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“On my honour as a student of the Diplomatische Akademie Wien, I submit this work in good faith and pledge that I have neither given nor received unauthorized assistance on it.”

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Abstract

This thesis aims to explore the internal applications of the European Union's migration externalisation policy to Bulgaria, a key member state at the Union's external border with Turkey. Focusing on the EU-Turkey Deal from 2016 as a turning point, the study investigates how Bulgaria has adapted its approach towards migration management in response to the EU-led efforts to control irregular migration beyond its territorial borders. Applying the theoretical lenses of orchestration and the core-periphery framework, the thesis analyzes the case of Bulgaria not only in its role as a passive beneficiary of EU policies and funding but also as an active intermediary that implements externalisation practices. Empirical data are examined across the dimensions of enabling, enlisting and monitoring, which provide a reflection of the diverse roles that Bulgaria takes on in this context. Through process tracing and qualitative content analysis on legal texts, policy documents and relevant reports, the study provides an overview of some of the misalignments between EU and national priorities as well as contradictions between human rights values and obligations and border management practices. This thesis aims to contribute to the broader debate on burden-sharing, sovereignty and compliance within the EU as well as shed light on the need for more equitable migration governance, which acknowledges the challenges faced by member states protecting the external borders of the Union.

Kurzfassung

Ziel dieser Arbeit ist es, die internen Anwendungen der Externalisierungspolitik der Europäischen Union auf Bulgarien zu untersuchen, einem wichtigen Mitgliedstaat an der EU-Außengrenze zur Türkei. Die Studie konzentriert sich auf den EU-Türkei-Deal von 2016 als Wendepunkt und untersucht, wie Bulgarien seinen Ansatz zur Migrationssteuerung als Reaktion auf die EU-geführten Bemühungen zur Kontrolle der irregulären Migration jenseits seiner territorialen Grenzen angepasst hat. Unter Anwendung der Theorien der Orchestrierung und des Kern-Peripherie-Rahmens analysiert die Arbeit den Fall Bulgariens nicht nur in seiner Rolle als passiver Empfänger von EU-Politik und -Finanzierung, sondern auch als aktiver Vermittler, der Externalisierungspraktiken umsetzt. Die empirischen Daten werden anhand der Dimensionen Ermöglichung, Einbindung und Überwachung untersucht, die die verschiedenen Rollen widerspiegeln, die Bulgarien in diesem Kontext einnimmt. Durch die Rückverfolgung von Prozessen und die qualitative Inhaltsanalyse von Rechtstexten, politischen Dokumenten und relevanten Berichten bietet die Studie einen Überblick über einige der Diskrepanzen zwischen EU- und nationalen Prioritäten sowie über Widersprüche zwischen Menschenrechtswerten und -verpflichtungen und den Praktiken zur Sicherung der Grenzen. Diese Arbeit soll einen Beitrag zur breiteren Debatte über Lastenteilung, Souveränität und Einhaltung von Vorschriften innerhalb der EU leisten und die Notwendigkeit einer gerechteren Migrationspolitik beleuchten, die den Herausforderungen Rechnung trägt, denen sich die Mitgliedstaaten beim Schutz der Außengrenzen der Union gegenübersehen.

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List of Abbreviations and Acronyms

AIDA	Asylum Information Database
AMIF	Asylum, Migration and Integration Fund
AFIS	Automated Fingerprint Identification System
AVR	Assisted Voluntary Returns
BCRM	Bulgarian Council on Refugees and Migrants
BCP	Border Crossing Points
BHC	Bulgarian Helsinki Committee
BMVI	Border Management and Visa Instrument
BVMN	Border Violence Monitoring Network
CEAS	Common European Asylum System
EASO	European Asylum Support Office
EBF	External Borders Fund
EC	European Commission
EMN	European Migration Network
EU	European Union
EUAA	European Union Agency for Asylum
EUJHA	EU Justice and Home Affairs
EURODAC	European Union Centralised Biometric Database
EUROSUR	European Border and Surveillance System
EUTF	EU Trust Fund for Africa
FMI	Foundation for Asylum, Migration and Integration
FRA	Fundamental Rights Agency
FRO	Fundamental Rights Officer
FRONTEX	The European Border and Coast Guard Agency
IOM	International Organization for Migration
ISF	Internal Security Fund
MoI	Ministry of Interior
NCC	National Coordination Centre
OHCR	The Office of the United Nations High Commissioner for Human Rights
SANS	State Agency for National Security

SAR *State Agency for Refugees*
SIR *Serious Incident Report*
SIS *Schengen Information System*
TCN *Third-Country National*
UN *United Nations*
UNHCR *United Nations High Commissioner for Refugees*

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Introduction

The policy of externalisation of migration management by the European Union has radically changed the way that migration is handled inside its borders. By shifting responsibility for migration control beyond the EU's territory, this approach has sought to reduce irregular entries while maintaining internal stability. Agreements such as the EU-Turkey Deal from 2016 exemplify this shift, aiming to curb migration through the Eastern Mediterranean route by enhancing cooperation with third countries. While the deal has achieved a significant decrease in arrivals to Greece and Turkey, it has had complex and far-reaching repercussions for other frontline governments like Bulgaria. As an external border country of the EU with a sensitive geopolitical location and rather fragile domestic capacity, Bulgaria faces unique challenges in implementing EU migration policies. The externalisation framework has thus placed disproportionate pressure on member states at the periphery of the European Union, raising important questions about burden-sharing, sovereignty and the long-term sustainability of the EU's migration governance model.

