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ORIGINAL ARTICLE OPEN ACCESS

# The Intra-EU Relocation Scheme of 2015: A Test Run for a Dublin Reform

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## ABSTRACT

In 2015, the first obligatory scheme re-distributing forced migrants from Italy and Greece to other EU member states was launched. The scheme anticipated the intra-EU relocation of 160,000 people in 2 years. Ultimately, as few as 34,705 have actually been resettled. Drawing on Bourdieu's field-theoretical approach, this paper treats the relocation scheme as an attempt to appease conflicts over responsibility-sharing by integrating a relocation procedure into the Dublin system. In so doing, the scheme paved the way for the new solidarity mechanism which will enter into force in 2026 and targets at 30,000 relocations each year. Based on a qualitative investigation, the paper analyses the administrative design of the relocation scheme, and how this implied a re-definition of responsibilities within the European field of asylum administration. Second, the paper works out how this triggered struggles around the scheme's implementation and works out actors' relative capacity of enforcement and refusal.

## 1 | Introduction

Through an incremental process which started in the 1990s, the EU managed to establish a Common European Asylum System (CEAS), a remarkably comprehensive set of legislative instruments, which define who is entitled to international protection, and lay down common standards for processing asylum applications, among other things. On the contrary, initiatives for re-distributing forced migrants<sup>1</sup> within the EU remain extremely limited and underdeveloped to this day. An exception in this regard was the temporary intra-EU emergency relocation scheme of 2015 (Tsourdi 2016b; Thielemann 2018). Its objective was the relocation of 160,000 “persons in clear need of international protection” (art. 3 (2) Council Decision 2015/1601), from frontline to other EU member states within a 2-year timeframe. This relocation scheme was unprecedented as it entailed a distribution quota and an obligation for all EU member states to participate. In the end, however, only 34,705 people have effectively been relocated (ECA 2019, 21). Nonetheless, the way the scheme was

conceptualised on paper and implemented on the ground merits closer attention. It can be regarded as a direct precursor of the obligatory solidarity mechanism which has been defined in the new Asylum and Migration Management Regulation (AMMR) of 2024. The AMMR comes into force in 2026 and requires a minimum of 30,000 relocations per year, but it does give EU member states the right to opt for alternative forms of solidarity (i.e., through financial contributions) instead of relocating forced migrants to their territories. However, 2015's relocation programme gives some indication as to how the administrative arrangements for a relocation procedure might look, and points to key procedural steps that should be monitored carefully.

Based on qualitative fieldwork carried out from early 2016 until spring 2019, this paper investigates the 2015 temporary emergency relocation scheme and the practical challenges involved in its implementation. The longitudinal perspective of this research complements scientific work on the political and legal contestations triggered by the relocation scheme

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(Trauner 2016; Tsourdi 2016b; Tsourdi 2017; Thielemann 2018; Zaun 2018; Duszczyk et al. 2019), as well as NGO- or EU-monitoring reports (Papadopoulou et al. 2016; Guild et al. 2017; AIDA 2018; Portoghese 2018). Furthermore, the field sociological approach (Bourdieu 1990; Bourdieu and Wacquant 1992) helps to question the official framing of the relocation scheme as isolated “crisis measure” and decode it as part of a long-term, embattled process in which a broad range of state and non-state actors work towards a regional division of administrative labour in the area of asylum (Lahusen and Wacker 2019). Of pathbreaking importance for the EU’s approach to sharing responsibility for the reception of forced migrants and the examination of asylum requests has been the Dublin Convention of 1990. This international agreement between twelve European states established the principle that only one Dublin state should examine an asylum claim in place of all others. From then on, the duties under the Geneva Convention relating to the Status of Refugees (GCR) were recognised and shared out collectively among participating member states (Bast 2007, 24). To determine which member state would be responsible, the Dublin Convention set out a hierarchy of criteria. The most disputed among them is the country of first entry rule, assigning responsibility for processing an asylum application to the Dublin state upon whose territory a forced migrant sets foot first.<sup>2</sup> Following the Dublin Regulation of 2003 (also known as Dublin II), the Dublin criteria became part of the EU’s asylum *acquis* and apply to all 27 EU member states today plus the associated states of Norway, Iceland, Liechtenstein and Switzerland. The administrative cooperation in the framework of the Dublin system has gained in stability over time, with contacts becoming more frequent between all member states (Lahusen and Wacker 2019). However, its fairness and legitimacy were highly controversial and triggered political disputes as well as avoidance strategies at the level of implementation.

I consider the temporary relocation scheme of 2015 an attempt to settle prevailing conflicts via the integration of an additional relocation channel into the Dublin system and its transnational administrative infrastructure. In so doing, the paper builds on the work of scholars from sociology, international relations and related disciplines who fruitfully employed Bourdieu’s approach to investigate the emergence and extension of transnational fields (Adler-Nissen 2012; Go and Krause 2016). This paper focuses on the transnational restructuring of bureaucratic fields driven forward by the EU and its institutions in a number of policy areas (Pernicka and Lahusen 2018). I argue that the relocation scheme forms an instructive case to study the complexity of the struggles around the extension of a transnational bureaucratic field and the redefinition of its underlying distributional logic. This paper asks exactly how the relocation scheme’s design perpetuated or changed the relation between key field actors within the European field of asylum administration—that is the administrations of frontline member states, of member states at the geographic core, and forced migrants themselves—and how this (re-)configuration has been received and/or challenged throughout the scheme’s implementation.

