, also known as the EU Treaty and signed in 1992, entered into force in 1993. The Community, which was named "European Union" with this agreement, has determined the Common Foreign and Security Policy and cooperation in the field of justice and home affairs as its main goals. The third pillar of the Maastricht Treaty has brought important innovations for the EU's control of illegal migration and the development of the cooperation network between countries. The most crucial point of the Treaty in terms of the EU's migration policy is that it institutionally unites the formations coordinated between states before the Treaty and integrates them into the field of "Justice and Home Affairs", which is the third foundation of the EU (Canpolat and Arıner, 2012, p. 13). From this perspective, the most important feature of the Maastricht Treaty is that, in addition to foreseeing intergovernmental cooperation on these issues, it also gives authority to EU bodies in this field. Thus, studies on migration and asylum policies at the Community level began to intensify.

One of the most important milestones in integrating EU migration management into the acquis is the Treaty of Amsterdam, which was signed in 1997 and came into force in 1999. With the Treaty of Amsterdam, it was stated that the Union was "an area of freedom, security and justice", a section covering free movement, migration and asylum was added to the Treaty, and it paved the way for legislation against discrimination on the basis of racial and ethnic identity. The Schengen Agreement became a part of Union law with the aim of removing border controls between member countries (Savaşan, 2009, p. 22). In the Treaty of Amsterdam, which amended the Treaties establishing the EU, it is envisaged that, in addition to removing the last obstacles to free movement, measures will be taken to ensure living in a safe environment. With Article 61 under Title IV, it was decided to transfer the issues such as migration, asylum, and external border controls between countries, which were previously within the national jurisdiction of the member countries, to the first leg, which includes the issues within the Union jurisdiction (Genç, 2009, p. 10). With the Treaty, it was determined in which areas the EU would be competent in asylum-related matters and a five-year transition period was targeted. In connection with the five-year transition period envisaged by the Treaty of Amsterdam,

the European Refugee Fund was established to be valid for a period of five years (Savaşan, 2009, p. 22).

The issue of migration and asylum, which was included in the third pillar of the EU with the Maastricht Treaty, was taken from the third pillar, which implemented international decision-making mechanisms and moved to the first pillar, which covers supranational policies, with the Treaty of Amsterdam. In other words, the migration issue has become an important agenda item in today's Europe, both at the nation-state and at the EU level, and most importantly, it has transformed from a "low policy" issue into a "high policy" issue (Özerim, 2014, p. 13). The Treaty of Amsterdam can be considered a turning point in terms of the transition of migration policies to a supranational dimension in Europe. However, the regulations of the Amsterdam Treaty in this regard have raised the question of whether the Union institutions have sufficient capacity and speed in the decision-making phase regarding migration, asylum, and visa applications, and have brought about concerns about this issue. In addition, with the regulations made during the five-year transition period, restrictive provisions regarding asylum seekers and privileges granted to some countries were brought to the agenda. While EU countries, on the one hand, adopt the limitation of their sovereignty by taking on the responsibility of accepting refugees in some cases (Savaşan, 2009, p. 24), on the other hand, they continue their securitization policies with some mechanisms they approve (such as 3rd safe country, temporary protection, border security measures and control systems). As such, it has moved migration management to the borders of third countries with its "externalization" policies and tried to restrict the rights of asylum seekers under international law (Özgöker, 2016, p. 6).

With the Schengen and Amsterdam regulations, the general framework of EU law on asylum has been determined. In response to any influx of refugees and asylum seekers, the EU's external borders have been strengthened and the asylum procedure has reached a certain standard. The EU Commission, which convened in 1998, was criticized by UNHCR and international non-governmental organizations for weakening the regulations introduced by the 1951 Refugee Convention (Duruel, 2017, p. 5). Thereupon, the EU Commission met in Tampere, Finland, in October 1999 and agreed to "fully respect the right to seek asylum" (Dikkaya, & Dinçer, 2023, p. 202). At this meeting, it was decided

to establish a "Common European Asylum System" for EU members. Accordingly, an agreement was reached to establish a Common European Asylum System (CEAS), in which the principle of not returning a person to the place where he or she is persecuted will be fully respected. Accordingly, in the first stage, the country that will examine the asylum request will be specified. Then, it was planned to determine the standards by which the requests of asylum seekers will be examined in order to establish a fair and effective asylum procedure. EU members have stated that they will take urgent measures on many issues, from common minimum conditions for identifying and accepting refugees to temporary protection and complementary protection. They based these measures on a comprehensive approach to the politics, human rights, and development-related problems of the country of origin or transit country. At the Tampere Summit, the components of the "Common Migration and Asylum" policy were outlined and a comprehensive migration approach that addressed political, human rights and development problems in origin and transit countries and regions was discussed. Additionally, the Summit was seen as a key element for partnership success within the scope of cooperation with third countries on migration (Geddes, 2005, p. 789). At the Tampere Meeting, which was prepared to establish a common migration system, a system tied to a single administrative location was not constituted. The system intended to be founded at the meeting in question is the preparation of a systematic migration policy based on predetermined procedures and conditions.

The Hague Program is the continuation of the line aimed to be reached between 2000 and 2004 in the field of freedom, security, and justice, following the Tampere Summit in 1999. In other words, it is to establish the goals that the EU wants to achieve in the field of migration and asylum between 2005 and 2010. The purpose of organizing the Hague Program is "to ensure the fundamental rights, minimum procedural protections, and access to justice of persons in need, to regulate migration flows and to control the external borders of the Union", in accordance with the 1951 Geneva Convention and other international agreements. In addition, it is aimed to develop the common capabilities of the Union and its member states in order to combat transnational organized crime and terrorism, to realize the potential of Europol and Eurojust, and to

eliminate legal and judicial obstacles encountered in legal proceedings (Köktaş, 2011, p. 12).

At the 1999 Tampere Summit, migration was discussed within the scope of the EU's foreign policy, and at this point, it was emphasized that it was necessary to support development in origin countries to reduce irregular migration to Europe (Tampere Presidency Final Declaration Decisions, 1999). In order to reduce the number of migrants from origin countries, it was decided that the push factors in these countries should be minimized, and this should be achieved through economic support programs. Thus, migration associated with foreign policy has been made a tool for a more functional mechanism (Tazzioli, 2016). With all this, migration, which has become synonymous with foreign policy, has increasingly become a threat to the unity and integration of Europe.

With the Hague program, the European Council adopted the "Global Approach to Migration and Mobility (GAMM)" directive in 2005, regarding the external dimension of migration policy, attaching special importance to the Mediterranean and Africa. With this approach, it has placed principles such as combating illegal migration, encouraging legal and economic migration, regulating work and residence permits of refugees, and establishing circular migration between the EU and other countries at the center of EU migration policy. In addition, the approach in question envisages a comprehensive strategy regarding both irregular migration and cooperation with third countries. The EU has aimed to develop a strategy through ways of cooperation with countries of origin by trying to focus on the factors that push migration rather than migration itself (Elmas, 2016, pp. 43-44). With GAMM, the EU aims to both benefit from the advantages of regular migration and control irregular migration beyond European borders. However, although GAMM is a more comprehensive approach to migration, it is criticized for laying the groundwork for the EU to externalize irregular migration (See: UN, 2013, Article 55).

After the Treaty of Amsterdam, new legal regulations were introduced in the field of illegal migration, external borders, and cooperation with third countries through initiatives such as the Thessaloniki Summit, the Laeken Summit, and the European Pact, and FRONTEX was established to be responsible for operational cooperation at the

external borders of the member states (Özcan, 2005, p. 26). These policies address the issues of legal and illegal migration, asylum, and border security in the eyes of the Union, are of significant importance for the continuity of the Union and are addressed in a dynamic dimension.

Issues such as combating illegal migration, work permits and residence permits for refugees, which are emphasized in the "Global Approach to Migration and Mobility" directive, were approved by the "Migration and Refugees Pact" signed in 2008 and the "Stockholm Program" signed in 2009. The Stockholm Program aimed to strengthen the principle of solidarity in partnerships established with EU members and non-EU states (Sönmez, 2015, p. 222). In this context, more concrete steps have begun to be taken in border security, migration, and customs issues, especially with the FRONTEX cooperation and the development of the Schengen Agreement, in order to increase control at the borders and ensure a safer environment in the EU. Apart from Frontex, the other two units in the Dublin system are The European Asylum Support Office (EASO) and EURODAC. While EASO is responsible for the creation of a common asylum system; EURODAC is a system created by taking the fingerprints of asylum seekers over the age of 14 and recording their identities. Within the scope of this program, it was stated that solidarity within the EU will be strengthened, border controls will be increased and a safer living space within the Union will be provided (Duruel, 2017, p. 6).

The Lisbon Treaty, which detailed and strengthened the values and objectives of the EU's migration policy, entered into force on 1 December 2009. With this Treaty, both the existing rights provided by previous agreements were protected and new rights were added (Dinçer, & Eşsiz, 2021, p. 75). Before the Lisbon Treaty, the European Parliament was not competent on migration-related issues and member states could manage their national policies, especially on migration. This Treaty aims to eliminate the differences between the asylum systems of the member states. Thus, immigration regimes became independent from the national policies and practices of the member states and gained a supranational feature with the common border understanding and control.

In addition to all these legal regulations, the EU adopts different policies and solution practices against various mass migration flows. These policies have been put into practice more in the face of increasing mass migration flows, especially after 2010, due

to the impact of both regional and civil wars in the world. The first one is the "Readmission Agreements". "Readmission agreements are binding bilateral or multilateral agreements between States that establish and facilitate the bases, procedures and modalities for one State to promptly and in an orderly manner return non-nationals who do not or no longer fulfil the conditions for entry or stay on its territory." (IOM, 2011).

The second policy developed by the EU is the "European Neighborhood Policy". In terms of the first purpose, the European Neighborhood Policy, which is envisaged to be used to solve the problems of illegal migration, drug and human trafficking and energy deficit, to which the Union is exposed; in terms of the second purpose, it is planned as a means of expanding the Union's sphere of influence and having a say in global balances (Samur, 2009, p. 163). This policy includes solving these problems in their geographies before they reach the EU borders and preventing existing illegal activities with common measures. The EU plans to reduce the pressure on itself by solving the problems in the source regions, thus making it easier to preserve the structure of integration (Samur, 2009, pp. 179-181).

The "Safe Third Country" application is another policy in combating irregular migration. Safe third country; It is the country where a refugee resides before applying for asylum in another country, where he/she seeks asylum, or which has suitable conditions to evaluate his/her first asylum request even if he/she does not request asylum (Dal, 2016, p. 1). According to the safe third country concept, if a person who applies to a state for asylum has previously had the opportunity to make this application in another country deemed "safe," his/her application will be rejected (Peker, & Sancar, 2007, p. 36).

The most prominent of these policies and solutions in recent years is the "18 March Türkiye-EU Statement" reached between Türkiye and the EU in the management of mass migration that emerged after the 2011 Syrian civil war and reached the EU borders via Türkiye in the following years (See Erdoğan et al. 2023). The routes and travel conditions utilized by asylum seekers attempting to cross into EU countries via Türkiye have resulted in serious humanitarian crises at the EU borders. In order to stop the ongoing crises and flows, the EU has turned its face to cooperation with Türkiye. In this

context, the Joint Action Plan was first adopted on 15 October 2015, and on 24 November, the European Commission decided to prepare the Financial Assistance Program for Refugees in Türkiye (FRIT) (IKV, 2022). On the continuation of irregular migration, as a result of intense negotiations, Türkiye and the EU Council announced on March 16, 2016, that they had reached an agreement, publicly known as the "Refugee Deal", but in fact it has no legal binding force. The EU-Türkiye Statement included main points such as stopping refugee and immigrant crossings from Türkiye to the Greek islands, financial support for refugees in Türkiye, Readmission and Resettlement policies, Visa liberalization, Türkiye-EU Relations (Membership negotiations and updating the customs union), Cooperation in Syria (European Council, 2016). Thus, Türkiye would guard Europe's external borders, prevent irregular immigrants from passing through its borders, and provide the basic needs of immigrants, whose numbers are increasing day by day, with the support of the funds provided by the EU (IKV, 2022). With this Statement, the influx towards the EU borders and the humanitarian crises were largely brought under control (European Commission, 2020). The agreement has emerged as one of the EU's most prominent policy tools in recent years as a crisis-oriented solution to irregular migration.

Another practice is the temporary protection directive activated by the EU in the face of the mass migration influx after Ukraine crisis. The temporary protection directive, which we will discuss in detail in the following section, was created by the Council in order to control the mass migration of the EU after the civil war in the former Yugoslavia in 1991 and to establish a fair and predictable burden and responsibility sharing within the Union. In its most basic form, this status can be expressed as a type of international protection provided to foreigners who have been forced to leave their country due to humanitarian crises, who cannot return to their country, and who are in massive need of protection to find urgent and temporary protection (UNHCR, 2014). The purpose of temporary protection is to ensure that these people are immediately placed in a safe environment without encountering bureaucratic obstacles and to secure their fundamental human rights, especially the principle of non-refoulement (Eren, 2018, p. 65)

2.2.3. Temporary Protection Status in the European Union

Following the civil war that broke out in the former Yugoslavia in 1991, and Croatia and Slovenia declared their independence, the largest mass influx in Europe after World War II occurred. Immediately afterwards, with the declaration of independence of Bosnia and Herzegovina in 1992, 95% of the Bosnian and Croat population in Eastern Bosnia had to leave their places. Since the scope of temporary protection and the rights to be granted are not determined by universal rules, countries exposed to mass influxes have determined the rights to be provided to refugees or the responsibilities imposed on the relevant country, albeit de facto, under their conditions and with their interpretations (Fitzpatrick, 2000, p. 281). In this context, temporary protection has been used as a complementary opportunity for the protection of asylum seekers (UNHCR, 2014, p. 3). For this purpose, the Temporary Protection Directive No. 2001/55, dated 20 July 2001, issued by the European Council, was prepared (EU Council Directive, 2001).