Bulgaria stands at the intersection of EU externalisation and migration regulation policies due to its strategic location along the EU-Turkey border. Despite its key role, there is limited research on how externalisation agreements such as the EU-Turkey Deal have impacted Bulgaria's long-term approach to migration management, particularly when considering the interplay between national and EU policies, human rights obligations and the principles of EU solidarity.

While a considerable body of literature has examined the role of "safe third countries" as partners in the EU's externalisation policy (Heck & Hess, 2017; Angenendt et al., 2014; Müller & Slominski, 2021; Nunez et al., 2025; Bennett, 2018; Marsch, 2021; Tsourdi et al., 2024 and others), it remains a significant gap in understanding the internal implications of these policies for EU member states at the external borders of the Union. This study seeks to address that gap by examining how EU externalisation policies affect individual EU member states with a specific focus dedicated to Bulgaria.

By focusing on the case of the Republic of Bulgaria - an EU and Schengen member state that shares a 259-kilometre border with Turkey—this thesis explores the legal and practical

challenges the country has faced since the implementation of the 2016 EU-Turkey Agreement. This agreement, which aimed to “contain” refugees fleeing conflict in the Middle East, particularly Syria and prevent them from reaching “fortified” Europe, has had long-lasting consequences for border countries such as Bulgaria. The study aims to contribute to a broader academic and policy debate on the balance between migration management, human rights protection and international security within the EU context. The insights gained could offer valuable input for developing more equitable migration governance models at both the national and EU levels.

The central research question guiding this thesis is: *How has Bulgaria adapted its approach towards tackling illegal migration in response to the policy of externalisation of the EU?* More specifically, it asks: In what ways has Bulgaria’s migration management changed following the EU-Turkey Deal of 2016, and to what extent is the country compliant with the EU legal framework on migration? To answer these questions, the thesis will first review relevant literature on the EU’s externalisation strategy, laying the foundation for a comprehensive analysis of Bulgaria’s approach towards migration management.

In regards to the theoretical lenses, the study tests 2 models of hypothesis: *orchestration* and *the core-periphery model*. Each theoretical lens has its relevance to specific series of the analysis as follows: *enabling* (orchestration), *enlisting* (orchestration), *monitoring* (core-periphery).

Regarding methodology, a “softer” version of process-tracing will be used to examine how Bulgaria’s migration management has evolved in response to EU externalisation policies. The sources of data include relevant EU directives, national and EU-level reports regarding border- and migration management, as well as statistical data sets on border crossings and asylum applications. As mentioned earlier, the research design is structured around the three core analytical dimensions: *enabling*, *enlisting* and *monitoring* - each encompassing key themes relevant to the study.

The study adopts a predominantly international relations (IR) perspective, complemented by EU legal analysis. While both perspectives are essential to understanding the complexities of EU migration governance, the IR framework takes precedence, reflecting the author’s academic background in IR and the main aim of this study.

The remaining parts of the paper are structured as follows: Chapter I explores the relevant literature on the topic of externalisation, dividing it into 3 subchapters that present the 3 stages of the externalisation process: *enlisting*, *enabling* and *monitoring*. Chapter II presents the theoretical frameworks of *orchestration* and *the core-periphery model*, as well as the relevant concepts of *externalization*, *transit states* and *transit migration*. Chapter III discusses the methods of the study with a focus on exploring the characteristics of *process-tracing*, the pros and cons of a *single case study* and the specifics of the three series within the research design of the study. Chapter IV provides an overview of the EU's relationship with Bulgaria, the current migration trends in the country and a short overview of the 2016 EU-Turkey Deal. Next, Chapter IV analyses Bulgaria as a case study and its place within the EU migration governance system. Finally, the Conclusion presents a summary of the study, reflections on key findings, as well as provides suggestions for future research.

Chapter I: Literature Review

This chapter of the paper aims to present an overview of the academic literature corresponding to the research question: *How has Bulgaria adapted its approach towards tackling illegal migration in response to the policy of externalisation of the EU?*. It is divided into three main themes as per the steps of the process of externalisation. Firstly, the process of *enabling* countries as partners in the externalisation policy by the EU is explored. Secondly, scholarly analysis on the process of *enlisting* these partners to perform externalisation practices is presented. Thirdly, literature discussing the process of *monitoring* performed by the EU on its third-country partners in the externalisation process is presented.

The table below shows the different categories/steps of the process of externalisation of border control and asylum procedures and its relevant indicators, which are also later analysed in the analysis section in the context of Bulgaria.