As a first step, I classify the relocation scheme of 2015 conceptually as a result of a series of struggles between state and non-state actors to identify a regional approach to sharing

responsibility for receiving forced migrants. After delineating the data and method of analysis, the paper then focuses on the administrative design of the intra-EU relocation scheme of 2015, exploring how it has been linked to practices and structures within inter-agency, transnational cooperation that have been established at earlier stages of the field’s evolution. In addition, the practical struggles this entailed regarding its translation into a real-time administrative procedure will be examined. Here due to the fieldwork’s specificity, this paper will investigate the case of Italy.<sup>3</sup> In the light of core findings, the conclusion briefly discusses the new solidarity mechanism and its potential to appease or perpetuate core field conflicts.

## 2 | Struggles Around Responsibility and the Genesis of A Field of European Asylum Administration

For Bourdieu, modern societies are differentiated into a variety of relatively autonomous social fields, each revolving around a certain issue or interest (Bourdieu and Wacquant 1992). A field is a space of struggle, where actors compete for a variety of valued resources (or species of “capital”) (ibid.: 101). Objectively, fields are characterised by a hierarchical web of positions, defined by the structure of the distribution of different kinds of resources (economic, political, cultural, symbolic and others) (ibid.: 97). Moreover, each field signifies, presupposes, and cultivates a taken-for-granted knowledge of the “rules of the game” – the *doxa* of a field (Bourdieu 1990, 66–68). The strategies that actors pursue in their struggle for resources and status depend on both their (objective) position (which is defined by the composition of accessible resources) within the field and the (subjective) perception or view that they have of the field (Bourdieu and Wacquant 1992; 101). Bureaucratic fields are peculiar insofar as they are closely related to the state, defined by Bourdieu as holder of the monopoly on the legitimate use of physical and symbolic power (Bourdieu 1994, 3). Civil servants through acts of certification, questionnaires and the filling of official forms seem to “assert what a person or a thing is and what it is universally, for every possible person, thus objectively” (Bourdieu 1989, 22). It is precisely this monopoly of the state as referee in the production of the legitimate vision of the social world (Bourdieu 1994), which is questioned, and (re-)adjusted through the evolution of transnational fields (Adler-Nissen 2012, 10).

The EU and its institutions form themselves a field of “Eurocracy” which can be regarded as a “transnational machinery for making compromises” (Georgakakis 2024, 286). National and EU bureaucrats struggle to play their part in this machinery, as do International Organisations (IOs), Nongovernmental Organisations (NGOs) and other interested public or private actors. Their competition for authority and legitimacy to regulate a certain sphere of practice through EU legislation and administrative measures is a key driving force in the transnational restructuring of national bureaucratic fields (Guiraudon 2003; Pernicka and Lahusen 2018). The adaptation pressures on private and public actors that come from EU legislation or temporary EU projects like the relocation scheme of 2015, however, may trigger opposition; both from political actors (e.g., anti-EU parties), as well as from those agents more directly involved in the technicalities of their implementation. This points to the

complexity and multi-directionality of the struggles within transnational fields, where state and non-state actors intervene at different stages in the process of defining and implementing EU policies (Schittenhelm 2018).

The initial impetus to define a regional division of labour in the area of asylum came from those European states with an established history of providing asylum like Germany, the UK, France, the Netherlands, and Sweden. These countries can be considered “strong regulators” because they developed a substantial range of codified asylum laws as early as in the 1950s and 1970s, their asylum administrations are comparably well-staffed, and they have processed a relatively high amount of applications, thus obtaining considerable experience and expertise in the regularisation and administration of asylum (Zaun 2017, 28–33). Recording an increase in applications for asylum in the 1990s, they feared a further rise in the number of incoming forced migrants after the Schengen Agreement removed internal border controls within the Schengen Area. This was because “weak regulating states” in southern Europe (especially Italy, Greece and Spain) would not enforce their borders and risked becoming a “waiting room” for forced migrants who would move onwards to north-western Europe (Zaun 2017, 61; Lott 2023, 465). Hence, the first actors that “went transnational” were the interior ministries of strong regulators, which tried to gain autonomy from domestic constraints and open up new spaces of action (Guiraudon 2003). The underlying rationale of the first entry rules was to begin converting South European transit countries into “countries of first asylum” (Bast 2007, 22). Mediterranean states accepted the first entry rule due to their asymmetrical bargaining power, deriving from their inadequate entry and asylum policies as well as their low number of asylum applicants, and because they underestimated the future implications of the Dublin Convention in relation to the profits that the Schengen process would entail for them (Lott 2023, 469).

The Dublin Convention of 1990 was the first international agreement to officially institutionalise the idea that the act of passing through—whether or not the person applied for asylum or maintains links to that country—means the relevant authorities must take responsibility for receiving that person and the processing of the asylum request (Lott 2023, 465). This delegitimized the claims of forced migrants to choose the member state where they make their asylum request and established a legal basis for their return to the country of first entry. In order to build an administrative base for this unique division of administrative labour, transnational structures and procedures for inter-agency cooperation were created, including, for example, installing dedicated Dublin Units within national asylum authorities, the electronic communication network DubliNet facilitating standardised inter-agency communication and the Eurodac database for storing and sharing fingerprint data (Bast 2007; Lahusen and Wacker 2019). In principle, this enables a remarkably high degree of automaticity in cross-national cooperation (Mitsilegas 2014, 184). However, the fairness and legitimacy of the Dublin system continued to be subject to contestation, especially when the number of newly arriving forced migrants was rising from the early 2000s onwards.