The Council Directive states its aim in Article 1:

It is defined as "determining the minimum standards of temporary protection to be provided to persons entering the borders of European Union member states in the event of mass migration, and taking measures that contribute to balancing the efforts to be made between member states in accepting and enduring the consequences of accepting these persons." (EU Council Directive, 2001).

The Directive will be implemented in situations where there is a large influx of internally displaced people from third countries who are unable to return to their own countries, as stated in Article 1, which outlines the conditions under which the Directive will be applied. In this context, the point where the system envisaged by the Directive differs from the normal asylum system is the mass influx.

It is stated that the Temporary Protection Directive (TPD) will be applied to displaced persons who come from third countries in large numbers and cannot return to their countries (Temporary Protection Directive, art. 1). At this stage, the concept of mass influx, which forms the prerequisite for the implementation of the Directive, needs to be defined (Eren, 2022).

Directive: Article 2(d) defines a mass influx as "the arrival of large numbers of displaced persons from a particular country or geographical area into the Community, either spontaneously or through assistance such as an evacuation program."

Displaced person means "third country nationals or stateless persons who have been forced to leave their country or territory or who have been evacuated, in particular in response to an application made by international organizations, and who cannot return in safe and permanent conditions due to the situation prevailing in that country." They may be persons granted international protection under Article 1A of the Geneva Convention or other international or national instruments. In particular: persons fleeing areas of armed conflict or endemic violence are defined as "persons who are at serious risk or who have been victims of systematic or generalized human rights violations" (TPD, 2001: art. 2/c).

The main reason for a temporary protection decision in the EU is the existence of a mass influx. However, the mere presence of such an influx is not enough to activate this system. This influx must also be determined by the European Union institutions (TPD, 2001: art. 5/1). At this point, the scope of the concept of mass influx needs to be determined. In its study, the Commission determined the characteristics of the mass influx as follows:

-The people forming the mass influx must come from the same country or geographical region.

- The fact that refugees, asylum seekers or displaced persons coming from the same country or region have the same destination does not alone constitute a justification for a temporary protection declaration (This issue may be re-evaluated in cases where these arrivals make the functioning of the normal asylum system impossible).

-The last condition is related to the numerical quality of the people coming. The Commission refrained from making a numerical determination on this issue and stated that this issue should be appreciated by the EU Council for each concrete case (Commission Proposal for a Council Directive, 2000).

Therefore, mass asylum will occur in situations where the refugee influx is suddenly rapid and in serious numbers, and due to these characteristics, it is not possible to apply individual refugee status determination procedures and creates a serious burden

on the institutions and resources of the host country (Goodwin-Gill and Jane McAdam, 2021, p. 335). An absolute number is not foreseen for the existence of mass asylum, and the discretion of this issue in each case is left to the European Union Council (TPD, 2001: art. 5.). When looking at the procedure for activating the Temporary Protection regime, "the procedure for the existence of mass asylum of displaced persons begins with a proposal submitted by the Commission, which will also examine the request made by a member state requesting a proposal to be submitted to the Council" (TPD, 2001: art. 5. (1). A qualified majority is required for the Council decision to be taken.

2.2.4. Criticism of Migration Policies
2.2.4.1. Conceptual Issues

The Treaty of Amsterdam aimed to eliminate differences in the asylum systems of member countries. However, who will be an asylum seeker and who will be a refugee or migrant within the EU has not been defined by the Union or the member states. The definitions used for people coming from third countries to seek asylum in Europe have a significant impact on migration policies. The terms used for people coming from different countries, both legally and socially, determine the rights, status, and protection these people will receive. Concepts such as the "European Migration Policy" and "International Refugee Regime," which were used in news and publications during the crisis period, show the area of responsibility of migrants and refugees. However, using these concepts interchangeably allows some states to go beyond the rules and practices determined by international agreements and to pursue policies in line with their interests (Kanat, & Aytaç, 2018, p. 63).

According to the United Nations High Commissioner for Refugees (UNHCR), using these concepts interchangeably makes the difference between the two unclear. In addition, according to statistical data, the elimination of this distinction leads to damage to the rights of asylum seekers and refugees. Because while migrants are included in local laws and national policies, the rights of asylum seekers and refugees are protected by international law and agreements. Today, although refugees are in transit and destination countries, especially those who have gained refugee status are under international protection. For example, when talking about immigration laws, reference is made to the

laws and practices of a particular country, but the agreements and rules applied to refugees are evaluated under international law. Even in the way of speaking, this changes; these definitions determine who is included in which group. Some countries, which do not want to follow the policies prescribed by international law and UNHCR, approach refugees within the framework of migration, making their arrival voluntary and paving the way for the forcible return of these people.

2.2.4.2. State-Centric Approaches

The issue of delegation of authority and sovereignty is an ongoing controversial issue within the Union, but some European states accept the Union as the superstructure in their constitutions, allowing the transfer of authority and allowing the decisions taken by the Union to be included in the legislative systems of these states (Akdoğan, 2010, p. 56). However, the powers exercised by the Union are in a limited area; except for certain issues, the Union does not fall within the borders of sovereignty. The notion of sovereignty between member states and the EU depends on consent, and the state that falls under the umbrella of the Union limits its sovereignty at some point with its consent by accepting the transfer of authority. However, when we look at the EU institutions and structures, it can be said that these structures are composed of delegates of the member states and therefore the delegated authority is used by the member states. Thus, sovereignty and the use of authority take on a distinctive character outside of the traditionalist discourse. EU institutions and structures provide member states with the authority to exercise certain elements of sovereignty when they disagree.

Today, EU countries do not have a common decision regarding refugees. EU border countries, European countries with economically attractive elements, and northern countries least affected by the refugee crisis approach the decisions taken within the Union differently. For this reason, while the implementation of a common decision becomes difficult, countries at the border and the gates of Europe are confronting the concept of sovereignty with Union policies in order to implement their refugee policies. However, border controls, which are the most essential element of sovereignty, are reserved by these countries within the Schengen Agreement, which came into force in 1994 and provides for the free movement of citizens in the countries that are party to the

agreement. Accordingly, there are two mandatory conditions for member countries to conduct border controls again. The first of these is that it is a threat to the national security of the country. Accordingly, the member state can carry out its border control, as uncontrolled crossings that may occur during the admission of refugees may lead to an increase in terrorist attacks. Another mandatory situation is that in cases where border countries such as Greece, Italy and Bulgaria cannot provide passage controls, they can re-operate free movement controls at internal borders (Demir, & Soyupek, 2015, p. 6). It is seen that Europe's approaches to migration policies have developed within the framework of the needs that emerged as a result of the events experienced. The needs identified regarding migration have been tried to be met within the framework of the work of the European Commission (EC) and the EU Council. Particularly with the enlargement process in 2004, the reactive approaches of the new members towards the decisions of the founding countries such as Germany and France, and the strengthening of the European Parliament (EP) after the Lisbon Treaty, led to the formation of polyphony within the Union. Cooperation and joint steps in the field of migration consist of border coordination activities, information exchange, implementation of existing international rules and coordination of national policies within the framework of national policies (Moravcsik, 2005, p. 365). While these transactions take place within the framework of the rules determined by the EU institutions, national governments are in control of all legal decisions, such as deciding individual cases, applying general controls on migration, and organizing programs to encourage or prevent migration (Perruchoud, & Redpath (Ed.), 2013, p. 37).

When each state within the EU takes an action that is not in accordance with the Union legislation, it can legitimize its policy by citing its national legislation. Based on the EU's migration policy, such an approach within the Union makes it difficult to reach a common consensus. For this reason, we still cannot talk about a common decision mechanism and a common migration policy at the Union level. Centrist approaches and differences come to the fore in member countries' attitudes towards migration, especially when it comes to mass migration flows. Reasons such as the different economic and social structures of the Union member countries, their reluctance to transfer the practices regarding the decisions taken to their domestic law, and the lack of an independent

mechanism to monitor whether the decisions are implemented have made it difficult for the EU to develop a common policy on migration.

2.2.4.3. Structural Criticisms Towards Migration Policy

When we look at the general criticisms of the EU's migration management, two main points are emphasized. Both criticisms argue that the EU does not get to the root of the problem of irregular migration and seeks increasingly restrictive and short-term solutions to the problem or directs the solutions to third-country territories (Canpolat, & Arıner, 2012, p. 14). As a result of these, certain concerns arise. Because the political and economic parameters that change between countries over time also play a significant role in shaping these migration policies (Dinçer, & Eşsiz, 2021, p.78). For example, although the Türkiye-EU Statement is considered successful in terms of numbers, it was subject to great criticism for not getting to the heart of the issue by "instrumentalizing" immigrants due to the mutual commitments made between the two parties (Ürgen, 2021). In addition, it is stated from time to time that the rights of asylum seekers arising from international law are pushed into the background by the EU (Duruel, 2017, p. 6). It is known that Readmission Agreements have a major place in EU migration policy. Readmission agreements include arrangements for sending people who do not meet the legal conditions to stay in the target country to the countries of which they are citizens. Although these agreements were signed to prevent irregular migration, they have been criticized in practice for being contrary to the principle of non-refoulement (Duruel, 2017, p. 7). It is evaluated that Readmission Agreements restrict the fundamental rights of asylum seekers arising from international law in many aspects (Göçmen, 2014, p. 39). For example, instead of evaluating the applications of Syrian refugees who apply for asylum individually, the EU evaluates them collectively and sends them back to the country with which it signed an agreement. These returns are generally made through an accelerated procedure. This procedure may create some concerns in terms of human rights and international protection law (Göçmen, 2014, p. 39). Because among those who seek asylum, the rights of asylum seekers who actually have suitable conditions are violated. On the other hand, when asylum seekers are deported in a mass, they are deprived of their rights such as applying for asylum, and monitoring and defending this application.

Another practice of the EU that is subject to criticism is the safe third-country practice. As we mentioned earlier, if an asylum seeker has the opportunity to apply for asylum in another country that is considered safe, his application may be rejected. According to Duruel (2017), with its safe third-country status, the European Union prevents refugees from making choices when applying for asylum, which is their most basic right. Moreover, when we look at the safe third country practice, it is seen that it is controversial not only in terms of refugees' asylum applications, but also in terms of its structure. Because it is possible to encounter oppression and similar events in every country, no matter how democratic its laws are. Additionally, it should not be forgotten that a safe third country may also be open to political tendencies. Because the countries that determine this can define even a country that does not meet the criteria in question as a safe third country in line with their interests (Peker, & Sancar, 2007, p. 37).

3. THE ENGLISH SCHOOL

3.1. Origin and Core Assumptions

The English School (ES) emerged in the harsh Cold War environment following World War II, during a period of intense worldwide political debate. The foundations of the English School were laid by a group of academics who came together in the 1950s when the discipline of International Relations began to come under the influence of the behavioralist approach (Linklater, & Suganami, 2006, p. 96-99). They started to continue their studies under the umbrella of the "British Committee on the Theory of International Politics", which they established in 1959. Scientists such as Martin Wight, Herbert Butterfield, Hedley Bull and Adam Watson, who are considered the first representatives of the English School theory, made significant contributions to the discipline of International Relations with their work in the Committee. The fact that the Committee members come from different disciplines such as history, sociology, and law, as well as political science, was reflected in the ideas put forward by the School, and instead of a common tradition, diversity and richness of ideas emerged. Scholars associated with the English School sought to examine not only the power dynamics between states but also the norms, regulations, and institutions that affected their relationships. The Committee, which met at regular intervals, produced research and studies covering topics such as the "nature of the state system," "suggestions and thoughts on diplomacy", "foreign policy principles", "international relations ethics", and "war" (Butterfield, & Wight, 1966, p. 11). These studies were brought together in "Diplomatic Investigations", which is considered one of the founding texts of the ES and published in 1966 under the editorship of Martin Wight and Herbert Butterfield (Buzan, 2014, p. 7).

Ole Waever described the evolution and general periods of the English School as four stages (Waever, 1998, pp. 80-144). The first phase covers the period from the establishment of the Committee to the publication of the work titled "Diplomatic Investigations" in 1966. At this stage, the Committee focused on the concept of international society to analyze international relations and tried to transfer international politics to the theoretical level. The second phase lasted between 1966 and 1977, and the existence and nature of the international society were questioned with the works

"Anarchical Society" published by Bull and "State Systems" written by Martin Wight. In the third phase, which started in 1977, a transition period began with the new generation of ES thinkers. "The Expansion of International Society," compiled by Bull and Watson, is one of the most important works of this period. During this period, a new generation of thinkers tried to deepen and develop analyzes using Bull and Wight's schemes. According to Waever, the fourth phase started in the 1990s and the ES came to the fore with new publications such as the special issue of "Millennium Journal" on the international society. English School approaches were tried to be adapted to the new challenges and theoretical research that emerged during this period when the Cold War ended, and as a result, it began to gain importance again as an academic community with its existing knowledge.