Category	Indicator
Enabling	Financial support Infrastructure and Technology Capacity-building Measures
Enlisting	Operational Support Legal Instruments Bulgaria's "Transit Country" Status
Monitoring	Compliance Mechanisms Pushbacks and Rights Violations Domestic vs. EU Priorities

Table 1. Categories and Indicators

I.I. Enabling

Overall, the body of research on externalisation of migration offers a wealth of information about its effects on third-country partners, especially when it comes to bilateral agreements like the UK-Rwanda migration accord, the EU-Libya Memorandum of Understanding, and the EU-Turkey Statement (Boin 2015, Bennet 2016). Similarly, a substantial amount of study has been done on refugee rights, including illegal practices such as pushbacks and violations of international humanitarian protection requirements (Schade 2020; Frelick et al. 2016, Aulsebrook et al. 2021). The nature of EU migration governance and bilateral collaboration between the EU and its member states have also been thoroughly examined by academics (Tsourdi et al., 2024; Ceccoruli & Fassi, 2021; Niemann & Zaun, 2023; Adam et al., 2020; Bergmann & Müller, 2023 and others).

Nonetheless, there are still significant gaps in the literature. Although some studies concentrate on Western Balkan EU candidate nations, little academic study has been done on how the externalisation policies affect EU member states directly (f.ex. Ahmetasevic & Wieser, 2022; Borgesio & Bialasiewicz, 2023; Bird et al., 2021 and others). Specifically, little research has been done on the effects of these policies on EU member states like Bulgaria that oversee the Union's external land borders. The legal and structural obstacles they encounter when putting externalised migration control into practice are rarely or never discussed. Most recently, the newly published EU Migration Pact¹ laid out eleven fundamental principles that cannot be altered, but it leaves important details up to the individual member states, including operational execution, national-level compliance, and financial contributions. Although the European Parliament has a monitoring role, questions concerning accountability and consistency are raised by the enforcement bodies. Research on how border states resolve these issues and match their national policies with the larger EU migration objectives is also lacking. In light of these gaps, more investigation is required on the ways in which EU member states at the external borders react to the externalisation of migration, specifically with regard to the implications for human rights, compliance, and policy implementation.

¹ A set of new rules managing migration and establishing a common asylum system (EC, 2024)

The main challenge for the EU currently is to provide consistent and qualitative border management in order to reduce the number of illegal migrants crossing into the EU and at the same time obey the fundamental rights agenda to which it has committed itself. The literature on the topic seems rather divisive - there is either a strong focus on the abuse of fundamental rights at the EU's external borders or there is a strong emphasis on the border management developments. To provide context, the EU's external borders have been "fortified" by building walls and other physical barriers in response to the growing pressure from illegal migration (Lang, 2024; Jones, 2016; Tsourdi et al. 2022 and others). The EU member states' unofficial goal of lowering the number of asylum claims and their official policy goal of deterring irregular arrivals have strongly contributed to that process. At least, the EU law still forbids the aggressive treatment of third-country nationals and the Union condemns (at least officially) such human rights violations and attacks against individual rights.

For these reasons, the EU tries to "enable" its member states at the external borders and its third partners to continue the process of deterrence. In practice, that materialises via partnership agreements and the creation of specialised EU agencies. The external actions of those EU agencies are linked to a type of multi-actor externalisation arrangement, which is formalised in status agreements between the EU and those third countries (Nicolosi 2024:9). For example, the status agreement with certain Balkan states permits Frontex, the European Border and Coast Guard Agency, to conduct rapid border interventions or joint surveillance operations to manage migratory flows and combat irregular immigration (Nicolosi 2024:10). Most recently, these externalisation arrangements include a Memorandum of Understanding with Tunisia and a Joint Declaration with Egypt, both of which are intended to stop individuals who want to apply for asylum in Europe from leaving these countries (Nicolosi 2024:9). A quick overview of the agreements between the EU and Tunisia and Egypt is provided down below in order to illustrate the EU's approach towards the involvement of third parties, particularly frontline states such as Turkey, Tunisia and Egypt, in tackling irregular migration to the EU. The involvement of Bulgaria is discussed later in the paper.

In the case of Tunisia, Raach and Sha'ath (2025:219) argue that the EU and Tunisia do not have only one instrument that addresses all of the issues relating to border control, movement, migration, and asylum. Rather, some European nations and Tunisia also have

bilateral agreements that address one or more EU-level prerequisites that pertain to financing development projects (through the EU Trust Fund for Africa—EUTF) or the Mobility Partnership, which was concluded in 2014 as part of the EU-Tunisia Action Plan (2013–2017) (Raach & Sha’ath 2025:219). An example of that is the readmission or visa facilitation for Tunisian nationals (Raach and Sha’ath 2025:219). When it comes to funding, only in the period 2015-2022 were EUR 93 million–EUR 178 million of EU funds per year invested in modernising the technology and the security officers’ equipment who are responsible for handling the interception of boats travelling to Europe and preventing irregular migration (Soto-Mayor 2024:9). Additionally, France promised to assist Tunisia with an additional EUR 25.8 million for its efforts in preventing irregular migration (Soto-Mayor 2024:9). Most recently, in 2023, the EU and Tunisia officially signed an MoU. A significant financial package of up to EUR 1 billion is part of this partnership, with EUR 105 million set aside to improve border administration, fight smuggling, facilitate voluntary returns, and strengthen initiatives to stop irregular migration (Soto-Mayor 2024:9). What I found as a missing consideration in Soto-Mayor’s research is that it focuses heavily on financial and institutional arrangements without critically assessing their impact on human rights or local socio-political dynamics and the long-term effectiveness and sustainability of externalised migration control.