Conflicts on the one hand revolved around the persistent differences in various countries’ reception conditions and refugee

recognition rates, amounting to an “asylum lottery” rather than a true Common European Asylum System (Toshkov and de Haan 2013; AIDA 2019). Against this background, the United Nations High Commissioner for Refugees (UNHCR) called for a radical switch-over to a system that would allocate responsibility according to where the asylum application was lodged (UNHCR 2007). The persistent divergences between the asylum administrations of member states together with the “personal circumstances” of the forced migrant concerned would constitute valid reasons for lodging an asylum application in a specific member state (ibid.: 38). The post-2008 economic and financial crises even aggravated reception conditions in several member states, first and foremost in Greece (Trauner 2016). This further weakened the legitimacy of the Dublin system, which requires countries’ reception conditions and the procedural rights given to forced migrants to be comparable (Thielemann 2018, 73). In 2011 an alliance of lawyers, UNHCR, and NGOs filed a lawsuit before the European Court of Human Rights (ECHR) and managed to achieve the suspension of Dublin returns to Greece (Kasperek 2016, 71). Forced migrants themselves developed strategies of evasion or escape (e.g., through crossing the external borders undetected), with many being nonetheless caught in a constant cycle of departure and deportation (ibid.: 68).

Moreover, the differences in the way member states interpreted and implemented the Dublin Regulation (e.g., with regards to the taking of fingerprints or the kind of evidence they accept as proof of family relations), as well as the low rate of actual transfers, point to avoidance strategies on the side of national asylum authorities, cast doubt on the Regulation’s effectiveness and gave rise to further conflicts between member states (Lahusen and Wacker 2019). Time and again southern member states demanded compensation for their systematic disadvantage under the first-entry rule, while countries at the centre of the EU pointed to their comparably high numbers of asylum applications as proof of the failure of countries like Italy to consistently fingerprint newly arrived forced migrants, rendering it impossible to show that Italy was their first point of entry (Trauner 2016, 315). They argued that frontline member states needed to “bring their own house in order” first before solidarity could be developed further (EC01: 2203-2207).

This insistence of “strong regulators” on the first-entry rule as a means to discipline frontline states limited the realm of thinkable solutions to inbuilt adaptations rather than true alternatives (Lahusen and Wacker 2019, 169). The temporary intra-EU relocation scheme of 2015 is a case in point, since it has been deliberately designed as a solution *within* the Dublin system. Nonetheless, it can be regarded as the result of the relentless conceptual and practical efforts that several actors (including in particular the European Commission (EC) and more hidden actors like UNHCR and the International Organisation for Migration (IOM)) made to embattle an adaptation of the Dublin system’s underlying logic. Their common investments of diverse species of capital (i.a. in the form of EU project funds and the pooling of flexible and qualified staff around the EU’s Asylum Agency (EUAA)) made intra-EU relocation appear as a practicable and politically feasible administrative solution. The analysis below investigates how exactly the relocation scheme’s design changed the roles and positions of national administrations and forced migrants, and how this, again, triggered strategies

of enforcement and refusal from different sides at the level of implementation.

### 3 | Data and Method

The data analysed in this paper was collected in the context of the research project, “The European Field of Asylum Administration” (University of Siegen). The project’s first research phase focused on the cooperative development of the European Asylum Curriculum (EAC) and its implementation in the Swedish Migration Board (Swedish: Migrationsverket), as well as the German Federal Office for Migration and Refugees (German: Bundesamt für Migration und Flüchtlinge) (Lahusen et al. 2022, Schittenhelm 2018). Building on these insights, the overall aim of the second phase of the research project was to better understand the structures, dynamics and drivers of cross-national inter-agency cooperation in the field of asylum more generally.

Data was collected in the form of documents and semi-structured expert interviews. From spring to summer 2016, initial interviews were conducted with representatives of the EC, the EUAA, civil servants from national asylum authorities, as well as with the UNHCR and Brussels-based NGOs. Many of our interviewees attached considerable importance to the relocation scheme, so further interviews were conducted with key stakeholders involved in the conceptualization and local implementation of the relocation scheme. Regarding the process of implementation, we mainly looked at the situation in Italy. We talked to staff of the European Commission, the EUAA, and officials in the Italian Dublin Unit, as well as staff from the UNHCR, IOM and Italian NGOs. The data collected spanned from political debates at the EU level, the disembarkation of forced migrants in southern Italy, to organizing their final transfer. This paper analyses a selection of 17 interviews (see Table 1).

The strategy for collecting and interpreting data was guided by grounded theory, as developed by Glaser and Strauss (Glaser and Strauss 2009), as well as Clarke’s situational analysis (SA) (Clarke 2005). SA is an extension of classical grounded theory and invites us to take the complexity of the situation under study seriously. For this purpose, Clarke developed four kinds of maps which allow to capture major human and nonhuman elements (discursive, historical, spatial, and others) in that research situation and analyze the relations among those elements in a systematic way. Of particular importance for this article has been the mapping of social worlds and arenas. It served as a tool to identify relevant collective actors and inquire how they entered into negotiations at different levels of administration.