One of the most prominent features of the English School is that it offers a pluralistic and new perspective by benefiting from the assumptions of traditional international relations theories. Martin Wight, who is considered the founder of ES, stated the importance of all three traditional schools describing the international relations behavior of human beings throughout history and their contribution to his political thought (Wight, 1991). These are Machiavellian (or Hobbesian) realism, Grotian rationalism and Kantian revolutionism. While Machiavellians examine international relations in terms of conflict, Kantian revolutionaries claim that groups or classes of people living in different states can act within the framework of common interests, ideas, and ideologies. Wight (1991), who finds no single tradition competent to explain the problems in international relations, puts forward ideas close to the Rationalist tradition, benefiting from the ideas of both Realist and Revolutionary traditions in his analyses. This tradition will be passed on to the next representatives, and the School will gain an eclectic structure that blends multiple traditions. As a bridge between the two, the English School shared the assumptions of both theories and began to exist as a "via media" "middle way approach" between the traditional theories of International Relations (Marina, 2013, p. 14). They explain international politics neither with state-oriented power and interest relations, like realists, nor with world state optimism in the Kantian Revolutionary tradition. Like realists, they accept the anarchic structure of international relations and the state as the main actor, but they also include the human factor in their

analysis and mention that an order can be established despite the anarchic structure (Wight, 1991, pp. 11-39). Between these two traditions lies rationalism, which Wight defines as the third tradition.

Rationalism finds its roots in the famous jurist and scholar of the 17th century, Hugo Grotius. Bull and Wight claimed that the Grotian tradition had a stance between Machiavellian and Kantian approaches, and they established the ES within this framework (Wight, 1960). Grotians not only disagree with the realists' idea that world politics is determined by the conflict of states but also criticize the utopian approaches of the revolutionaries. On the contrary, Grotians define international politics in terms of a "society of states" or "international society". ES theorists are close to realists because they accept states as the main players of the international system, and they are close to Kantian revolutionaries because they accept the effects of revolutions on world politics (Devlen, & Özdamar, 2010, p. 46). Although they are closer to a state-centered analysis such as realism, they also consider non-state actors as extremely important. Unlike realism, they accept that states and non-state actors can establish an order together under the anarchic structure of the international system. This order creates an international society different from the conflict-oriented international system. It is the states themselves that create this international society. Because states have the capacity to create and comply with the rules necessary to ensure their survival and welfare (Bellamy, 2007, p. 79). Rationalism argues that states can create order within an anarchic structure through mechanisms such as international law, international trade, diplomacy, etc.

These three traditions brought together by the ES led to the definition of three different international structures. These are the international system identified with realism, the international society identified with rationalism, and the world society identified with the tradition of revolutionism (Dunne, 1998, p. 142).

The international system, in its narrowest definition, refers to the anarchic international system defined by realism. According to Bull, for any international system to emerge, it is sufficient for each state to interact regularly with each other and to be at a level that affects the calculations of each other's behaviour (Bull, 2012, p. 10). According to Buzan, the international system is associated with power politics among states, is

almost entirely state-centered, and is generally defined by positivist epistemology (Buzan, 2004, p. 7).

International society requires more than the international system. According to Bull, international society emerges when a group of states, aware of some common interests and common values, feel bound by common rules in their relations with each other and come together within the framework of common institutions (Bull, 2012, p. 13). The international society requires a deeper relationship. This relationship can only be defined within the framework of common interests and common values. The resulting order is maintained through common rules and institutions. According to Buzan (2004), just as individuals live in a society that they both shape and are shaped by, states can also live in an international society. For this, common identities and/or common rules must be adopted by states (Buzan, 2004, p. 8). International society is a concept specific to the ES. Bull argues that order can be achieved in an anarchic international system and that this can only occur through the institutions of the international society. These institutions are a balance of power, international law, diplomacy, war, and great power management (Bull, 2012, pp. 56-57). The primary goals of the international society are to maintain the existence of the society itself and the states that constitute it, to limit violence and to ensure relative peace, order and/or justice (Gözen, 2019, p. 242). Institutions such as diplomacy, great power management, balance of powers, war and international law work towards these goals and create the reality of the international society. These institutions operate both in daily international politics and in moments of crisis in the international society.

Another norm and focal point of the international society is the principle of *Pacta Sunt Servanda*. Wight draws a parallel between the idea of international society and the thought of Grotius and claims that the international society survives thanks to the norm of "keeping its word" (Bull, 1976, p. 104). "Although there is no higher authority, states form a moral and cultural unity that even enforces legal obligations" (Wight, 1991, p. 7). Moreover, Wight (1977) argues that not only moral unity but also cultural unity is one of the characteristics of international society. According to Wight, the indispensable rule of the international society is a common culture among its members, and international society cannot be established without it. Bull (2012), on the other hand, claims that

common culture may not be needed to establish an international society. The existence of rules that limit the use of power, ensure compliance with interstate agreements, and protect property rights is sufficient for the establishment of an international society (Bull, 2012, pp. 4-5). These two differences arise from two different views explaining the emergence of societies put forward by Ferdinand Tönnies: *gemeinschaft*, which emphasizes the determination of common culture, and *gesellschaft*, which emphasizes the adequacy of practical needs. While Wight is close to the *gemeinschaft* view, Bull defends the *gesellschaft* view (Buzan, 2004, pp. 333-335).

According to Bull, world society is defined by common interests and values created by common institutions, such as international society, but while international society consists of states, world society refers to the whole of global social interaction (Bull, 2012, p. 256). Bull emphasizes the existence of this concept as an ideal, not a reality, and evaluates it as utopianism (Buzan, 2004, p. 36).

Figure 1.
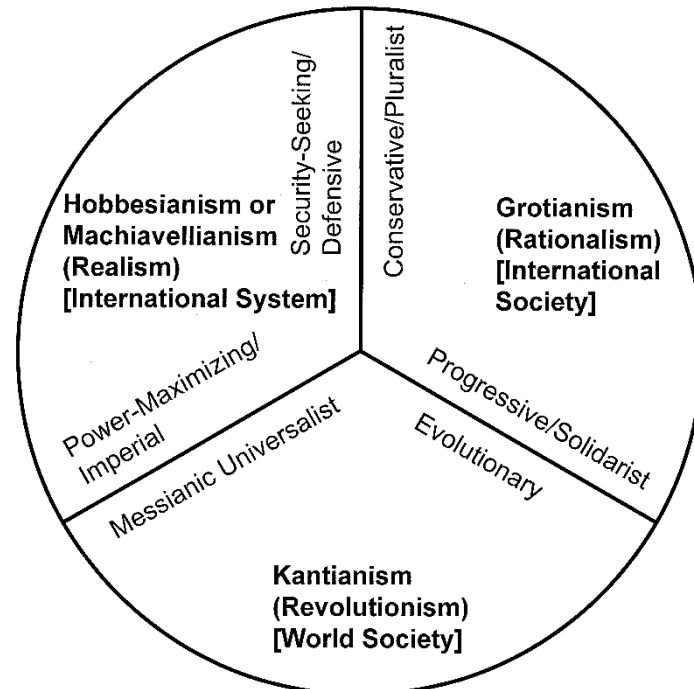
(Source: Classical English School Three Traditions Approach, Buzan, 2001)

Although the ES does not deny the existence of the concepts of the international system and world society, the focus of the School is the concept of international society. Just as the School defines three traditions and highlights rationalism as an intermediate path, it also defines three international structures together and defines international society as an intermediate path. This does not mean the rejection of other categories, on the contrary, they can evolve into each other in the course of history. The international society is also an organic structure that has evolved over history, can change shape over time, and contracts and expands. While a common culture may be effective in its emergence, an international society may also be formed solely for practical reasons (Watson et al., 2009, p. 13). However, of course, this second type of international society is looser than the other and is a structure that can quickly reverse evolve into an international system if practical reasons disappear. This historical approach of the School ensures that the concept of international society is more descriptive and comprehensive than the concept of the international system.

This unique perspective put forward in understanding/explaining international relations claims to present an innovative way by going beyond the traditional realism-liberalism debate, which is based on opposition. The basis of this view is the search to escape from the contradiction-based deadlocks of current analyses, such as power politics versus peace, cosmopolitan rights versus national interests, and global dependency versus national sovereignty (Friedrichs, 2004, p. 90). Tim Dunne explains this perspective as a new path followed to avoid the "either or choices" advocated by realism against idealism, and the theoretical impasse of "understanding or explanation" stuck between theory and history, moral values and power, agency, and structure (Dunne, & Hall, 2023, pp. 144-154).

Another feature that distinguishes the ES from mainstream theories is its methodology. The traditionalist approach in ES argues that international relations cannot be understood with scientific methods as suggested by behaviorists and that instead, a method focusing on historical and social depth should be developed (Devlen, & Özdamar, 2010, p. 50). Because historical depth enables us to understand the processes by which many concepts that the scientific approach accepts as unchangeable actually emerged and evolved (Dunne, 1998, p. 139). The issue of methodology has not been discussed much

in the ES literature, but it can be seen that the classical historical method is used in the works of almost all ES members (Devlen, & Özdamar, 2010, p. 50). In Bull's "Diplomatic Investigations" study, it is also seen that the classical approach, including traditional methods, was adopted and the historical reading method was used as a research technique. Basically, the focus is on social and historical dynamics rather than the observable and empirical data (Demirel, 2017, p. 23- 24). This perspective has been accepted as a suitable method to examine state systems, especially comparatively, through their distinctive features (Navari, 2009, p. 4-5). ES also criticizes realism's treatment of the concept of the state as independent of time and space, and wonders under what historical conditions the concept of the state emerged and how it has changed over time (Navari, 2009, p. 53-54). In addition, unlike the behaviourist approach, it argues that when observing society and any issue related to society, the observer cannot act independently of value judgments (Dunne, 1998, p. 139). In other words, the observer is a part of the observed and there is no strict distinction. This traditionalist/classical approach adopted by the ES, which distinguishes it from most other international relations theories, is defined by the British ideographic tendency to focus on the uniqueness of cases, history, and wisdom, as opposed to the American nomothetic approach, which focuses on generalization, theory, and science (Linklater, & Suganami, 2006, pp. 96-99).

3.2.   Solidarism and Pluralism

In English School theory, two different understandings interpret the nature, behaviour and values of international society differently, the pluralist tradition and the solidarist tradition. Both traditions agree that the state system is essentially an international society consisting of states with common norms and values. However, these two understandings differ regarding the nature of international society, especially the scope of common norms, rules, and institutions within the system of anarchic states (Buzan 2004, p. 45).

The core of the solidarist-pluralist debate is about the nature and potential of the international society (Devlen, & Özdamar, 2010, p. 55). It particularly focuses on how well-established common rules, values and institutions are now and how much more these rules-values-institutions can penetrate the international society (Buzan, 2004, p. 45-46).

While Vincent, Dunne and Wheeler can be counted among the solidarists, the pluralists stand out as Bull, Jackson and Mayall. While the solidarist definition comes from the understanding that states should cooperate regarding the security of individuals, the pluralist definition comes from the understanding that states differ qualitatively in the international society regarding better living conditions (Jorgensen, 2010, p. 110). As the members of the ES tried to find a middle way by synthesizing ideas from both the realist and Kantian traditions, some of the members remained on the realist side and some remained on the Kantian side.

The Pluralist/Conservative approach is closer to the realist side of rationalism (Buzan, 2001, p. 478). For pluralists who define the international society with state-centrism, the concept of sovereignty has legal and political priority. According to them, international society is the result of the search for order under anarchy. The international society is a structure in which state sovereignty is essential, this sovereignty is mutually recognized and guaranteed, and any intervention against this is not tolerated (Buzan, 2004, p. 46). A pluralistic international society establishes a balance between the principle of state sovereignty and the principles of universal order and peaceful coexistence (Linklater, 1998, pp. 176-177). Pluralists adopt a positivist understanding of international law. International law consists only of rules produced and mutually recognized by states. The state is the only institution that will ensure order under an anarchic structure. For this reason, any intervention in the sovereignty of the state will disrupt the order and lead to a "Hobbesian State of Nature" (Buzan, 2004, p. 46). According to pluralists, situations that would restrict the sovereignty of the state should not be allowed (Buzan, 2004, p. 46-47). In addition, pluralists work to sustain international society, because this allows them to maintain their position as key actors in international relations (Roennfeldt, 1999, p. 145). While solidarists focus on the concepts of human rights and humanitarian intervention and side with justice in the order-justice dilemma, pluralists focus on the question of how the international society can maintain order within the framework of pluralist principles. Pluralists not only argue that the current state of international society paints a pluralistic rather than solidaristic picture, but also that this is a morally preferable situation.

The Solidarist/Grotist approach rather represents the Kantian/revolutionary wing. It emphasizes transnational ties in international relations and assumes the existence of a universal standard of justice and morality (Roennfeldt, 1999, p. 146). According to these, individuals, not states, constitute the focal point of the international society. In other words, the state is an intermediary institution that is only responsible for protecting the rights of individuals. Therefore, contrary to the pluralist view of international society, the law of people, not the law of states, should be the founding principle of the international society. People are the ultimate members of the international society, and the international society has a duty to protect human rights (Tepeciklioğlu, 2015, p. 168). In the solidarist view, humanity is evaluated as a whole. Artificial borders of states cannot have an obstructive role in protecting people's rights. Solidarists are based on the understanding of natural law. Therefore, they argue that individuals have rights simply because they are human, that these rights are part of international law, and that states are responsible for protecting these rights. Solidarists give priority to justice in this order/justice dilemma. However, unlike pluralists, they argue that giving priority to justice does not mean that the order will be disrupted, on the contrary, the order can only be achieved through justice (Buzan, 2004, p. 47). A solidaristic international society affirms the principle of state sovereignty but seeks to balance this with a commitment to universal moral principles that address the injustices suffered by victims of human rights violations, whether single individuals, indigenous peoples, or ethnic and other minority groups (Linklater, 1998, pp. 176-177). According to Dunne (1998), "The solidarist wing of the ES sees the society of states as having the potential to implement a universalist ethic such as respect for human rights." As Buzan (2004) also stated, a solidaristic international society is a step on the way to a world society. The ultimate goal is for the international society in which states are subjects to be replaced by the world society in which individuals are subjects (Buzan, 2004, p. 57).