In the case of Egypt, the EU-Egypt partnership on migration issues can be traced back to 2015 with the eruption of the refugee crisis and the 2013 military coup in Egypt. Along with five other North African nations, Egypt joined the EU Emergency Trust Fund (EUTF), which was launched in November 2015 in order to “improve migration management” and cost the EU around EUR 750 million (Ghafar 2023:13). In the following years, the EU continued to provide financial “injections” to the country in the area of security and irregular migration. In 2022 the introduction of a new border management program by the EU gave Egyptian coastguards access to satellite positioning systems and infrared cameras, among other services and equipment (Ghafar 2023:13). Even though the EU Commission claims that Egypt is invested in tackling irregular migration in the long term, the reality, according to Cuttita (2020 in Ghafar 2013:13), is that the EU is merely externalising the management of migration to North African nations by incentivising them with financial compensation. This policy has also increased the levels of vulnerability of the African migrants who have reported having experienced discrimination, abuse, and racism (Ghafar 2023:13). Besides the inflow of migrants from other African

countries, a noticeable increase in Egyptians attempting to leave the country for Europe is visible. The number of Egyptians requesting asylum in the EU hit its highest levels since 2014 in 2022 due to deteriorating economic conditions (Ghafar 2023:13). To illustrate this trend with numbers, one in every three people who entered the EU from Libya via the Central Mediterranean irregular migration route within the period February–March 2022 were Egyptian nationals (Ghafar 2023:13). As Ghafar (2023) argues, this trend demonstrated that the EU's approach towards tackling irregular migration has only a short-term applicability and not a long-term one. Furthermore, it does not address the deeper socio-economic issues in the country of origin of the migrants, which then proves ineffective in the long run. Despite that, the EU continues to spend its budget on such initiatives in Egypt. The most recent one was the Joint Declaration on the Strategic and Comprehensive Partnership between the EU and Egypt, which aims to adopt a “holistic approach to migration governance” and “will continue to cooperate in order to support Egypt's efforts in hosting refugees” (EC 2024). Unfortunately, a key weakness of this study is that while it acknowledges the EU's financial role and provides a critique on the short-term nature of its migration policy, it lacks an exploration of Egypt's domestic political context and in particular how authoritarian governance and human rights abuses may undermine the credibility and the long-term effects of the EU-funded migration initiatives.

From a slightly different perspective, Belliveau and Ferguson (2023) explore the use of temporary protection outsourcing to transit countries by the EU to externalise borders and responsibilities of refugee-receiving countries. They question the quality of temporary protection and its social, legal, and physical outcomes for people who have been displaced. By using Mexico and Turkey as case studies, they skilfully present two “strategic gatekeepers” (as they refer to them)—the former of the US and the latter of the EU (Belliveau and Ferguson 2023:333). They justify their choice by multiple factors: pointing out the geographical positioning - both countries being located along two of the biggest migration corridors globally; both countries are economically peripheral nations that have seen staggering growth in recent years; both have signed agreements with their northern neighbours within the framework of migration and security and have invested effort in trade regionalisation by taking steps towards alignment of their laws on immigration and compliance with international human rights regimes (Belliveau and Ferguson 2023:334). Their conclusion is that transit countries implement temporary protection measures in reaction to the arbitrary border policies of destination countries

and mostly due to their more powerful positioning within the partnership. For that reason, the authors suggest further investigation into the temporary protection mechanisms and their objectives. Furthermore, on a practical level, they vouch for a more thorough understanding of their implications, while on a political level, they vouch for a more human-orientated approach that corresponds with the needs of the displaced people (Belliveau and Ferguson 2023:334). One limitation of the study is that it pays little attention to the existing agency of transit countries as well as their political motivations, which leads to an oversimplification of their role as passive implementers rather than actors with their own political agenda and interests.

Overall, the EU's support for multilateral externalisation has been increasing over time. "Soft" agreements and partnerships with non-EU countries in the field of migration have become a distinctive feature of the external dimension of EU migration law. One of the most recent examples of this policy is the EU-Turkey Deal of 2016, which sought to stop asylum seekers, specifically Syrians, from fleeing Turkey for Greece and obligated Turkey to accept some asylum seekers back (Nicolosi 2024:9). The EU's support for this deal is evident politically, financially, and technically, even if the EU General Court deemed the agreement with Turkey to be only a "political arrangement" reached by the Union and Turkey (Nicolosi 2024:9). Furthermore, it served as an exemplary model for future EU agreements with third-country partners. This agreement is discussed in detail in a chapter later on in the paper due to its relevance to the case study of interest.

I.II. Enlisting

In his article, Bauböck (2018) explores the challenges that the EU encounters in the implementation of the refugee protection mechanisms. He successfully analyses the main EU instruments for regulating irregular migration, namely the Dublin Procedure² and the EU's relocation scheme or the so-called EU Solidarity Mechanism³, and their implementation within the context of the Schengen Agreement. He argues that the primary goal of an effective refugee

² The Dublin Regulation is a regulation of the European Union that determines which EU member state is responsible for the examination of an application for asylum, submitted by persons seeking international protection under the Geneva Convention and the Qualification Directive within the European Union (Wikipedia, 2025).