### 4 | The Relocation Scheme of 2015 as “Training Exercise”

The concept of intra-EU relocation was introduced into EU-level political debates already in 2007 (European Commission 2007). Ever since, the EC (in exchange with “trusted experts” such as UNHCR and IOM) explored its feasibility and possible modes for its operationalisation (European Commission 2010). The underlying idea of relocation was to compensate Southern

**TABLE 1** | List of interviews featured in this paper.

Interview label	Institutional affiliation
EC01	European Commission/ DG Home official
EC02	European Commission/ DG Home official
EUAA01	EUAA staff in Italy
EUAA02	2 officials deployed via EUAA to Italy
EUAA03	2 officials deployed via EUAA to Italy
UNHCR01	UNHCR Representative
UNHCR02	2 UNHCR Representatives in Italy
UNHCR03	2 UNHCR Representatives in Italy
IOM01	IOM Representative in Brussels
IOM02	IOM Representative in Italy
NGO01	NGO staff, Brussels
NGO02	NGO staff, Brussels
NGO03	NGO staff, Brussels
NGO04	NGO staff, Italy
NGO05	NGO staff, Italy
NGO06	2 NGO staff, Italy
NGO07	NGO staff, Italy

member states for their systematic disadvantage under the Dublin Regulation. However, initially relocation was conceived as a crisis measure only. This followed the usual framing of solidarity between member states as an exceptional emergency measure, confronting demands for more profound adaptations of responsibility assignment which would prevent an unequal distribution of forced migrants from occurring in the first place (Tsourdi 2017, 673). Before 2015, member states accepted intra-EU relocation only reluctantly, in the framework of small-scale, voluntary pilot projects outside the Dublin system.<sup>4</sup> In its European Agenda on Migration of May 2015 the EC then envisioned relocation as one of the key measures to tackle the “refugee crisis” (European Commission 2015a). Although the relocation scheme perpetuated an emergency-induced approach to the issue of solidarity (Tsourdi 2017), from the beginning, it was envisioned as a “precursor for a lasting solution” (European Commission 2015a, 4). Indeed, the scheme resembled a test run for a recast of the Dublin Regulation, which would automatically trigger intra-EU relocations after the number of asylum applications in a member state exceeded a certain threshold (European Commission 2016b).

Legally, the relocation scheme was outlined as a temporary deviation from the disputed first entry criterion, which meant Italy and Greece would otherwise have been responsible for examining the asylum applications of the persons concerned.<sup>5</sup> However, this temporary suspension applied to a particular category of forced migrants only: persons holding a nationality for which the average first-instance recognition rate in the

EU was at least 75% (Art. 3 (2) Council Decision 2015/1601). Bureaucratically speaking, the relocation procedure used well-established Dublin infrastructure, aiming to integrate relocation cases into a further category of Dublin system cases, which would be handled in the same way as any other Dublin case (EUAA02: 257–276).<sup>6</sup> Moreover, it established an entirely new administrative chain of action for identifying and moving “relocation cases” from points of first arrival at the southern shores of Italy and Greece, through their reception and asylum processing systems on the mainland, the Dublin units in Rome and Athens, to their counterparts (the Dublin units) in the member states of relocation.<sup>7</sup> The relocation scheme involved the differentiation of several basic procedural steps and a professionalisation of on-site actors accordingly. For the immediate channelling of incoming forced migrants who fell into the category mentioned above into the relocation process, the so-called hotspots established in Italy and Greece since 2015 played a crucial role.<sup>8</sup> Put simply, hotspots are first accommodation facilities close to Italian and Greek ports where forced migrants underwent a first screening and identification, meaning, for example, that their fingerprint data was assimilated into the Eurodac database. From 2015 to 2017, those eligible for the relocation scheme were to be transferred from hotspots to dedicated reception centres—termed regional relocation hubs (Ministero Dell’Interno 2015a, 2015b). Here, their registrations for the relocation procedure were completed by the local *Questura* (police headquarters). Then, the registered relocation cases were automatically referred via Italy’s Vestanet system<sup>9</sup> to the Dublin Unit in Rome, where the so-called matchmaking took place, meaning that each case would be assigned to a member state for relocation. The next step was for officials in the Italian Dublin Unit to send relocation requests via DubliNet accordingly. In the event of a positive reply, the candidate was informed of the outcome, and the organisation of their transfer started.