According to Buzan (2004), instead of considering solidarism and pluralism as two opposing views, it is a better approach to see them as two ends of a spectrum and to accept that the international society continues to exist somewhere between these two ends. As a result, pluralism and solidarism allow the ES to create a dynamic and changing international society, as opposed to the perception of a static and unchanging international

system such as realism (Dunne, 2023, p. 144). The international society is not a uniform structure. As Buzan (2001) stated, it is a structure that swings between the pendulums of sovereignty/human rights and order/justice. Establishing a balance between these dualities, rather than choosing them over each other, is extremely important to ensure order and justice at the same time in the international system. Buzan (2001) states that pluralism assumes an international society focused on the problem of order in a narrower and anarchic structure, while solidarism, on the contrary, defines the international society more broadly and accepts the relationship between the state and its citizens as a "civilization standard".

Table 1.

Two conceptions of international society.

	Pluralist conception	Solidarist conception
Social agency	State	+ Individuals and non-state actors
Normative agenda	Morality of states, i.e. a concern for order and the principle of non-intervention	+ Cosmopolitan morality, i.e. a concern for justice and human rights
Institutions	Balance of power, diplomacy, Great Powers, war	+ Humanitarian intervention
Cooperation	Limited	Extensive

(Source: Table showing the difference between pluralism and solidarism, the + shown in the solidarist conception column indicates that the solidarist conception includes the perspective presented by the pluralist column but adds further) (Roennfeldt, 1999, p. 144)

The pluralist/solidarist international society debate is clearly a normative debate. This discussion, starting from the point of who or what is the real owner of the rights, is carried out on the issues of the direction that today's international society has taken and how it should be shaped (Tepeciklioğlu, 2015, p. 168). While an international society with fewer common values and rules agreed upon by states, that is, a "thinner" international society, will be pluralistic, an international society with more agreed upon values and rules, that is, a "thicker/dense" international society, will be solidaristic. Such a conceptualization may also provide the opportunity to find a theoretical middle point by

allowing solidarism and pluralism to be seen as degrees of the depth of the international society created by states (Buzan, 2004, pp. 69-71).

3.3. European Union from the English School

Classical English School thought accepts that there has been more than one international society in known human history. According to the ES, the main purpose of International Relations studies is to understand the functioning of these different international societies by comparing their rules, institutions, and values with each other (Wight, 1977, pp. 21-45; Bull, 1977, p. 16; Watson, 1990, p.100). Although there are various views on its spread, it is generally accepted that today's international society was born in Europe in the 17th century and spread all over the world since the 18th century (Bull, & Watson, 1984). As we mentioned before, the international society is an almost organic structure that was formed throughout history and can transform into different forms over time, contracting and expanding. There is general agreement among ES scholars that the contemporary global international society is a "thin" society in the sense that it is pluralistic and heterogeneous. Within the boundaries of this thin society, there are several "more densely developed regional clusters" in which the solidaristic elements of international society are developed to a greater extent (Stivachtis, 2013, p. 110). As Stivachtis (2013) stated, the original British Committee had studies on regional international societies, but the classical ES stands out for expressing a global perspective. For traditional ES scholars, regional international societies per se were not the focus of attention. Because the development of the global international society was seen as a result of the expansion and rise of a specific sub-global (European) international society (Stivachtis, 2013, p. 110). Although the modern international society is considered to be single and global, there are regional international societies today. Regional international societies are a subset of the global international society (Stivachtis, 2013, p.117). The literature on international societies widely recognizes that the EU constitutes a regional international society that transcends the rules of Westphalian state-centred pluralism (Ahrens, & Diez, 2015). According to Buzan (1993), *gemeinschaft* types of international societies can exist within the borders of a global international society, since the logic of anarchy operates more strongly over short distances rather than long distances, and states

living close to each other can also share common cultural elements. Moreover, Buzan (1993) argues that the unequal development of international society means that some parts of the contemporary global system have more developed regional international societies than others. Stivachtis (2013) also argues that the culturally heterogeneous contemporary global international society includes several culturally more homogeneous regional international societies.

Thomas Diez and Richard Whitman (2002) have used the theoretical framework of ES to contextualize European integration both historically and internationally. They argue that the concepts of "international society," "world society" and "empire" can be used to reconstruct the debate about the nature of EU governance and to compare the EU with other regional international systems. They argue that the EU constitutes a regional international society embedded within a broader European international system (Diez et al., 2011). They state that throughout the enlargement process, the EU's regionally homogeneous international society expanded outward and gradually transformed the heterogeneous international system within which it was embedded (Diez, & Whitman 2002, p. 59). Examining the EU, Diez et al. (2011) made a comparison between the order of the EU as a regional international society and the traditional, global international society order, arguing that the EU represents a distinctive regional international society. They discuss that the main goal of the international order of the society of states, the preservation of states as their basic units, has been replaced by the goal of preserving peace in Europe. As a result, the five basic institutions of the international order identified by Bull (balance of power, international law, diplomacy, war, and great power management) were modified for this purpose. They define the new institutions of the European order as pooling of sovereignty, *acquis communautaire*, multi-level multilateralism, peaceful democracy, member state coalitions and multiperspectivity (Stivachtis, 2014, p. 118).

In ES literature, Western society serves as the most obvious candidate for the study of sub-global international societies. However, as a sub-global international society, the West is an interregional rather than a strictly regional phenomenon. Eventually, it has been accepted that the West has formed a series of overlapping regional international

societies with varying degrees of thinness/thickness (Stivachtis 2009; Stivachtis, & Webber 2014).

As we have stated before, the English School (ES) is known for expressing a globalist perspective rather than a regional perspective. However, the validity and application of concepts derived from a global perspective at the regional level are found in the relevant literature. It has been demonstrated that within the current "thin" and highly heterogeneous global international society, several types of "thicker" regional international societies exist, such as the European Union. The impact of the EU in the international arena, both with its unique institutions and structure and as a normative power, is particularly important. The functionality of the institutions of international societies, especially in times of crisis, or the solidaristic or pluralistic elements they demonstrate is a subject studied in the literature. In this study, based on the fact that the EU is a potential force for change in international society, as suggested by Zhang (2015), the EU's policies for the two major mass migration influx crises will be discussed and the swing of the EU regional international society in the solidaristic/pluralistic spectrum in these processes will be examined.

4. HISTORICAL BACKGROUND OF TWO MIGRATION FLOWS

4.1. Syrian Refugee Crisis

The anti-autocratic regime protests, which started at the end of 2010 with the protest of Tunisian street vendor Mohammed Bouazizi and spread in a short time, affected primarily North Africa and then the Middle East, resulting in a process that is considered one of the most important social movements of the 21st century. Although this process, called the "Arab Spring", took place in the Arab geography, it had widespread and global consequences. It is possible to say that the repercussions of the events are still ongoing, both in terms of the continuation of regional conflicts and the migration flows affecting the near region and surrounding geographies. The interaction dimension of the protests in the Arab world, which affected this entire geography at various levels, was not the same in terms of its beginning and end, and the developments differed among the countries. While some countries' opposition stayed in demonstration mode, others devolved into violence, and yet others slipped into civil war. The fact that the Arab countries in the region have different socio-economic, political, and military structures has made the causes, development process and results of the events different. For instance, in Arab countries such as Morocco, Algeria, Saudi Arabia, Oman, Jordan, Lebanon and Bahrain, protests were successful with small-scale reforms (Göçer, & Çınar, 2015, p. 51). Protests have turned into conflicts and even civil wars in countries such as Libya, Egypt, Yemen and Syria (Bowen, 2021). In addition to Syria being the country at the center of the refugee crisis, these countries have also become countries of migration due to conflicts (Deutsche Welle, 2018). All these developments caused the Mediterranean to become a sea of refugees in the 21st century.

President Bashar al-Assad, who wants to stop the anti-regime events, has made some new regulations, but these reforms have not been able to prevent the conflicts from stopping. Conflicts and chaos grew larger with the intervention of terrorist groups and brought about a civil war that has been going on for 12 years in the region (TRT World, 2023). The breaking point of the anti-regime demonstrations occurred on March 15 in the

city of Dera. The events, which started with the arrest of students who wrote the slogan "Doctor, now it is your turn" on the wall of a school and the insults of the crowd protesting this, quickly evolved into a major anti-Assad movement involving Damascus, Homs, and the whole country (Anadolu Ajansı, 2022). Although Assad initially took various reform steps to suppress the demonstrations, these were not found sincere and sufficient by the opponents and were not enough to calm the events (Toraman, 2015, p. 63). However, the Assad administration took its attitude towards the protesters to a harsher level every day. The events intensified in parallel with the use of violence against the public in the protests and the increase in the number of deaths. In the conflicts that started within the country, the Syrian army and government faced both opposition citizens and internal rebel groups (Özdemir, 2016, p. 90). Despite all international warnings and reactions, the Assad regime has not changed its harsh attitude towards the opposition. Real bullets were used against the opposition, who declared April 22 as "Great Friday" and held the biggest demonstrations to date, and many people lost their lives (Toraman, 2015, p. 63). Since 2011, armed conflicts have begun between military opposition groups gathered under the name of the Free Syrian Army (FSA) and Assad regime forces. In this process, Kurdish troops in the northern region formed a separate opposition structure, and ISIS (Islamic State of Iraq Sham), which was present in Iraq, began to take up positions in Syria (Göksedef, 2021). It is estimated that there are around 1.000-armed opposition groups in Syria and 100.000 fighters associated with them as of 2013 (BBC, 2013). With the appearance of this fragmented opposition structure, violence in the region grew, and the size of the civil war gradually increased with the US confirming that the Syrian regime used chemical weapons in 2013 and hundreds of people, including civilians, lost their lives in various gas attacks (BBC, 2016). As of 2014, ISIS escalated its effectiveness in Syria and reached the capacity to launch attacks not only in Syria but also in various parts of the world (BBC, 2014). During this period, while Türkiye, Saudi Arabia and Qatar were observed to be in coordination on the issue of Syria, the policies followed by the USA previously showed an attitude in favor of "Syria without Assad", and recently the PYD (Democratic Union Party) has become an active actor in the region (Anadolu Ajansı, 2018). Assad was not alone against this alliance formation that aimed to "isolate" the Assad regime in Syria, Iran and Russia have been in a close alliance with him (ibid).

When Russia joined the fight at the end of September 2015, the civil war shifted in favor of the regime. Thus, the regime regained control of most of the lost territory through intense attacks and blockades. The Syrian civil war turned into an international problem, with the ongoing conflicts in various parts of Syria and the subsequent intervention of the Coalition Forces and Russia. With the start of the operations, regime forces began to heavily bomb villages, particularly in northern Syria. On the other hand, the ISIS threat, which started in Iraq and gradually spread to the West, was more dangerous than the regime and threatened the lives of the Syrian people. In cities where living conditions are becoming increasingly difficult, people have become refugees by migrating to neighboring countries, especially Türkiye and Jordan. This war led to one of the largest refugee crises since World War II (UNHCR, 2015). Millions of Syrian citizens have been displaced and affected by this crisis, and a permanent solution to their conditions has not yet been found. The seriousness of the situation is felt not only by the relevant states but also by those directly affected by the conflict (Bozkurt, 2018, p. 62).

The human tragedy that emerged due to the civil war in Syria is today described as the greatest humanitarian disaster of the 21st century, with hundreds of thousands of people losing their lives and millions having to leave their places of residence (Phillips, 2016 p. 1). While migration is seen as an alternative to death for the Syrian people, the ongoing instability in the country makes it difficult for those who migrate to return. According to the UN, the civil war in Syria is the worst refugee crisis the world has experienced in the last twenty years (UNHCR, 2023). Syrians who escaped from the violence of the conflicts and were subjected to forced migration since the first months of 2011 sought asylum primarily in neighboring countries such as Türkiye, Lebanon, Jordan and Iraq. Two years after the start of the crisis, the number of Syrian refugees reached one million, and in September 2013, this number increased to two million. The United Nations (UN) reported that this refugee influx from Syria was the largest refugee movement since the Rwandan genocide (UNHCR, 2017).

In the country, whose population was estimated to be around 22-23 million before the civil war, 6.5 million Syrians had to leave their country, according to UNHCR's latest figures in its 2023 report. Syrians make up almost 1 in 5 refugees worldwide, with 6.5 million hosted in 131 countries (UNHCR, 2022). There are 13.5 million displaced

Syrians, representing more than half of Syria's total population. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA) (2023), while 6.7 million people were displaced within the country, at least 14 million civilians in Syria became dependent on humanitarian aid. More than three-quarters of the refugees, or 77 per cent, reside in neighboring countries, including Türkiye (3.5 million), Lebanon (814.700) and Jordan (660.900).