³ Through relocations, asylum applicants beneficiaries of international protection are transferred from their current host European country, normally their first country of entry into the EU, to another European country. If an applicant for asylum is relocated, the new host country takes over the examination of their asylum application (EC Migration and Home Affairs, Relocation: EU Solidarity in Practice 2025).

protection system must be to grant protection to as many beneficiaries as possible (2018:2). Bauböck supports the idea that such a system should expand its criteria for refugee distribution, which is currently based on the wealth and size of states. Instead, he suggests that the states be given the choice of deciding whether they would like to support the relocation of refugees to their territory or financially support refugee integration in other states (Bauböck 2018:2). Boldly, he vouches for the EU's potential of being the only actor on the international political scene capable of creating and implementing "an effective regional refugee protection regime" (Bauböck 2018:3). He also takes a realistic stand on why this potential has not been explored yet and acknowledges the failure of the EU organs and the EU leaders to "europeanise" refugee and asylum mechanisms in time (Bauböck 2018:3). However, a weak point in Bauböck's (2018) research is that he does not fully explore the practical issues that appear during the process of implementation on a national level, such as rising nationalistic tendencies and increasing lack of trust among EU members and the differences between the levels of operational capabilities of each member state.

In contrast, in his article, Uçarer (2006) investigates the changes in the international burden-sharing norms regarding refugee protection and specifically those in the EU's asylum system. He emphasizes the fact that there is a trend of delegating the responsibilities to peripheral states and third countries, which negatively affects the global refugee protection regime as a whole (Uçarer 2006:220). Uçarer argues that the EU member states collectively and individually are creating these new practices purposefully in order to restrict access to the EU's territory. The author refers to these actions as "burden-shirking" and "burden-shifting," claiming that the EU has been somewhat "successful in implementing a redistributive system for asylum applications through the Schengen and Dublin provisions of assigning a responsible state for asylum applicants" (2006:220). He further praises the Union for effectively negotiating readmission agreements with both transit and origin nations, which then, in some cases, transfers the burden of evaluating asylum applications to non-Union states (Uçarer 2006:220). The positive outlook on the EU's approach might have been reasonable before the Arab Spring of 2011 and the following migration crisis in the EU in 2015. However, judging by the current state of the asylum system in the EU, I would argue that the weakness in Uçarer's research lies exactly in his praise for the EU's "effective" redistributive system. Thankfully, he is at least realistically critical of the inability (or unwillingness) of the EU to create such redistributive systems that

would allow other Union member states to provide financial and relocation support to nations with disproportionately high asylum claim rates. Additionally, he raises valid worries about the future of the international refugee protection regime and its weakening by such activities, which mainly aim to avoid or shift rather than share the burden (Uçarer 2006:221).

A different take on the burden-sharing issue in the context of migration to the EU is taken by Hierro et al. (2023). In their article, they investigate the levels of burden-sharing within the EU framework for asylum. More specifically, they aim to find out whether the EU policy initiatives aimed at tackling the migration crisis of 2015-2016, and specifically those that focus on harmonization of the asylum policy, have had a positive effect on the reduction of inequality in the burden-sharing framework or have instead negatively strengthened the already weak spots in the EU's asylum system. The main data they work with to conduct their analysis is the number of asylum applications within the EU in the period 2008 and 2016. Hierro et al. (2023) argue that even though some progress towards equal distribution of the responsibility has been made, the main proponents of it are the “frontrunners (countries that bear a large burden in processing asylum applications) with no role for laggards (countries that bear little burden)” (Hierro et al., 2023:126). As a result, they argue that this poses a great risk of conflict between the two “blocks” of countries: those disinterested in solving the issue and those highly overwhelmed and pressurized by the growing influx of refugees. They advise on urgent measures to be taken by EU institutions and stronger leadership to be practiced in order to create “more distributive justice between states in asylum burdens” (Hierro et al., 2023:126). Rightly, they argue for a more cooperative and solidarity-based approach from all countries with an understanding that transferring responsibilities to non-European third countries should not be the solution to the persistent issue of burden-sharing for asylum in the EU. Hierro et al.'s (2023:126) research is the first that looks at the (un)fair distribution of asylum procedural processing by using econometric techniques from the empirical literature on convergence imposed within the context of migration in the EU. What I argue is missing in this research is an exploration of the different reasons standing behind the member states' reluctance to accept larger responsibility within the EU solidarity scheme.

On the topic of integration, Lang (2017; 509) explores the advanced model of EU integration comprising international law, EU law and international migration law and the

complexity that different EU member states' interests bring. It further analyses how these 3 levels of law influence the regulatory practices of “4 migrant categories in the EU: EU citizens, “desirable” third-country nationals, asylum seekers, and other third-country nationals” (Lang 2017: 509). Her findings conclude that the dominance of one framework over another depends on the category to which a person belongs (Lang 2017:509). Some of the major issues that Lang's research presents are the large differences between the rights of those owning national citizenship and those who do not, the strong desire of member states to maintain national control over labour and migration, as well as serious weaknesses in the EU asylum law (Lang 2017: 509). However, Lang (2017) misses out on exploring how the legal limitations impact the migrants in practice, especially in regard to the integration of the different categories of migrants into society.