The first relocation from Italy took place on 9 October 2015 to Sweden—less than one month after the relocation scheme was officially launched (European Commission 2015c, 19). However, considering that Sweden asked for a one-year suspension of its obligations shortly afterwards (AIDA 2016, 19), the first relocation exercise appears to be a symbolic act by the Swedish and Italian governments, as well as the EC, who wanted to demonstrate that the relocation process could work in principle. Particularly in the first half of 2016, the relocation process remained very slow, gradually gaining pace in Italy from December 2016 onwards (European Commission 2017a, 3). In the end, until April 2018 only 34,705 persons were effectively

relocated from Italy and Greece to other EU member states (ECA 2019, 21) (see Table 2 below).<sup>10</sup>

How did this number materialise? I argue that the relocation scheme, together with the hotspot approach, sought to reformulate the division of labour between the Italian and Greek asylum and reception processing systems and the counterpart systems of member states further north in a very specific way. The member states of relocation were conceived as a “second-level protection space”, obliged to take over the responsibility for asylum requests from frontline member states in situations of “migratory pressure”, but reserved for those categories of forced migrants that are considered as particularly “deserving”, and/or with (familial, cultural, or educational and qualification) links to that member state. This carried the potential to involve the administrations of member states more effectively, that took more peripheral positions in the past (like the south-eastern and Baltic states) (Lahusen and Wacker 2019, 166). Italian and Greek administrations on the other hand were assigned the role of “clearing houses” of forced migrants arriving at their shores, where a first registration and “pre-sorting” of forced migrants takes place. This includes i.e., the tasks of registering, identifying and selecting “cases” that may be excepted from the first-entry criterion and considered for relocation. As a consequence, more complex and resource-intensive caseloads remained the responsibility of the Italian and Greek asylum authorities (Tsourdi 2016b, 8). Forced migrants on their part were conceptualised as “passive beneficiaries” of relocation, whose links to a particular member state may be considered but without having an effective say in which member state they are finally relocated.

The “administrative backbone” of this (slightly) adapted “vision of division”—including sufficient accommodation capacities and technical equipment, civil servants with practical know-how and commitment to realise relocation, as well as a fine-tuned division of tasks—had yet to be developed when the scheme itself was already being implemented (EC02: 371–376).

#### 4.1 | Member States of Relocation as “Second-Level Protection Space”

Compared to earlier, small-scale relocation pilot projects, the 2015 relocation scheme marked an unprecedented reduction in the ability of member states of relocation to determine how many people and who, exactly, were entering their jurisdiction. The share of each member state was defined by a distribution key. This took into account the size of a country’s population,

**TABLE 2** | Relocation places planned and successfully fulfilled for Italy and Greece (as of April 2018).

	Council decision (EU) 2015/1523	Council decision (EU) 2015/1601	Legal commitments	Transfers realised until April 2018
Scope	40,000	120,000		
Italy	24,000	15,600	34,953	12,706
Greece	16,000	50,400	63,302	21,999
		Sum total:	98,255	34,705

Source: European Commission (2016a); ECA (2019).

its GDP, average application numbers in the past, and the unemployment rate (European Commission 2015a, 19). Moreover, a candidate for relocation could only be rejected due to security concerns; to be exact, solely in cases “where there are reasonable grounds for regarding him or her as a danger to their national security or public order” (Art. 5 (7) Council Decision (EU) 2015/1601). These rules were meant to prevent the member states from “cherry picking” – a phenomenon which, according to the UNHCR official below, constitutes a danger in any distribution scheme (UNHCR01: 882–900). Drawing on experiences from the EUREMA project (see chapter two), the interviewee stated that:

When it comes to distribution there certainly is the fundamental danger that there is kinda cherry picking right? That they have well so to say hundred refugees or hundred people that it should be from the Maltese side and then the member states arrive and kinda pick the best [...] that is this selection process which is just crucial

(UNHCR03: 882–900)

Some EU member states perceived this narrowing down of their discretionary powers an unacceptable breach of their sovereignty. Consequently, for the first time in the sensitive policy field of asylum and migration, the Council decided by majority vote with Hungary, the Czech Republic, Slovakia, and Romania to vote against the relocation scheme (Guild et al. 2017). Hungary and Slovakia even filed a case against the Council Decision before the CJEU, which was dismissed on 6 September 2017. Denmark and the United Kingdom did not participate and opted out of the scheme. The associated states Liechtenstein, Norway and Switzerland decided to participate in the relocation scheme on a voluntary basis. Finland, a country that has traditionally shown considerable commitment to supporting international cooperation in refugee issues, abstained from voting (Wahlbeck 2019).

However, despite Finland’s initial hesitation, it is one of the few countries that started to relocate people from Italy on a regular basis right from the programme’s launch in October 2015 (Wahlbeck 2019, 309). On the other hand, particularly in the first half of the scheme’s implementation, most other member states (including Germany) were reluctant to make relocation places available (EC02: 381–385). Besides, despite clear rules restricting the grounds for rejecting relocation requests, several member states refused to relocate candidates with specific profiles, without giving a reason or due to reasons not specified in the Council Decisions (European Commission 2016a, 9; 2016c, 4; AIDA 2018). Hence, against the target to neutralise prevailing conflicts through integrating a relocation procedure into the usual workflow of Dublin units, regulatory gaps combined with a lack of enforcement made Dublin units a means of slowing down or blocking the process. Other member states (especially France and Ireland) insisted on conducting in-person security interviews in Italy and Greece instead of basing their assessment on information provided by Italian and Greek officials alongside each relocation request (EC02: 553–658).<sup>11</sup> In the end, Finland relocated 95.2% and Germany only 39.3% of its share (Portoghese 2018,

26). The Visegrád Group, overt opponents of the scheme, relocated none, or very few. Consequently, the EC launched infringement procedures against the Czech Republic, Hungary and Poland for non-compliance with their legal obligations (European Commission 2017b). Looking at smaller EU member states with comparably underdeveloped asylum systems, the lack of capacity and experience in cross-national, inter-agency cooperation may explain why they fell behind in doing their share (AIDA 2018). However, the implementing efforts of the EC and other actors such as UNHCR, IOM, and the EUAA (see subchapter below) focused on the workflow in Italy and Greece, whereas a similar engagement with each member state of relocation was beyond the EC’s capacities (EC01: 1903–1927).