Türkiye, the country with the highest number of Syrian refugees, as a neighbour of Syria and the EU, has assumed an important responsibility towards Syrians and implemented an open-door policy with a moral-political attitude (Vatandaş, 2016, p. 10). According to current data, the number of Syrians under temporary protection living in Türkiye is recorded as 3.559.041 people (Göç İdaresi Başkanlığı, 2024). Over time, in the face of the rapid increase in the number of refugees, camps have become insufficient, and living in neighboring countries has become challenging for many refugees who cannot benefit from basic services and rights (Fleming, 2015). International aid to the countries in the region does not provide an adequate and sustainable solution (Balsari et al., 2015, p. 942). For this reason, the ongoing war and the difficulties in neighboring countries have created the motivation that directs refugees to routes such as Europe, which offers better living conditions in terms of work, education, health, and shelter. The Syrian people, who have taken refuge in neighboring countries since the beginning of the war, have tried to seek asylum in European countries as an alternative route to live a better life in the ongoing period. Syrian refugees began to reach Europe borders by following three routes. The first of these is the Western Mediterranean route, which aims to reach Spain via Morocco and Algeria. Secondly, it is the Central Mediterranean route that originates from Tunisia, Egypt and the sub-Saharan region and extends to Italy via Libya. Thirdly, it is the Eastern Mediterranean route that refugees from Syria, Afghanistan and Iraq follow to enter Greece, Serbia and Hungary via Türkiye (Demir, & Soyupek, 2015, p. 31). By 2014-2015, the number of refugees trying to reach Europe increased significantly and serious crises began to occur in the transit routes.

Figure 2.

Refugee crisis
The number of illegal border crossings in the EU
(07-2015)
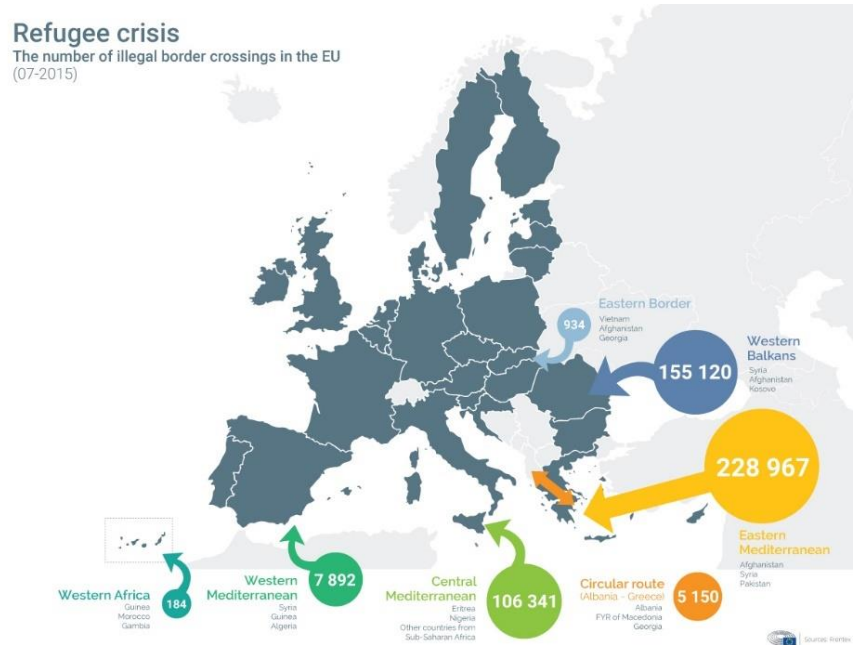
(Source: Frontex, 2016)

4.2.   Background of the Mass Migration of Ukrainians

The basis of the war between Russia and Ukraine covers a very deep and long process historically (TUBA, 2022). Ukraine, where approximately 22% of the 46 million population is Russian and the rest consists of different ethnic groups, has strategic importance between Russia and Europe due to its geographical location. Since gaining independence in 1991, Ukraine has followed a foreign policy mostly oriented towards the United States and the EU. In fact, with the decision taken in 1994, integration into Europe became a priority political goal for Ukraine (Çalışkan, 2022, p. 37). In contrast, Russia does not see Ukraine as a separate and independent state, but as a part of Russia in terms of ethnic, historical and religious similarities and common culture (Strasam, 2022). Sertif Demir (2022) collected the reasons for this war into four groups: strategic competition

between the West (NATO, USA, EU) and Russia, geopolitical concerns, Putin's leadership role, and disagreements between Russia and Ukraine over various issues.

After Putin was elected President with a high vote rate in 2000, he clearly declared that he wanted to draw the former USSR members back into Moscow's strategic orbit and that he would shape his policies accordingly (Çalışkan, 2022, p. 37). This strategic approach also had serious meaning for countries such as Ukraine, which turned its direction towards the West and was of great geopolitical and strategic importance for Russia. As a matter of fact, it has been observed that Russia has been the "patron" of some conflicts and separatist movements in the Eastern lands of Ukraine throughout the historical process (TUBA, 2022). On the other hand, Ukraine has turned its face to the West since independence and tried to achieve NATO and EU membership in order to maintain its political and economic independence (Strasam, 2022). As one of the successor states after the collapse of the USSR, it mostly avoided being a partner in Russia's political, economic and security initiatives and experienced problematic relations with Russia on many issues. It is stated by many experts that the fact that Ukraine has turned to these centers of power in the political arena, where NATO and the EU, especially the USA, are trying to increase their sphere of influence, forms the basis of the conflict between Russia and Ukraine. Therefore, the causes that lead to war have gradually grown over the last thirty years (Demir, 2022).

Following its independence, Ukraine witnessed two popular uprisings: the 2004 Orange Revolution and the 2014 Revolution of Dignity, which forced Moscow-led governments from office (Demir, 2022). After the Euromaidan Events, which resulted in Viktor Yanukovych leaving the country in 2014, instability in Ukraine became a de facto acceptance (TUBA, 2022). In 2014, Putin created a public opinion within Russia that Russian citizens living in Crimea were subjected to persecution and discrimination because they spoke Russian and were Russian (Çalışkan, 2022, p. 40). Thereupon, a referendum decision was taken in Crimea and if the result was in this direction, an application for accession to Russia was planned. The referendum resulted in independence with a vote rate of approximately 93 per cent (Peters, 2014, p. 256). Following the referendum, Putin approved Crimea's accession to Russia and annexed

Crimea, which is Ukrainian territory, disregarding many international agreements and rules of international law (Çalışkan, 2022, p. 40).

Upon the annexation of Crimea by Russia, even though this annexation was not legally recognized by other states, Ukraine could not make a serious military attempt to take back Crimea and de facto accepted the situation. Likewise, while the international society could not go beyond certain levels of sanctions, the reactions were weak and scattered. In 2014, referendums were also held by separatist groups in Donetsk and Luhansk. Separatist groups announced that they received 90 per cent of the votes and that they formed two separate administrations called people's republics in these two regions (The Guardian, 2014). This situation is not only because Ukraine is geographically located between Russia and Europe, but also because the people of Ukraine are divided into poles as pro-Russian and pro-Western.

With the annexation of Crimea, Putin's Russia has decisively created a secure outer circle under its control and supervision on the southern flank of the Russian outer perimeter (Çalışkan, 2022, p. 40). In particular, Ukraine's effort and enthusiasm to cooperate with the EU and NATO, and both the EU, NATO and the USA encouraging Ukraine's efforts, have led Russia to pursue a more aggressive policy. On the other hand, when Zelenskiy became President of Ukraine in 2019, he further improved his relations with the USA and NATO and demanded NATO membership, which is crucial for Ukraine's independence (BROOKINGS, 2019). In addition, the USA/NATO/EU learned some lessons from the 2008 Georgia and 2014 Crimea crises and continued to prepare Ukraine against any Russian attack, train the Ukrainian army, provide military support, and strengthen its infrastructure (Strasam, 2022).

The Ukraine-Russia relationship, full of intense ups and downs, reached a point where tension gradually increased with the annexation of Crimea by Russia in 2014 and eventually turned into a conventional war at the beginning of 2022. At the end of 2020, Ukrainian President Zelensky signed enactments approving the strategy for NATO partnership and the liberation of Crimea from Russian occupation. Since the beginning of 2021, Russia has begun to build up military forces on the Eastern border of Belarus and Ukraine, as well as Crimea (Critical Threats, 2023). Simultaneously, Putin began to publicly express the thesis that there was an environment of hatred against Russians, even

reaching genocide, in the Donbas region, which is located in the East of Ukraine and where the Russian population lives densely (NY Times, 2023). From this stage, Putin has initiated a series of actions based on intense disinformation, referred to as hybrid warfare in the literature, and using arguments such as mass media, subcontracted armed forces, information and cyber warfare.

Since the beginning of February 2022, there has been a significant increase in the attacks conducted by local militias in the Donbas region and the conflict environment (Walker, 2023). On February 24, 2022, President Vladimir Putin announced in his speech broadcast live on television that a military operation was launched to purify Ukraine from Nazism and to ensure the security of Russians in the Donbas region (BBC, 2022). After the declaration of a state of emergency in Ukraine, Russia started to invade Ukraine on February 24, 2022, and many explosions occurred in the country, including the capital Kyiv (Bloomberg, 2023). Although the Russians insistently emphasize that this military operation is not an invasion, the planning and execution of the operation clearly reveals that it is aimed at the occupation of the entire Ukraine rather than a regional intervention (Çalışkan, 2022, p. 41). As Russian soldiers approached the capital, a curfew was declared throughout Kyiv, and more than half a million Ukrainians left the country on the fourth day of the occupation (BBC, 2022). Kharkiv and Mariupol, the country's second-largest cities in the East of Ukraine, and Kherson in the South were among the cities heavily affected by Russian attacks (Bloomberg, 2023). While this war caused the migration of millions of Ukrainians, it was also considered the largest and fastest displacement crisis since World War II (The International Rescue Committee, 2022). Just days after the crisis began, hundreds of thousands of Ukrainians took refuge in neighbouring countries in the West of the country, mainly Poland, Hungary, Moldova, Romania, and Slovakia. Ukrainians trying to escape the humanitarian crisis formed queues of approximately 50 km at the Polish border (INDYTURK, 2022).

According to the current UNHCR (2023) data portal, the number of Ukrainian border crossings has been recorded as 28.018 million since February 2022, and it is reported that there are 6.343.000 million Ukrainian refugees registered globally. Of these, 5.939.400 million people are registered in Europe (including Russia), while 4.850 million have applied for an EU temporary protection, international protection, or similar national

protection schemes (DATA Friendly Space, 2023). According to IOM's latest figures, the number of internally displaced people was recorded as 3.674 million and approximately 17.6 million people needed humanitarian support (IOM General Population Survey Round 14, 2023). While Poland is one of the neighbouring countries hosting the most Ukrainian refugees, according to the UN, approximately one million 564 million Ukrainians live in this country (UNHCR, 2023). After Poland, the other countries hosting the highest number of Ukrainian refugees are the Czech Republic (490 thousand), Romania (110 thousand) and Moldova (109 thousand), respectively (UNHCR, 2023).

4.3. The EU's Response to These Two Mass Migration Influxes
4.3.1. Syrian Refugee Crisis

As the Syrian civil war intensified in 2014 and 2015, ongoing migration to Syrian neighboring countries also increased, and refugees began to turn towards Europe in order to have better conditions. According to UNHCR data, at the end of 2014, the number of Syrian refugees corresponded to more than half (53%) of the total refugee population worldwide (Global Report, 2015). The number of asylum seekers who applied for asylum in a total of 37 European countries, including EU member states, was determined as 534.536 people between April 2011 and September 2015 (EASO, 2015). According to the UNHCR, the total number of migrants crossing the external borders of the EU in 2015, was more than one million, and 30% of them were Syrians. Immigrants, who embarked on an extremely dangerous journey, especially via Türkiye or Libya, towards Mediterranean countries such as Greece and Italy, lost their lives by drowning while trying to cross the borders by boat. The crisis has escalated further due to both the increase in the number of refugees and the deaths. According to Frontex's (2016) report, the Eastern Mediterranean and Aegean route is the most widely used route, and Bulgaria and Greece are the most frequently used transit countries on the land route. For this reason, countries such as Greece, Italy and Bulgaria are faced with high numbers of refugees on their borders. After 2012, Bulgaria started to build a fence on the land border and Greece started to build a fence on a part of the Meriç River border (Reuters, 2016).

Table 2.

Years	Arrivals	Dead and Missing
2017	185,139	3,139
2016	373,652	5,096
2015	1,032,408	3,771
2014	216,054	3,538

(Source: UNHCR, 2023 Include sea arrivals to Italy, Cyprus, and Malta, and both sea and land arrivals to Greece and Spain, including the Canary Islands)

In fact, the European Union announced that it received 626.000 asylum applications in 2014, the highest number of asylum applications since 1991 (Sabella, 2016). However, until the tragedies in the Mediterranean in 2015, this mass migration influx was not on the top agenda of the European Union (Saatçioğlu, 2020, p. 3). On April 19, 2015, a great tragedy occurred when boats capsized near the Italian island of Lampedusa, resulting in the death of more than eight hundred immigrants (BBC, 2015). So much so that it was recorded as the deadliest migration disaster in EU history (IKV, 2015). Antonio Guterres, the then UN High Commissioner for Refugees, said that "the EU was unable to provide a common and effective response to the growing crisis" and called for a more comprehensive EU joint strategy rather than a gradual, phased approach (UNHCR, 2015). Representatives of various countries, especially Italy, and EU institutions pressed for a common solution on the EU level.

Following all these, an extraordinary EU Foreign Affairs and Home Affairs Council meeting was held on 20 April 2015 and a ten-point action plan was announced to control the migration flow and take urgent measures (Council of the EU, 2015). Some important provisions included in the emergency action plan consisting of 10 articles are as follows:

-Increase financial resources and assets,

-Joint Operations Triton and Poseidon will be strengthened in the Mediterranean,

-Operational areas will also be expanded by allowing the expansion of intervention areas within the authority of Frontex,

-A systematic effort will be made to seize and destroy boats used by human traffickers,

-EUROPOL, FRONTEX, EASO (European Asylum Support Office) and EUROJUST will meet regularly,

-Member states will ensure that all migrants are fingerprinted (European Commission, 2015).