In regard to border management as part of the *enlisting* process, Menjívar (2014) explores how the EU and the US enforce border management practices beyond their nation's physical borders in an attempt to prevent irregular migrants from entering their territory (Menjívar 2014:362). This process of externalisation (outsourcing) and internalisation (insourcing), as she refers to them, additionally reinforces the agenda on securitisation and overall concerns about national security (Menjívar 2014:362). Analysing the two big players in this field, she concludes that in general the so-called “policing” of migrants, in addition to the “disciplining of migrants internally,” increases the power disparities between sending and receiving countries and further widens the gap between country nationals and foreigners (Peutz 2006; Menjívar 2014:362). When these two processes are managed in alignment, Menjívar argues that they enforce further power imbalances between the two categories of countries, which leads to additional leverage for the more powerful countries, which in this context are the receiving ones (Menjívar 2014:363). A limitation in his study is that he gives very limited attention to the agency of the “sending” countries and the migrants themselves, which then provides us with a one-sided view of the power as solely imposed from above.

More research has been done on the technical capabilities that agencies like Frontex use in their border management operations. In her article, Aviat (2024) draws attention to the difficulties that Frontex faces when the agency shares data about migrants with third countries and that then leads to refoulement. As Aviat (2024:179) writes, the Specific Situational Pictures

(SSP) technology became part of the technological agreements between Frontex on behalf of the EU and its third-country partners. The SSP technology reports on issues ranging from cross-border crime to movements between Schengen countries, the number of illegal entries into a territory, weather data, and the exact location of a maritime vessel. The data is gathered and updated automatically without the presence of a European operator on the territory from where it is gathered and is then automatically sent to third-country partners without any human involvement (Aviat 2024:180). Aviat (2024:180) argues that this practice contributes to pushbacks at the borders, lacks transparency, violates migrants' rights and does not adhere to the principles of EU law. She explores a case study with a fictive scenario of an Afghan woman travelling through the Balkan Route, aiming to reach Hungary but caught in Serbia and pushed back to Bulgaria and then to Turkey (Aviat, 2024:179). The author reaches the conclusion that in this scenario, the EU, both on a legal and political level, fails to acknowledge its responsibility for the protection of the human rights of the people in transit and simultaneously does not refrain from sharing information that might lead to refoulement on many occasions (Aviat 2024: 194). A core weakness of Aviat's (2024) research is that it neither explores the institutional and political drivers behind the use of those border management technologies nor offers concrete alternatives that can ensure both operational efficiency and rights protection.

Similarly, in their article Zhong and Carrapico (2024:2) explore to what extent and how Frontex's autonomy as an independent agent and the overall process of externalization of the EU's border management have been affected by the agency's external relations with third-country partners. They aim to advance the theoretical understanding of the external aspects of EU border control mechanisms as well as to contribute empirical knowledge about Frontex's border control objectives (Zhong and Carrapico 2024:2). By taking on an experimentalist governance approach, the authors introduce a new perspective that bases itself on the idea that the external components of Frontex can be perceived as a two-level experiment (Zhong and Carrapico 2024:2). At the top level, EU members and EU policymakers have a range of vague objectives concerning the externalisation of border controls that require them to acquire knowledge about the issues they are (supposed to be) tackling on the ground in order to find solutions to them. At the ground level, Frontex focuses on preserving its autonomy as an EU agency and scope of operation by defending its policy domain, which is border management (Zhong and Carrapico 2024:2). As main case studies, Zhong and Carrapico (2024:3) investigate

Frontex's cooperation with Western Balkan and African partners within the time period 2009-2023. They conclude that the external relations component of Frontex is crucial to the preservation of the agency's autonomy and a main instrument for the policy of externalisation of the EU to continue to be executed (Zhong and Carrapico 2024:14). What is more, their findings show that the agency operates in a legally "vague" setting where there is no consensus among EU policymakers regarding Frontex's mandate and role, as well as vaguely defined aims of the externalisation policy (Zhong and Carrapico 2024:14). In addition, the authors argue that due to its operational autonomy, Frontex's cooperation agreements with third countries have served as the main tool of EU externalisation on a practical level (Zhong and Carrapico 2024:14). What the research is missing is an analysis of the accountability mechanisms or lack thereof, that the agency should pose since its autonomy as a governance actor grew tremendously in the recent years.