## 4.2 | Italy as “Clearing House” for Forced Migrants

For the Italian and Greek authorities, the integration of an additional new administrative channel into their reception and asylum systems afforded a detailed and complex fine tuning of existing administrative practices and procedures (EUAA01: 1238–1259; EUAA02: 243–259). In view of the additional workload caused by the implementation of this new relocation channel, from the very beginning the Italian authorities doubted that it would be possible to reach the target of 39,600 relocations within a two-year timeframe. They envisioned a more modest objective instead: 10,000 transfers (IOM01: 245–255; IOM02: 72–77). The Italian authorities felt both overwhelmed and reluctant when faced with the scheme’s implementation (EC01: 1900–1927; IOM02: 455–460). This was reflected in a broad range of implementation problems, especially in the first half of the scheme. For instance, eligible candidates were not gathered in relocation hubs, but were transferred from hotspots to different reception centres all over Italy, where the local authorities did not know how to register relocation cases or did not know the relocation scheme at all (UNHCR04: 185–196; NGO06: 297–324; IOM02: 170–182). Many forced migrants therefore had to travel to Rome or Milan on their own in order to ensure they were registered, or organized their onward movement by themselves (UNHCR04: 185–196; NGO05: 297–324). Moreover, for Italy unnecessary difficulties derived from the 75% threshold mentioned previously, which restricted eligibility to select nationalities when the majority of forced migrants arriving in Italy came from a range of sub-Saharan countries, of which only Eritrean nationals reached the aforementioned threshold (Papadopoulou et al. 2016, 28). When arrivals of Eritrean nationals were decreasing in 2016 and 2017 onwards, for instance (UNHCR 2017), Italian authorities had difficulty finding enough candidates who could qualify for relocation (EC02: 403–408).

Moreover, the hotspots and the relocation scheme were conceptualised as multi-actor ventures, meaning that both measures were implemented and accomplished by the Italian or Greek authorities, in cooperation with European agencies, IOs and NGOs (Guild et al. 2017, 52–59; Loschi and Slominski 2022). With respect to the relocation scheme, a key role was assigned to the European Union Agency for Asylum (EUAA), which at that time was still called the European Asylum Support Office (EASO).<sup>12</sup> The EUAA resumed its work in 2010 and was created in part to support member states in their efforts to implement the CEAS,

e.g., through the deployment of Asylum Support Teams (ASTs) (Tsourdi 2016a). ASTs consist of experts from the agency's own staff as well as experts seconded by EU member states to the beneficiary member state. In Italy and Greece, ASTs had existed for several years (since 2013 and 2011 respectively), therefore had experience working in the national contexts of Italy and Greece. In terms of the relocation scheme's own structure, ASTs were involved in all of its procedural steps and hence provided staff with the necessary commitment as well as technical equipment. However, they lacked authoritative decision-making powers, and hence mainly helped with preparatory work (e.g., the compilation of case files in Vestanet) or supported the execution of decisions made by Italian officials (e.g., by sending relocation requests via DubliNet). This afforded detailed agreements between the EUAA and Italian officials on a workable division of tasks.

At the start of the scheme's implementation, there was a marked lack of coordination and no precise assignment of tasks (IOM02: 118–121). In this situation, the EC pushed for the formulation of so-called relocation protocols (EC02: 743–755), which would lay down the roles and responsibilities of each actor much more precisely. While the relocation protocol for Greece had been finalized in late spring 2016, the EC struggled to come to the same agreement with the Italian government (EC02: 743–803). Nonetheless, several interviewees came to the conclusion that in the end the relocation scheme did start to work as intended and regretted that there was no follow-up scheme (UNHCR02: 638–660; UNHCR03: 1549–1551; EUAA01: 1368–1377). This points to the capacities and limits of the EC as well as of other, more overlooked actors such as UNHCR, IOM, the EUAA and NGOs to close capacity gaps and reorient the practices and routines of national and local authorities towards the “joint enterprise” of the relocation scheme.

### 4.3 | Forced Migrants as “Passive Beneficiaries” of Relocation

The 75%-threshold not only posed problems for Italy and Greece, but has also been criticised for superficially excluding many forced migrants from the relocation process due to their nationality, reinforcing the idea that asylum claims made by some nationalities are more legitimate than others, with no attention paid to the details of individual situations (Crawley and Skleparis 2018). On the other hand, especially in the beginning of the scheme, those who were indeed eligible were not eager to participate. In her analysis of the hotspot approach, Tazzioli describes a group of 250 Eritreans who arrived in Lampedusa in November and December 2015. They refused to be fingerprinted by the Italian police and perceived the relocation scheme as an intolerable violation of their autonomy (Tazzioli 2018). Indeed, the Council Decisions allowed forced migrants extremely limited influence over the choice of which EU member state they would ultimately be travelling to. It was acknowledged that “specific account should be given to the specific qualifications and characteristics of the applicants concerned, such as their language skills and other individual indications based on demonstrated family, cultural or social ties which could facilitate their integration into the Member State of relocation” (rec.