The plan has received the approval of member states and the European Parliament. In their joint statement, then Commission Vice-President/EU High Representative for Foreign Affairs and Security Policy Federica Mogherini and former EU Commissioner for Migration, Home Affairs and Citizenship Dimitris Avramopoulos drew attention to the collective European sensitivity in times of crisis and praised the EU's joint work by taking responsibility (European Commission, 2015a).

The first plan proposal was the most significant concrete step taken by the EU against crisis management and formed the basis of the European Agenda on Migration, proposed by the Commission, and published in May 2015. In Saatçioğlu's (2020) words, the Commission has demonstrated its intention to pursue "Thick Europe", as evidenced by its calls for a 'new, more European approach', and 'Global Europe', with its emphasis on international cooperation and the EU's relevant commitments. During this period, while the Commission was working to take more concrete steps, it also made calls to bring together European and national efforts in accordance with the principles of solidarity and shared responsibility (European Commission, 2015a, p. 2). Among the concrete measures shared by the European Commission in May to combat the migrant crisis were the establishment of an emergency response mechanism to provide support to Italy and Greece, the resettlement of 20.000 people in danger in crisis areas outside the EU borders to EU countries, and the prevention of smuggling. The creation of an action plan to combat this problem would be valid between 2015 and 2020, ensuring that fingerprint collection would be made more systematic and a stronger common asylum policy would be adopted (IKV, 2015).

The efforts to establish common asylum policies and the creation of an emergency response mechanism represented a "thicker Europe" (Saatçioğlu, 2020, p. 4). On the one hand, the EU's international commitments to show solidarity with refugees within the

scope of the 1951 Refugee Convention were underlined, on the other hand, Mogherini emphasized that she had exchanged views with the UN Secretary-General on the comprehensive steps proposed by the Commission and the Commission's commitment to Global Europe (European Commission, 2015b). However, some member countries also disagreed that the primary responsibility lies with frontline countries, especially countries such as Italy (Collett and Le Coz, 2018, p. 11).

In August 2015, the bodies of seventy-one migrants were found in an abandoned truck in Austria (EURONEWS, 2015). In September, the body of three-year-old Syrian Alan Kurdi, who drowned with his mother and brother while trying to cross from Türkiye to the Greek island of Kos by inflatable boat with his family, was found on the Aegean coast, causing a great reaction in the international media (GlobalNews, 2021). Guterres addressed Europe on these tragedies, stating that this was the time to reaffirm the values on which Europe was founded, and pointed out expanded and compulsory resettlement by increasing international cooperation against human trafficking so that the EU could manage the crisis (IASC, 2015). Thereupon, former European Commission President Jean-Claude Juncker, in his speech dated 9 September 2015, stated that the refugee crisis is the EU's first priority and called for a permanent common asylum and refugee policy, rules and permanent relocation mechanism based on solidarity (Juncker, 2015).

Most member states, including Germany, Sweden, France, Italy and Spain, echoed these views, reminding the EU of its 'moral responsibilities' in the crisis and calling for urgent 'European mobilization' efforts and a 'global strategy' for this (ABC News, 2015). During this process, small groups of EU officials came together and brought up the possibility of implementing the Temporary Protection Directive for the first time, but without direction from Brussels, smaller groups of Member States began to cooperate independently (Collett, and Le Coz, 2018, p. 15). Austria, Slovenia, and their neighbors in the Western Balkans have sought to solve common challenges through informal cooperation at ministerial, high-level policy and technical levels, a Member State official said (Collett, and Le Coz, 2018, p. 15). This was not easy to do, given the variability of flows, increasing political sensitivities, and historical tensions between several neighboring states. According to Elizabeth, and Camille (2018), a national diplomat has asked for guidance from the European Commission on whether at least one Member State

has a legal basis for a 'wave-through' policy allowing asylum seekers and other migrants to pass through its territory to reach EU destinations, but he did not receive a response. Over time, attention in the media began to shift to the refugees coming from the Western Balkan route and heading towards countries such as Austria, Germany, the Netherlands, and Belgium, rather than the flows in the Mediterranean.

There was uncertainty among EU institutions about who would lead the response and, more importantly, what the response should be. Juncker's call appeared to be aimed more at accelerating long-term EU policies. Both EU and national leaders seemed unable to agree on producing and implementing a collective policy. The EU's Justice and Home Affairs (JHA) Council agreed in principle to resettle an additional 120,000 people from countries experiencing heavy migration flows. The Council drew attention to the difficulties experienced by frontline countries such as Greece and Italy and the need for more support (Council of the European Union, 2015, p. 4). At the JHA Council meeting held on 22 September 2015, member states formally adopted this relocation decision by qualified majority vote (Council of the European Union, 2015a). Foreign and European Affairs Minister and Minister of Immigration and Asylum, Jean Asselborn, also made a statement at the time, drawing attention to the majority of acceptance of the decision and stated that the EU is based on the solidarity of member states as well as solidarity with people in need of protection (Council of the European Union, 2015a).

During this period, the EP became the most prominent institution in the EU's global role and the effort to create a common policy. In the resolutions of the EP in these times, there was open criticism of the Commission and the Council for their inadequacy in the implementation of the humanitarian solution. In a decision dated September 2015, EP emphasized that "the EU has a 28-part migration policy" and underlined the regrettable lack of solidarity of EU countries towards asylum seekers (European Parliament, 2015). During this period, the EP advocated 'a comprehensive approach that takes into account safe and legal migration and full respect for fundamental rights and values' when implementing Article 80 TFEU and called for the amendment of the Dublin regulation (European Parliament, 2015). The EP also emphasized the importance of the EU's global efforts and proposed an international conference to 'establish a common global humanitarian strategy' (European Parliament, 2015).

During this period, Germany was the country that came to the fore to ensure closer EU cooperation among member states regarding the response to the crisis. Germany announced in August 2015 that it would accept a large number of Syrian refugees, would not apply the Dublin Convention rules, and would open the doors (EURACTIV, 2015). The crisis escalated, especially as a result of the accumulation on the Austria-Hungary border, and with this decision, Germany accepted approximately 800,000 refugees for two months (Statista, 2018). Both the United Nations High Commissioner for Refugees and other EU partners took the view that Germany's suspension of Dublin was beneficial. It should be emphasized that although Merkel took a crucial step by pioneering joint burden sharing with this decision, she stated that "the future of Schengen is in danger unless all EU member states take part in finding a more equitable distribution of immigrants" (CRF, 2015). While EU Council President Donald Tusk, like Merkel, stated that all EU countries should show solidarity during this period, he did not underestimate the critical importance of Germany's policies in the current crisis. So much so that, according to European Council President Donald Tusk, Germany's approach to the migration crisis was going to shape the future of Europe itself (Reuters, 2015). In the context of collective responsibility discussions, Merkel also made statements that the way the refugee issue is managed will determine the future of Europe and whether Europe will be accepted as a continent of 'values' and 'individual freedoms' (The Guardian, 2018). In her speech at the German Federal Parliament (Bundestag) on October 15, 2015, German Chancellor Merkel called for solidarity with the EU in managing the migration crisis and settling refugees and defined the solution of the refugee problem as a historical test for Europe (Deutsche Welle, 2015).

Both Merkel's calls and the EU institutions' attempts to produce common policies did not receive unanimous approval from the member states. Although the decisions of the September 22 JHA Council to create quotas for relocation and resettlement were taken through QMV, this plan was approved despite the objections of the Czech Republic, Hungary, Romania, and Slovakia. Following the election of the Nationalist Law and Justice Party in October 2015, Poland was among these countries advocating a securitized and parochial European approach to the crisis (Saatçioğlu, 2020, p. 6.) Hungary has been at the center of this opposing position. Prime Minister Victor Orban, leader of the far-

right nationalist party Fidesz in Hungary, followed an uncompromising refugee policy, thinking that Christian identity would be threatened, and this has been one of the most dramatic issues for Syrians seeking refuge in Europe (Dragostinova, 2016, p. 1). In 2015, 174,400 asylum applications were made to Hungary, which is a preferred country for asylum seekers due to its location as a transit point to many countries within the Schengen area, thus the country ranked second among the highest number of asylum applications in the EU (Eurostat, 2016).

During this period, Orban went so far as to accuse Merkel of 'moral imperialism' and argued that EU members should have the 'democratic right' to respond unilaterally to the refugee crises (Deutsche Welle, 2015a). "We would accept that Germany either allows all migrants in or none at all. But whatever Germany's decision may be, it must apply only to Germany" (ibid). However, to stop the flow of people, in the summer of 2015, the Orban government ordered the installation of a 15-meter barbed wire fence, first on its border with Serbia and later on its border with Croatia. Among the EU countries, Hungary's harsh stance has been described as an example of the Brexit of the future, and this has led to comments that it could be a move towards the signals of 'Huxit' (Reuters, 2016). Orban's arguments and position have also received criticism from the EP. In a resolution of September 2015, the EP stated that it "regrets that the leaders of some Member States and far-right parties are using the current situation to fuel anti-immigration sentiments and blame the EU for the crisis" (European Parliament, 2015). The EP called on "EU leaders and Member States to take a clear stance towards European solidarity and respect for human dignity" (European Parliament, 2015).

Slovak leader Robert Fico, who developed another anxious discourse towards refugees, declared, like the Hungarian leader, that Muslims would not be welcome in their country and that they would only accept a limited number of Christian refugees (Dragostinova, 2016, p. 1). In his 2015 Christmas message, Czech Republic President Milos Zeman compared the refugees coming to Europe to a Trojan horse and claimed that the migrants were aiming for an "organized invasion" in Europe (Upadhyay, 2016, p. 23).

Despite the criticism of the EP, Prime Minister Viktor Orban's government challenged the EU's mandatory quota decision, which would redistribute 160,000 refugees, with Slovakia at the European Court of Justice (Al Jazeera, 2017). Slovakia's

left-wing Prime Minister Robert Fico stated that rather than implement the quota decisions, they would risk violating EU rules and explained that the planned trial "could be very important as it could resolve many questions regarding the relations between sovereign countries and the EU, including voting rights" (EUOBSERVER, 2015). Countries on the Balkan route such as Hungary, Slovenia, and Macedonia, one by one, continued to build fences on their borders, taking as reference the exceptional situation in Article 26 of Schengen, and a number of countries temporarily restarted internal border controls. Efforts to establish a quota system for the redistribution of refugees to EU member countries were seen by countries such as Hungary, Poland and even Spain as an EU intervention in their 'national sovereignty' (Koroutchev, 2016, p. 33). The fact that the refugees accepted by France and Britain, two other major locomotive countries of the European economy, remain symbolic has led to criticism. Here, the political discourse of Western European leaders has also differed from that of Angela Merkel, although not to the extent of the Visegrad countries (Trauner, & Turton, 2017, p. 7). It has even been argued that one of the reasons for British people leaving the EU is anti-immigrant sentiment (See. Streeck, 2016). Former Prime Minister David Cameron advocated for UK to be excluded from the quota system. Again, he said that the "UK would accept 20,000 Syrians over the next 5 years, and in this context, only one thousand Syrian refugees were taken into the resettlement program by the Vulnerable People Relocation project in 2015" (BBC, 2015a). His successor, Theresa May, made statements to include more Syrians in resettlement programs (The Guardian, 2016). In France, another migrant country, on September 7, 2015, Hollande announced that 24,000 people would be accepted among the 120,000 refugees that France had committed to distribute in different countries of the EU in the next two years (Financial Times, 2015). In this process, Hollande generally emphasized the necessity of achieving harmony in Europe rather than advocating more humanitarian aid. According to Hollande, this problem is the question of the "Survival of Europe" and there was a danger of facing the issue of returning to national borders in Europe (Trauner, 2017, p. 38).

The issue of increasing tension in the EU due to the disproportionate burden of Greece, Italy, and Hungary, which Syrian refugees see as points of dispersal to Europe, has been one of the issues frequently discussed by European politicians. Regarding this,

for example, in Italy, it has been claimed that the government will openly grant Schengen visas to all migrants if more support and solidarity are not provided (The Guardian, 2015), and Greece has also requested emergency assistance many times. And during the last few months of 2015, various difficulties were experienced as Northern neighbors closed the borders one by one.

In the mini-summit held after the September 2015 Summit, EU member states and Western Balkan countries came together and continued solution negotiations, where the Dutch government put forward the idea of a 'mini-Schengen' consisting of a smaller number of countries as an alternative to Schengen (Carnegie Europe, 2016). This prediction worried the Visegrad countries (Czech Republic, Hungary, Poland, and Slovakia), which were excluded from the plan (Miniszterelnok, 2015). As can be noticed, 2015 was a year in which the civil war escalated and the EU, in a sense, severely tested its 'added value' and legitimacy. Public attention was drawn to the dramatic experiences and images of refugees coming to the EU, and intense pressure was placed on European institutions and member state governments. Migration policies have been at the top of the agenda among EU policies, and events such as the terrorist attacks in Paris on 13 November 2015 have sometimes been considered as an opportunity to reduce the legislative commitments of EU member states. Orban reacted after the Paris attacks by arguing that 'all terrorists are fundamentally migrants' and that 'all migrants pose a security threat' and that therefore the security of the EU's external borders should be the Union's priority, as this would be the only way to save the Schengen regime (Politico, 2015).