Very comprehensive research on the EU migration governance mechanism is conducted by Slominski and Loschi (2021). In their article, they explore the transformation of the relations between some of the EU Justice and Home Affairs agencies, namely Frontex, the European Union Agency for Asylum (EUAA), and the Fundamental Rights Agency (FRA). They research the extent to which interagency relations have impacted the balance between preservation of fundamental rights and law enforcement in the context of border and migration management (Slominski and Loschi 2021:221). They conclude, just as Zhong and Carrapico (2024) do, that these agencies operate within a vague legal and operational framework. Slominski and Loschi (2021) clarify that there is some positive development from a rule of law perspective that needs to be recognised, but the overall issue is with the low level of precision within the codifications of the law (Slominski and Loschi 2021:221). Additionally, it is alarming that in recent years the financial support for Frontex and EUAA has starkly increased, whereas the budget of FRA has only modestly risen. These findings, as well as countless reports on human rights abuses at the EU borders conducted by Frontex and national guards, are additionally showing the prioritisation of security-orientated practices without a consideration for the protection of the human rights of the migrants and are undermining the EU's image as a human rights defender (Slominski and Loschi 2021:207). What the study is lacking are proposals for more concrete reforms on a legal and institutional level that could strengthen the role of fundamental rights bodies like the FRA and other similar agencies within the EU's migration governance network.

In regard to the EU asylum system, Pfitzner (2024) analyzes the most recent reform from December 2023 of the main legislative and regulatory framework within the EU migration governance system, the Common European Asylum System (CEAS)⁴. By viewing the European border regime as a “biopolitical space,” where migrant lives are contested, Pfitzner argues that a Foucauldian perspective provides the best understanding of the political consensus on the contentious change regarding migration management within the CEAS framework (Pfitzner 2024:131). The mechanisms of detention and surveillance, which are a key component of the recent reforms, she argues, are comparable to a “Foucauldian disciplinary power” (Pfitzner 2024:146). Similarly, biopolitics and biopower, she argues, provide the greatest framework for understanding the predetermined quota-based system for management of migration (Pfitzner 2024:146). It further argues that these changes have advanced the EU’s agenda of securitizing and criminalizing migration, whereby the violations of the rights of irregular migrants are used as an excuse to defend the rights of EU citizens (Pfitzner 2024:133). In addition, it argues that the general European migration policy strongly works within the framework of racialized migration policy, putting asylum-seekers under a common umbrella of third-country nationals (“TCNs”). Pfitzner (2024:146) even defines those recent changes to CEAS as “draconic,” representing the ongoing tendency for criminalizing and securitizing immigration issues. A key weakness in this research is that it falls short on emphasizing the actual practical challenges and political constraints faced by EU lawmakers, which can potentially give an explanation why such “securitizing” measures have been approved.

In a similar manner, in their article, McDonough and Tubakovic (2022) explore the connection between international refugee law and EU asylum law. They provide an assessment of the CEAS framework as an application of the definition of a refugee and a guarantee of the primary rights outlined in the Refugee Convention. They further explore the administrative functions of CEAS and specifically the clauses that indirectly allow for disregard of responsibility for asylum claims by countries that receive them (McDonough and Tubakovic 2022:3). They expand their research further beyond the formalities of the CEAS framework and look into the ways that they enforce border control with the aim to prevent refugees from reaching EU member states. Their findings state that the CEAS in its early phase had a positive

⁴ A framework within the EU migration governance established to ensure standardised and uniform criteria for individuals seeking international protection within the EU (EUAA 2022).

effect on the asylum system in the EU by establishing the EU right to asylum. However, with the migration crisis spiraling out of control CEAS simulates more and more a system of border management aimed at restricting access to asylum in the EU rather than facilitating it. A potential weakness in the McDonough and Tubakovic (2022) study is that it offers few suggestions about potential reforms of this asylum system in order to serve its initial purpose of protection of those in need of asylum.

I.III. Monitoring

In her study, Lang (2024), discusses the pros and cons of National Independent Monitoring Mechanisms for Fundamental Rights Compliance at the EU's external borders. The Mechanisms' goal is to monitor the police activity along the EU's external borders in order to help defend the fundamental rights of irregular migrants and those seeking international protection (Lang 2024: 1217). She specifically explores the purpose, methodology, and operational activities of the Croatian case while critically assessing the specifics of the guidelines for the creation and operation of EU national independent monitoring mechanisms, underlining primary issues and offering suggestions for improvement. She argues that the creation of such mechanisms is indeed a step in the right direction for safeguarding fundamental rights at the EU's external borders (Lang 2024:1217). However, their restriction to screening operations and other innovative border procedures shows a flagrant disregard for the high likelihood that human rights violations towards third-country nationals will occur during border checks, which are outside of the scope of the monitoring mechanism's mandate (Lang 2024:1217). According to Lang, national independent monitoring mechanisms' mandates should be expanded to cover all border activities, including border surveillance, and their monitoring locations should be extended beyond the EU's external borders to other areas of its territory (Lang 2024:1218). In order to guarantee accurate and comparable outcomes across Member States, the article further promotes the establishment of unified EU-level regulations on the gathering and processing of evidence. Similarly, to guarantee the uniform and efficient operation of national independent monitoring systems throughout the EU member states, she further suggests outlining follow-up protocols and duties in the event of "irregularities" (Lang 2024:1218). Otherwise, there could be a discrepancy between the goals of the national systems and their actual results (Lang 2024:1218). What the study is missing out on is a deeper analysis of the practical challenges in implementing

these reforms across the different EU member states with their different national policies and political sentiments.