34 Council Decision 2015/1601). In practice, relocation candidates could mention up to three countries as priority choices but there was no guarantee that their preferences would be considered at all (Papadopoulou et al. 2016, 29).

For those who participated in the relocation scheme, the decision-making process was opaque and arbitrary. Although the maximum duration of the relocation procedure was set at 2 months from the indication of available relocation places by the member states of relocation,<sup>13</sup> many had to wait much longer (some even over a year) until they finally received a decision regarding their relocation (UNHCR02: 604). Moreover, participants in the relocation scheme suffered inadequate reception conditions and a lack of support during the process. Due to the aforementioned failure to properly register candidates after they left hotspot facilities, resulting in some having to travel by themselves to Rome or Milan, many lost access to the Italian reception system and therefore had to remain in informal camps for several months or even until the end of the relocation process (NGO06: 417–425). As a consequence, relocation candidates suffered serious emotional stress and developed mental illnesses in the process. These conditions were especially hard for unaccompanied children (UNHCR04: 617–626). In several cases, the relocation procedure ended with a rejection, with the consequence that relocation candidates were then trapped in Italy. One member of an Italian NGO reported:

[I]t was a very huge problem because you cannot appeal against this decision and the automatism was the competence [for the asylum claim fell back to] Italy automatically so it turned out to be an application for protection in Italy. So after having waited like four, five months they have been rejected. A lot of people had a burnout for it. It was very difficult. We had also two or three cases of suicide.

(NGO06: 497–511)

Furthermore, there were considerable disparities in the reception and treatment they got in different member states (AIDA 2018). For example, some member states had fast-track registration for relocation cases (i.e., Sweden, the Netherlands, Portugal, Ireland, Romania, Slovenia, Croatia) while others treated relocated candidates as they would any other asylum seeker arriving on their territory (e.g., Germany, Switzerland, Spain, Belgium, Malta, Bulgaria, Austria). Accordingly, a recurring issue was the difficulty to establish “trust” in relocation among forced migrants, hence, persuade them that it is worth to register for relocation and await the decision, instead of absconding and moving onwards autonomously (IOM02: 46–55; UNHCR03: 1367–1456; NGO07: 63–99). Thus, the way forced migrants perceive administrative measures matters. Of key importance in this regard are the information that circulate within forced migrants' own networks.

## 5 | Conclusion

A field-sociological approach as developed by Pierre Bourdieu encourages taking the respective resources and the influence of each actor on the complex dynamic of transnational fields

seriously, instead of presuming the dominance of one or more allegedly powerful member states. To be sure, the first entry rule in particular can be tied to the interest of “strong regulators” to discipline southern frontline states. Moreover, although heavily disputed, the Dublin system attained symbolic power over time, not least through the massive (human, material and technical) resources that have been invested in its administrative infrastructure. At the same time, the relocation scheme of 2015 points to the potential of a range of state and non-state actors to embattle an adaptation of the Dublin system’s underlying logic from within. Powerful latent or overt avoidance strategies of member states during implementation undermined these efforts. This, however, did not prevent further investments of diverse resources in the concept of relocation from taking place.

The AMMR establishes relocation as a permanent feature of the CEAS and broadly formalises the administrative arrangement that has been tested in the framework of the relocation scheme before, with some targeted amendments (compare i.e., Art. 67 AMMR). First, there will be no binding relocation quota, but member states will pledge relocation places or alternative solidarity contributions at the newly established High-Level Solidarity Forum (Art. 13 AMMR). Second, the absence of an eligibility threshold will broaden the leeway of those actors that are involved in the selection of relocation candidates (such as the EUAA) and raises questions regarding their strategies to choose and match relocation candidates with member states of relocation. These and other issues concerning implementation will be discussed in the new Technical-Level EU Solidarity Forum, which will be convened and chaired by the EU Solidarity Coordinator; a new post, which will be appointed by the EC, and shall have its own office and staff (Art. 14 AMMR). These formal structures may normalise cooperation between member states in relation to relocation at different administrative levels and help standardise proceedings. As a result, civil servants from different departments and authorities will increasingly grow familiar with the relocation process. However, there is still considerable leeway for member states to block or slow down the process or refrain from relocation at all. On the contrary, the “room for manoeuvre” of forced migrants has further been narrowed down, i.e., through an explicit obligation to stay in the country of first entry until the responsible member state or the member state of relocation has been determined, and the possibility to sanction their non-compliance (Art. 18 (1) AMMR). This treatment like “banana boxes” (NGO02: 965) makes the evasion of registration procedures or absconding during the process a likely (but increasingly perilous) counter-strategy.

To conclude, the testing and formal integration of a relocation procedure into the Dublin system upholds the belief in administrative detail work as a means to define a common “vision of division” (Lahusen and Wacker 2019). However, the current legal and administrative framework—and the solidarity mechanism in particular—provides member states with considerable leeway to adapt flexibly to changing public opinions, allow the inclusion of some forced migrants (in accordance with their respective preferences), while accepting a life in legal uncertainty and destitution of many others (Kasperek 2016: 68). Hence, it is likely that the “Dublin game” of the past will continue, with counter-strategies of member states and forced migrants at

diverse stages of the process, but with more complex moves and prolonged phases of legal limbo.