These differences in approach and policy between countries gradually grew and led to refugees, in particular, being stranded in Greece. Despite the emphasis on the EU's normative values and calls for a common policy, as well as the individual efforts of Germany and Merkel, countries have resorted to unilateral decisions driven by security-oriented or political factors. Even in countries trying to draw attention to the integrity of the EU in this crisis, national decisions have begun to come to the fore. Towards the end of 2015, first Germany and Austria, then Sweden, Norway and France introduced temporary border controls, thus effectively suspending Schengen rules. In November

2015, the German government brought into force the Dublin Convention, which it had suspended.

Countries advocating the EU's common policy formulation and implementation have turned to securitized approaches. In this regard, the EU, which could not bring the Union countries together on a common ground, started to prioritize increasing cooperation with Türkiye. Since September/October 2015, it emerged as the EU's Plan A in tackling the refugee problem (Saatçioğlu, 2020, p. 8). EU countries, which were virtually divided into two parts around the crisis, reached a compromise on the externalization of refugees to Türkiye. In Saatçioğlu's (2020) words, actors within the two blocs found common ground around realpolitik, member states were willing to protect their national interests, and EU institutions were concerned about preserving the stability of the EU and the Schengen regime. Academician Koroutchev (2016) described this entire bloc as the 'biggest problem' since the establishment of the EU.

4.3.2. Mass Migration of Ukrainians

The war, which started with Russia's occupation of Ukrainian lands, gradually intensified. On the one hand, the USA and European countries increased their weapons support to Ukraine, on the other hand, the Russian army began to frequently use long-range, high-precision missiles against strategic targets in Ukraine. Serious civilian losses began to occur from the first moment of the mutual attacks of the Russian and Ukrainian armies (Bloomberg, 2023). Due to the increasingly violent war, millions of Ukrainians began to migrate massively and irregularly to neighboring countries. With Russia's air and land interventions, Ukrainian citizens and foreigners in Ukraine headed to the borders and mass migration began, primarily to Poland, Romania, Moldova, and Hungary. The Parliament described the situation as the biggest humanitarian crisis Europe has seen in its recent history (European Parliament, 2022, March).

On February 24, Federal Ministry of the Interior of Germany, Nancy Faeser said that "Germany was ready to provide support to Poland and other border countries in the event of a large-scale movement of refugees from Ukraine" (SchengenVisaInfo, 2022). Immediately afterwards, on February 25, the European Union Asylum Agency (EUAA) offered assistance to EU countries in accepting refugees. In addition, the Commission

also emphasized that it is ready to offer such assistance in order to be prepared for any eventuality, working with other EU Agencies and authorities in Member States (EUAA, 2022). Then, Frontex issued a press release, stating to member states that they were ready for a possible crisis and that it had mobilized crisis response teams to coordinate their actions to provide support to member states in case the number of people fleeing the conflict zone increases (Frontex News Release, 2022).

According to Mireia Faro Sarrats's (2023) assessment, Europe's reaction to Russia's invasion of Ukraine and the mass migration influx on its borders was swift and united. The European Union and its member states have demonstrated significant unity in responding to Russia's war and its consequences.

President of the European Commission, Ursula von der Leyen said a week after the invasion that "All those fleeing Putin's bombs are welcome in Europe" (Brussels Times, 2022). Thereupon, ten days after the invasion, the EU unanimously adopted a new law that would provide temporary protection to Ukrainian citizens fleeing the country and activated the Temporary Protection Directive for the first time since its adoption in 2001 (Home Affairs, 2022). The Commission presented its proposal to EU countries on March 2 to activate the Temporary Protection Directive and operational guidelines on external border management (European Commission, 2022). The regulation, which allows official procedures to be easily overcome in mass migrations, was activated for the first time in EU history after the Kosovo and the Bosnia and Herzegovina war and was unanimously approved by the EU Council on March 3 (Council Implementing Decision, 2022/382). As we mentioned before, in order for the Regulation to be activated, a qualified majority vote must be achieved in the EU Council. Qualified voting majority is one of the most difficult procedures to achieve when evaluated from the perspective of EU law. Since countries in the Council act by prioritizing their national motivations, it is sometimes difficult to achieve such a majority or unity. The Council unanimously accepted the Commission's proposal on March 2. Thus, Ukrainian refugees are given the right to obtain a residence and work permit at the EU borders for one year, to access education, labor market and other social services, and to travel to other EU countries without a visa.

Figure 3.

Ukraine temporary protection: Monthly registrations in EU+ countries
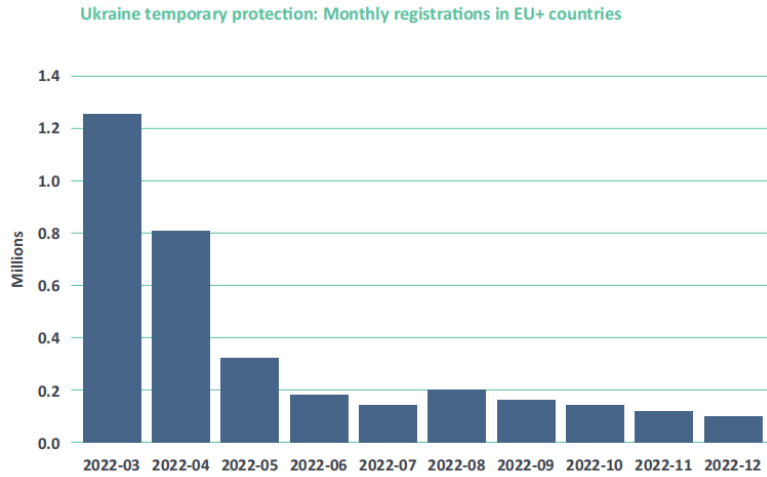
(Source: ICMPD elaboration based on Eurostat data in 2023)

The unique unity of the EU during this period was also supported by the member countries declaring their open-door policies. The Ministry of Internal Affairs of Slovakia has decided to allow all Ukrainians fleeing war to enter the country, including those who do not have a valid travel document (biometric passport) (EUAA, 2022, p. 6). It is also underlined that the national police ensure normal functioning at the Ukrainian border crossing and that there are no long queues or waiting times at these borders (SchengenVisainfo, 2022).

The Dutch Immigration and Naturalization Service (IND) (2022) announced in a press release published on March 3, "Ukrainians will not need to apply for asylum to stay in the country legally, but they can still apply for international protection". "Ukrainians are Europeans and have the right to freely enter our country," the press release said. This meant that refugees from Ukraine in the Netherlands were free to apply for asylum, but they did not need to apply for asylum to stay legally (IND, 2022).

France also opened its doors to Ukrainian refugees from the first days of the crisis. French President Emmanuel Macron said, "France, like all other European countries, will

do its part to help the Ukrainian people, but will also accept refugees from this country" (SchengenVisainfo, 2022).

In addition to EU Member States, Iceland, Liechtenstein, Norway, and Switzerland have also accepted visa liberalization with Ukraine and have introduced various national and international protection mechanisms. Switzerland stated that it is ready to accept refugees from Ukraine into the country and announced that there are already thousands of accommodation facilities for Ukrainian refugees in federal asylum centres (Switzerland State Secreteriat For Migration, 2022). Norway has made it possible for Ukrainian refugees in the country to register at various locations across the country in order to reduce pressure on the national arrival centre in Rade and make it easier for Ukrainians currently staying elsewhere outside Eastern Norway to register (UDI, 2022).

As one of the frontline countries, Poland has been exposed to intense migration flows since the beginning of the war and has announced that refugees escaping from the war will be allowed to enter their country even if they do not have passports or other valid travel documents (RCI, 2022). Border Guards and other public services in Poland have accelerated border crossings and facilitated access to humanitarian and medical aid for Ukrainian refugees by providing free transportation (OHCHR, 2022). The EU has committed approximately 145 million euros to help provide comprehensive and rapid aid to Poland, which has suffered the largest influx of refugees with a total of approximately 1.6 million people (ibid).

Hungary also opened its doors to Ukrainians from the first day of the war and became one of the leading countries in ensuring the safe passage of refugees to other European countries. Hungarian Prime Minister Orban stated that every refugee coming from Ukraine "will be welcomed by their friends in Hungary" and that they will provide all necessary humanitarian aid (About Hungary, 2022). Ireland also announced the immediate removal of visa requirements for people from Ukraine (Government of Ireland, Department of Justice, 2022).

In the following days, the EU Council approved an immediate payment of 3.5 billion euros to EU countries accepting refugees (Council of the EU, 2022). In the press release published on March 2, Frontex announced that it would provide additional support to Romania for crossing controls and recording numbers at the Romanian border (Frontex

News Release, 2022). After Romania, Frontex signed an agreement to support Moldova in providing border controls. Following this agreement, European Commissioner for Home Affairs, Ylva Johansson said: "Moldova's actions in receiving and hosting people fleeing the war in Ukraine were impressive. Since the beginning of the war, Moldova has been the country that has accepted the most refugees per capita in the region. The EU stands with Moldova by providing humanitarian support through the Civil Protection Mechanism, committing to transfer people to EU Member States, and through this agreement signed today the EU will provide further assistance to support border management with the actual deployment of Frontex border guards" (European Commission, 17 March 2022).

Following this, on 23 March, the Commission published a communication titled "Welcome to those fleeing war in Ukraine: Preparing Europe to meet needs", outlining how to manage the current refugee situation (European Commission, 23 March 2022). In the declaration, the support to be provided to member countries and refugees is comprehensively detailed. In addition, the Commission has established a "Solidarity Platform" bringing together Member States and EU Institutions to coordinate support to Member States in need (European Commission, 23 March 2022). On 24 March, Members of the European Parliament approved the European Commission's proposal for Cohesion's Action for Refugees in Europe (CARE) to direct available funds to EU countries hosting people fleeing Russian aggression (European Parliament, 2022). Additionally, it reported that an additional 10 billion euros could be added to this fund from the REACT-EU fund created for COVID-19 measures and emergencies (European Parliament, 2022). The Parliament also extended the operating period of the Asylum, Migration and Integration Fund and the Internal Security Fund for one year until mid-2024 (European Parliament, 2022). The extension is intended to allow EU countries to urgently repurpose unused funds to deal with the influx of refugees from Ukraine and to fund additional support such as accommodation, food, healthcare, or extra staff. In April, the Commission announced an additional fifty million euros in humanitarian funding to support those affected by the war in Ukraine, and within 2 months the total EU humanitarian funding provided in response to the war in Ukraine reached 143 million euros (European Commission, 2022). While all these policies were being established and

troop support was being provided to member countries, a total of 5 million 468 thousand people fleeing the war in Ukraine from February 24 to the end of April entered Poland, Romania, Moldova, Hungary, Russia, Slovakia, and Belarus (UNHCR DATA PORTAL, 2022). By activating both the Union level and national and international protection mechanisms in a noticeably short time, European countries have managed to significantly control the influx, which the UN describes as the fastest migration flow in history.

In May and June, the Temporary Protection Platform was established to facilitate registration, and the "Safe Homes Guidance" was published, sharing advice to EU countries on how to provide safe and suitable accommodation for people fleeing the war in Ukraine. (European Commission, 2022). The Commission established the EU Talent Pool Pilot Program with the European Employment Services (EURES) to facilitate Ukrainians' access to the labor market in October (EURES, 2022).

From the first days of the crisis, the EU not only responded quickly to the flow, but also facilitated the transition of refugees between countries, and tried to ensure rapid integration of refugees both at the national government and Union level.

5. DISCUSSION

The international society aims to progress by ensuring the existence of its members, ensuring order, limiting violence, and spreading justice as much as possible, despite the absence of a central higher authority, with basic norms such as harmony between institutions, cooperation between countries and the principles of *pacta sunt servanda*. These objectives are particularly vulnerable to international emergencies and crises. The policies put forward by countries in times of crisis frequently test the existence and sustainability of the international society. The mass migration flows of 2015 and 2022 have also seriously tested the existence of the EU international society. In the management of both flows, human rights, the threat of sovereignty, cosmopolitan morality or morality of states, and justice/order dilemmas frequently emerged.

First of all, one of the biggest criticisms of the EU regarding creating a common policy towards the Syrian refugee crisis is that a large number of refugees have waited a long time for a policy or response until they arrive at the EU borders. While there were major humanitarian crises both before and during the crisis, refugees trying to cross into Europe faced serious pushback practices, being kept waiting at the borders, and even arrested, in violation of international law. While serious human rights violations were occurring at the borders, the security-oriented and state-centered approaches of member countries, instead of developing common policies and keeping the crisis relatively under control, led to the humanitarian crises in the Aegean and Mediterranean regions escalating further. These clearly show that, in this period of crisis, countries prioritize order due to security concerns, instead of prioritizing justice and ensuring the protection responsibilities they undertake within the scope of human rights and international law. Member states, which seem to be gradually shifting towards the pluralist axis, have neither been able to give equal approval to the Commission's efforts to bring the member countries together and produce a common policy nor have they been able to avoid being exposed to criticism. The Commission's attempts and calls to member states during this period clearly reveal that the EU is trying to mobilize many institutions of the international society such as member state coalitions, multiperspectivity, multi-level multilateralism, and at the same time, its efforts to produce a common response policy towards the crises. However, it is

clearly seen that the member countries are acting on the axis of pluralism in the management of this crisis by emphasizing national policies instead of Union policies with their sovereignty impulses and securitization perspective.

Politicians of Austria, Slovenia and the Western Balkan countries engage in various diplomacy initiatives to create common policies at an unofficial level, and Visegrad countries act as a bloc against refugees, pushing them back, building fences, and highlighting national laws against refugees are other obvious pluralist elements. In so much that, as we mentioned above, the EP's emphasis that the Union has a "28-part immigration policy" is another indicator.

