

Abstract English

The European migration and refugee policies have undergone rapid changes over the last decade, a change which has been accelerated by the so-called ‘refugee’ or ‘migration’ crisis. According to the UNCHR, over one million people arrived in Europe by sea in 2015. Moreover, from January to December 2016, more than 360.000 people arrived in Europe by sea.¹ As a consequence, there have been dramatic reforms to the European Union’s migration and refugee policies. The EU Agenda on Migration (Agenda) formed the basis for these reforms, and set out the guidelines on migration and asylum policies to follow in the coming years. This thesis focuses on one measure indicated in the Agenda: the ‘hotspot approach’. The hotspot approach represents the EU’s central measure for facilitating the registration and identification of asylum seekers arriving in frontline member states, namely Italy and Greece.

The hotspot approach is used as a case study to demonstrate that some changes may occur with little regard or analysis of their legality in member states. This thesis seeks to address the dearth of research on hotspots, their evolution and future, and the problems that this new policy raises in Italy due to a possible lack of compliance with Italian law. The hotspots started to work in Europe in September 2015, thus the analysis will develop mainly on the basis of reports presented by different actors working on the field and on papers presented by the few scholars in the area.

The third chapter of the thesis addresses the idea that the hotspot approach may be a starting point for a transition to a system in which the procedures of identification and registration take place outside the European Union. Whereas the hotspot approach implies the development of processing centres in frontline member states, the latest declarations by some EU leaders expressed interest in the adoption of a system in which these procedures happen outside Europe. Various leaders have referred to the Australian model as a system to face the ‘crisis.’ Thus, in the last chapter the thesis seeks to understand why this discussion is occurring at this point in time, taking into consideration securitisation theory and what legal problems can arise. The legal issues are addressed considering the compliance with human rights embodied in the European Convention of Human Rights, a regional treaty which is a feature of European Union member states, but is not relevant in the Australian system.

¹ UNHCR, Monthly data update: December 2016.

http://reliefweb.int/sites/reliefweb.int/files/resources/Monthly_Arrivals_to_Greece_Italy_Spain_Jan_Dec_2016.pdf
(last access February 4 2017).