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## Data Availability Statement

Research data is not shared.

## Endnotes

- <sup>1</sup> Throughout the text, the author chooses to use the term ‘forced migrant’ instead of ‘refugee’ to refer to the range of people arriving in Europe due to a mixture of violent circumstances, compelling them to leave their original place of residence or to continue a journey already underway. In doing this I follow Stephan Castles’ plea for a sociology of forced migration in view of the impossibility, in many cases, to make a clear-cut distinction between voluntary ‘economic migrants’ and non-voluntary ‘refugees’ (Castles 2003). The term ‘forced migrant’ therefore helps to recognize this complexity, “contextualizing refugees within wider migratory processes of transnational social transformations” (Zetter 2007: 189).
- <sup>2</sup> Another Dublin criterion which is significant but of secondary relevance in terms of Dublin transfers is family reunification. Most Dublin criteria follow the causative principle, meaning that the Dublin state responsible for the forced migrant’s presence in the EU should examine the asylum claim. In order to follow the Dublin system and especially the first-entry criterion, the Eurodac regulation has been adopted. It establishes rules and a database for taking, storing and sharing fingerprint data from forced migrants upon arrival.
- <sup>3</sup> The relocation process in Italy and Greece was organised around the same basic steps. However, there were also key differences. This, in particular, applies to the EU-Turkey Statement which came into effect on 20th March 2016. As a consequence of the EU-Turkey Statement, only persons that arrived prior to 20th March 2016 were regarded as eligible for relocation. For a more detailed analysis of how the hotspot approach and the relocation scheme has been implemented in Greece, see the reports of Papadopoulou et al. (2016) and Guild et al. (2017).
- <sup>4</sup> From 2010 to 2012, the concept was tested in the form of the European Union Pilot Project on Intra-EU Relocation from Malta (EUREMA), which was voluntary in nature and relocated some 500 persons in total (EASO 2012).
- <sup>5</sup> Other Dublin criteria, like provisions related to family reunification, remained intact (Council Decision 2015/1601, recital 24). Family reunification had to be handled with priority.
- <sup>6</sup> However, the degree of automaticity involved in the relocation procedure was more limited due to the lack of a stipulated time limit for responding to a relocation request, among other things. On the contrary, in a Dublin procedure responsibility for the asylum application is automatically assigned to the requested member state if the authorities of that state do not respond within two months (art. 22 par. 7 Dublin-III-Regulation).
- <sup>7</sup> The term ‘member state of relocation’ denotes EU member states which become responsible for examining the application of a forced migrant following his or her relocation to their territory (Art. 2 Council Decision (EU) 2015/1601).
- <sup>8</sup> The hotspot approach was developed and promoted by the EC as a way to handle and manage “mixed flows of asylum seekers and economic

migrants” at the EU’s external borders (European Commission 2015b: 1).

<sup>9</sup> Vestanet is the databased used by Italian authorities in order to register and store asylum requests as well as information that is connected to the individual request. Moreover, the Vestanet system is used for the automatic transfer of case files in electronic formats between the police authorities, the Italian Dublin unit, as well as the territorial commissions which are responsible for the granting of international protection.

<sup>10</sup> The two Council Decisions together envisioned the intra-EU relocation 160,000 of forced migrants. 54,000 places were initially reserved for Hungary but finally made available for resettling Syrians from Turkey under the EU-Turkey Statement (EAC, 2019). For Italy and Greece, both Council Decision actually envisioned in sum 106,000 relocations. However, legal commitments only existed for 98,255 relocations. In line with the first Council Decision, the member states themselves determined the share of relocation places they would each take. As a consequence, out of the 40,000 relocation places foreseen in the first Council Decision, 7745 places were never allocated (European Commission 2016a). On the contrary, the second Relocation Decision entailed a distribution key which determined the share of each member state.

<sup>11</sup> The Italian government perceived this as an unacceptable breach of its sovereignty and claimed that the member states receiving relocation candidates had to trust the security assessments of the Italian authorities. The Greek authorities were much more generous in this regard, allowing national delegates to conduct security interviews in situ in Athens (EC02: 619–625).

<sup>12</sup> Previously named European Asylum Support Office (EASO), the agency was renamed European Union Asylum Agency (EUAA) in 2021 after an adaptation of EASO’s initial mandate. In comparison with its predecessor, the new agency i.e., commands extended responsibilities to monitor the state of the asylum and reception systems of member states.

<sup>13</sup> The member states of relocation had to indicate the number of available relocation places at an interval of at least every three months (Art. 5 (2) Council Decision 2015/1601). In case the relocation request was submitted by Italy and Greece shortly before the expiry of the two-months deadline, the Council Decisions provided for the possibility of a two-week extension (Art. 5 (10) Council Decision 2015/1601). Furthermore, a four-week extension was possible in case of objective practical obstacles hindering the transfer (ibid.). Accordingly, the entire process should be completed in no more than three to three and a half months (AIDA 2018: 4). In case the aforementioned time limits were exceeded without an agreement between Italy and Greece with the member state of relocation on a reasonable extension, the Council Decisions stipulated that the responsibility for the examination of the asylum request shall remain with the Italian and Greek asylum authorities (Art. 5 (10) Council Decision 2015/1601).

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