Another pluralistic element is that member countries have serious differences regarding the Dublin Regulation, which they had previously established at the Union level. While Dublin was already being criticized in the context of human rights for preventing asylum seekers from applying to the country of their choice, it was also described as dysfunctional by the members of the Union in this period. In June 2015, Hungary practically withdrew from Dublin, announcing that it was facing an excessive burden and that it would no longer take back asylum seekers sent under the regulation unless technical reasons were given (The European Council on Refugees and Exiles, 2015). In response, Germany suspended Dublin for two months in August to open the doors and process applications for which it was not normally responsible under the Regulation. States such as Hungary, Slovakia and Poland have officially expressed their opposition to any possible revision or expansion of the Dublin Regulation, citing mandatory quotas (Reuters, 2015).

During this period, Germany, as the locomotive power of the Union, took serious initiative and attempted to bring the Union together in a more solidaristic manner, but did not receive the support it expected. However, as we mentioned, Merkel's statement that "the future of Schengen is in danger" also points to the separation among the Union. The objections of the Czech Republic, Hungary, Romania, and Slovakia to the relocation decision that was tried to be taken by the Council in September are another indicator of the divisions in the Union. The interpretation of Hungary's policies in this period as 'Huxit' signals emerges as another pluralistic parameter. The policies of Hungary, Poland, Slovakia, and the Czech Republic in this period were basically interpreted from the

perspective of threats to their sovereignty. In addition, the statement of France, another locomotive power of the EU, that they are faced with the danger of returning to national borders in this period is another indicator of the extent to which the solidaristic elements at the basis of the Union are being questioned. During this period, the Italian Prime Minister stated that the Commission should support resettlement efforts and the EU should take initiatives at the Union level (The Guardian, 2015a). "If this does not happen, Plan B is ready, and this will damage the EU in the first place." (The Guardian, 2015a). Additionally, Italy's statement (2015) that they are considering freezing their contributions to the EU budget if sufficient aid is not provided and that they will not accept a "selfish Europe" is another sign of a thinner European orientation.

After Hungary and Slovakia brought the quota application to the Court of Justice of the European Union, the Slovak prime minister's reference to the problems regarding the relations between the sovereign countries and the EU shows how close this crisis has brought the Union to the pluralist wing. Spain (2015) also considered the resettlement and quota system as an interference with national sovereignty.

In this period, the fact that small groups within the EU experienced divisions in terms of policymaking at the Union level clearly shows that the solidaristic foundation of the Union is vulnerable. It was stated in the theory section that the most important criterion for the suspension of Schengen is the element of sovereignty. Also, during this period, countries such as Germany, Austria, Sweden, Norway, and France started temporary border controls and effectively suspended Schengen. This appears as the most obvious pluralist policies of the period, the initiation of border controls by seeing the crisis as a threat to sovereignty.

As the dimensions of the crisis grew and the EU's efforts to create a common policy did not yield a clear result, the securitization approaches of both the Union and the member countries against the crisis grew further. Additionally, by increasingly adopting an approach aimed at externalizing the crisis, the common values on which the EU international society is based and its policies to promote their dissemination have also come under criticism. However, a dilemma arises here again. Acting towards externalizing the crisis as a way of solution and control, the EU turned to solidarism wing by uniting on this common policy at the Union level. Although the solidarism of the Union

was achieved on the political level, this initiative also got many criticisms in terms of human rights.

Here, the efforts to mobilize the institutions of the EU international society, especially by the Commission and the EP, and to draw the EU to a more solidaristic ground should not be ignored. However, it is clearly seen that the countries facing this crisis are reluctant to participate in the common policy, acting with security concerns and sovereignty impulses, and from time to time they try to exceed the Union with the sovereignty card, especially at the Council level.

We cannot say that the EU international society has a common set of interests, geographical or historical proximity, or an effort to increase its influence in foreign policy in the Syrian refugee crisis. For this reason, it should be considered apprehensible that the Union has moved more quickly towards more pluralist and state-centered policies in this crisis. However, it should not be forgotten that the responsibility of states to protect comes into play here and that the set of values on which the EU is based should not be left in the background in order to maintain the existence of the EU international society.

As for the refugee influx from Ukraine, we see that the EU stated from the very beginning that they would be prepared and supportive of such an influx, both at the Union level and at the national government level, even before a larger mass influx occurred.

Poland, which has been criticized for its pushback policies at its borders contrary to international law, has adopted an open-door policy since the first migration waves began. As we mentioned before, when other border countries opened their doors, the fastest and largest-scale displacement in history took place. With the opening of the borders, in the first stage, support policies to be given to frontline countries began to be created from both member states and the Union institutions.

The most obvious policy of the EU in the face of this rapid influx was the activation of the Temporary Protection Directive for the first time since 2001. The fact that the states took this decision unanimously in the Council was the most obvious element that showed us that the EU international society approached the solidarist wing from the very first stage in the face of this flow. The EU international society has activated a common protection mechanism by uniting their national policies in the face of this great flow. It should be reminded at this point that the Commission did not use the same solidarism

mechanism in the Syrian crisis. During the period when the activation of the Temporary Protection Regulation for Syrian refugees was discussed, and the EU Commission rejected the proposal to activate the regulation, arguing that the influx of Syrians to the Schengen borders via Italy was not massive and that the process could be managed at a reasonable level and the problem could be solved with aid to the EU countries receiving immigrants (See. European Commission, 2016).

The "limited cooperation" between member countries that we saw in the first crisis has manifested itself as "extensive cooperation" in this flow. In addition, in the context of international law, the provision of status to asylum seekers, access to basic humanitarian needs, and granting basic rights such as residence and work permits were quickly achieved under favor of this directive. The EU has demonstrated a unique unity stance in this humanitarian crisis. Here, the historical mutual rapprochement efforts of the EU with Ukraine, which has turned towards the solidarist wing since the beginning of the crisis, have created a motivation for further steps. Because, as we mentioned in the theoretical part, the EU saw Russia as a threat to the integration of the Union and approached its protection responsibility more quickly and turned to open-door policies. Historical common interests and rapprochement efforts between the EU and Ukraine have drawn the EU international society to a more solidaristic line, enabling it to formulate its policies in this direction and expand its influence towards this region.

This unity among the member states is supported by the opportunities provided by the member states both at the Union level and at the national level and proves that the EU international society is making progress as it approaches solidarism, as we have stated before. As a matter of fact, the situation of Ukrainian refugees, which is called the fastest displacement crisis in history after the Second World War, was brought under control from the very early stages by means of the serious consolidation of the EU international society. In addition, it has repeatedly led to the development of new and more inclusive policies both at the Union level and at the level of national governments. Unlike the Syrian crisis, the EU facilitated the resettlement of Ukrainian refugees within member states by encouraging burden-sharing between countries in the face of this influx.

As we mentioned above, the Netherlands abolishing the application procedures, Poland providing free transportation to the refugees, and many border countries

facilitating the crossings represent examples of the conditions that must be met in accordance with the rights granted by international law. EU institutions, on the other hand, continued to support member states in these efforts. Providing additional funds, Frontex's support in border controls, and the Commission's guidance on what countries should do for arrivals are clear indicators of how the Union is directed to a thicker EU and solidarism wing.

Although we encountered situations such as the de facto suspension of Schengen in the previous crisis, in this influx it is seen that member countries have established border controls only on recording numbers and it has been made easier for refugees to go to the country of their choice within the Union. Member states, which stand out with their state-centered approaches such as border security in the Syrian crisis, have developed a series of policies to facilitate border crossings in the face of this influx. This is another indicator of how flexible the concept of sovereignty can be as it gets closer to the solidarism wing.

The EU has not only produced a rapid and integrated policy for the crisis but also established various mechanisms for the rapid integration of refugees. Here, it is clearly seen that the EU international society prioritizes justice and human rights with the policies it implements towards refugees in the order/justice dilemma. We see to what extent cosmopolitan moral values are at the forefront in the statements and discourses of both EU institutions and member states. In the face of Ukrainians flow, the EU international society united around common interests and values, further strengthening the solidarist integration of the EU international society and reflecting this in its policies. Adopting an approach focused on the security of individuals rather than the differences and security concerns of states, the EU international society has set an example for the global international society with the decision taken at the Union level.

6. CONCLUSION

Mass migrations bring a serious burden in terms of their management and subsequent processes. The policies of states towards mass migration flows are increasingly securitizing and externalizing. In fact, practices such as building border walls, installing electric wires, and pushing back or sending people back to the third world countries have begun to be adopted by states as a method of combating irregular and mass migrations. Here, instead of getting to the root of the problems or preventing humanitarian crises from occurring, state-centered approaches come to the fore. Especially the mass influxes experienced by the world after the Arab Spring of 2011 and the integration problems experienced in the subsequent processes have brought about a complicated process to manage for countries. The EU has faced many crises since its establishment, and sometimes these crises have brought about debates over whether they brought about the end of the Union. In this thesis, it has been shown that the EU has shifted to the pluralist wing in the pluralist/solidarism spectrum, with the policies it created during the 2015 mass migration influx that the EU countries faced and the divisions within the Union.

First of all, the EU was late in responding to the crisis and in the ongoing process, a common policy-making mechanism could not be established within the Union. Clearly, centrist and protectionist approaches of states have come to the fore. In so much that, member states have sometimes avoided and objected to the decisions taken by the Union level by provoking them with their rhetoric. They considered this influx from a security perspective and considered it as an intervention in the protection of borders and sovereignty areas, and they even suspended the institutions and mechanisms they had established at the Union level from time to time. As we stated before, in the pluralist approach, the concept of sovereignty has priority, and it prioritizes the maintenance of order with a state-centered approach. EU countries have considered irregular crossing of borders as an intervention in their sovereignty and have sometimes pushed the fundamental rights of refugees into the background with practices contrary to

international law. As we mentioned before, according to pluralists, situations that would restrict the sovereignty of the state should not be allowed (Buzan, 2004, p. 46-47). Schengen and the liberalization of borders, which are a particularly important stage in EU integration and perhaps one of the biggest indicators of solidarism, were suspended in practice during this period. This shows that member states have largely moved closer to the pluralist wing of the spectrum, especially in this crisis.

On the other hand, in Ukraine crisis, it has been shown that the EU international society has evolved towards the solidarist wing in the pluralist/solidarist spectrum from the first stage. As can be seen from the policies and discourses, the focus here is on "Ukrainians" and the motivation of Western integration in the face of Russian aggression, that is, individuals, rather than states or the sovereignty elements. Here, member states have turned into intermediary institutions responsible for protecting individuals and their rights rather than being the main actors. In response to this influx, borders have taken on an implementing rather than an obstructive role in protecting human rights, without encountering discourses such as sovereignty and security. Protection responsibility was shared at the Union level with the activation of TPD and was undertaken towards Ukrainian refugees. The Union responded to the solidaristic practices of the member states within the framework of their responsibility to protect by providing support specifically for the Union countries and helping fair burden sharing. In other words, in return for member states assuming this responsibility, the Union has balanced this by preventing a heavier burden on certain states and, in a sense, protecting their existence and sustainability. As we mentioned in the theory section, a solidaristic international society does not deny the role of states in this way, while at the same time establishing a balance between their commitment to these moral principles. As Dunne (1998) puts it, "the solidarist wing of the ES sees the international society as having the potential to enforce a universalist ethic such as respect for human rights." The unique unity against the mass influx from Ukraine shows us how close the EU international society has become to the solidarism wing.

While the Ukrainian war and the transit of refugees from the Middle East continue, of course, the policies produced and created will also change. For example, in the current situation, it is a matter of debate how long the residence permits of Ukrainians under the

TPD will be extended or the future of this decision taken quickly at the Union level and the long-term integration plans of the Union. In addition, it is also a matter of discussion how the EU, which has been trying for years to create a common migration policy, will move towards a common migration policy after the mass influx from Ukraine. On the other hand, while Ukrainian refugees have the right to free movement in the EU, it is known that although nearly nine years have passed, many Syrian refugees have not been able to access the right to free movement. At this point, the EU is exposed to many criticisms in the context of international human rights. Whether progress will be made in this area is also another issue.

Emma Haddad (2008) argues that the EU international society consists of a constant balancing act between deepening integration (solidarism) and maintaining national sovereignty (pluralism). In addition, she stated that member states know that they must continue to maintain this balance, and only if they maintain this balance can they show both each other and the global international society that they are willing to continue their existence (Haddad, 2008, p. 198). Here, the basic norms on which the EU was founded, such as human dignity, freedom, democracy, equality, rule of law and respect for human rights, also come into play. According to Haddad (2008), ignoring these norms will damage the recognition of the EU by the global international society. However, it has been seen that the EU can sometimes push back its obligations in the 1951 Geneva Convention in diverse ways due to security concerns. This is basically a stance against the solidarist structure of the EU. However, the fact that it directly activated a regional protection mechanism in the Ukrainian flow showed that the EU has rebuilt its solidarist nature with the lessons learned from the previous crisis. As we mentioned before in the section on the concept of international society, this structure is flexible and natural. While from time-to-time extreme swings in the pluralist/solidarist spectrum enable it to transform into a more progressive society and spread it to those around it, on the other hand, it can also create situations that will disrupt the order by harming its integration and progress.

As Haddad (2008) has previously noted, the EU international society demonstrates that there is a complex and overlapping arena of both pluralism and solidarism. In the cases selected in this study, we clearly see both the complexity and the

overlapping area of this swing of the EU. It can be seen in these examples is that sovereignty and security concerns sometimes cause EU countries to act extremely pluralist and call into question the foundations of the solidarization of the Union in various areas. In case of compatibility of common interests, the EU international society may again shift towards the extreme solidarist spectrum. What really needs to be taken into consideration here is the boundaries of solidarism and pluralism and the balance between them.

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