In another study, Lang et al. (2024) critically examine the increasing process of fortification of the European external borders, aiming to analyse the legality and implications of these fortifications within the context of the EU and international law, with particular focus on the fundamental rights of third-country nationals (Lang et al. 2024:3). Their main objectives are to provide a comprehensive overview of the construction and deployment of walls and fences along the EU's external borders, addressing the specific reasons behind it; to assess the legality of these physical barriers under EU and international law, considering their impact on migrants' rights, including the right to seek asylum and protection from pushback; to discuss the establishment and effectiveness of national independent monitoring mechanisms designed to safeguard the fundamental rights of migrants at the EU's external borders and to explore the tension between the EU's commitment to openness and fundamental rights and the function of border walls in restricting the entry of certain categories of third-country nationals (Lang et al., 2024:14). Lang et al. (2024:2) argue that while the construction of border walls per se may not directly violate legal norms, their practical effects, such as limiting access to asylum procedures and facilitating pushbacks, pose significant legal and ethical challenges (Lang et al., 2024:13). In addition, they highlight the need for strict monitoring and accountability mechanisms to ensure that border control measures comply with human rights obligations (Lang et al., 2024:13). A further exploration of the monitoring and accountability mechanisms in regard to border management could further expand the scope of the study.

In their article, Nicolosi and Fernandez-Rojo (2020:177) examine the transformation of the European Asylum Support Office (EASO) into the European Union Agency for Asylum (EUAA) by focusing on the expansion of its operational mandate and the associated accountability challenges. The authors argue that the EASO's shift from a primarily supportive role to one involving direct operational activities, such as conducting asylum interviews and influencing national decisions, has led to a de facto constitutional change, raising concerns about the agency's oversight and its impact on fundamental rights (Nicolosi and Fernandez-Rojo 2020:177). Furthermore, they argue that the agency's increased involvement in core asylum procedures blurs the lines between support and decision-making, potentially undermining

Member States' sovereignty in refugee status determination (Nicolosi and Fernandez-Rojo 2020:178). Overall, the authors aim to underline the need for aligning EASO's operational expansion with appropriate accountability measures to uphold the rule of law and protect fundamental rights within the EU's asylum system. Since the agency has now evolved into EUAA, establishing a mechanism for monitoring its activities, they argue, is of vital importance to ensure that the rights of the asylum seekers or the sovereignty of Member States in the process of decision-making regarding asylum-seeking requests are not compromised (Nicolosi and Fernandez-Rojo 2020:179). In order to strengthen the argumentation, a more detailed case study analysis could be included, which demonstrates how the expansion of EUAA's mandate directly affects asylum seekers' rights and member states' sovereignty in practice.

Similarly, through their study, Carrera et al. (2020:136) provide a comprehensive analysis of the EU's strategies to manage irregular migration, specifically from African and Asian countries. It scrutinizes the EU's conceptual frameworks and policy instruments, arguing that these often contribute to the very irregularities they aim to prevent (Carrera et al., 2020:1). The authors further acknowledge the EU's role in creating irregularity by putting a focus on deterrence and control, which they argue then consequentially results in irregular migration and secondary movements within the Schengen Area (Carrera et al. 2020:1). The report provides a qualitative assessment of the EU's migration management complex, to which they refer as the EU tools and agents who built policies that aim to "manage" the mobility across borders by asylum seekers and refugees (Carrera et al. 2020:4). A specific chapter that draws attention in the context of the topic of this paper is chapter 6.2.2, exploring the issue of "policing" the EU through EU agencies. This chapter highlights how the EU Justice and Home Affairs (JHA) agencies, particularly Frontex and the EUAA, are increasingly engaged in policing asylum seekers through accelerated asylum procedures, extensive data collection, and interagency cooperation (Carrera et al. 2020:136). The authors argue that these practices, specifically in "hotspots," as they refer to them, like the Greek islands, raise serious concerns about the violation of the right to asylum and breaches of privacy and data protection rights through databases such as Eurodac⁵ (Carrera et al. 2020:136). The study implies that such forms of digital

⁵ Eurodac is the European Union's centralized biometric database, designed to assist with the management of asylum applications and support efforts to detect, investigate, and prevent terrorism and serious crime (EU Lisa Europe, 2025).

surveillance contribute to the criminalization and stigmatization of asylum seekers, reduce solidarity among member states, undermine the fundamental rights of such vulnerable groups, and interfere with the member states' sovereignty in decision-making (Carrera et al. 2020:136). The study would benefit if more empirical data were provided in order to fully support the argument of the author.

In her article, Servant (2018) explores the issues within the Common European Asylum System, its origins in the Dublin Procedure and the followed policy of externalization of border control to third countries, as well as supporting agencies such as Frontex and EASO (now EUAA). She dives deeper into the question of why such agencies are used to solve such problems of coordination and what impact the nature of the issue of migration has on their institutional design (Servant 2018:83). She works within Majone's (2001) framework of delegation, which states that agents are designed to cut down on decision-making costs, which is why they have limited autonomy and are closely supervised by principals who want to prevent bureaucratic hassles (2018:84). In contrast, trustees are established when credibility issues arise; in order to resolve these issues, they have autonomy so that their decisions are impartial and equitable to all parties (2018:84). Based on this theoretical perspective, Servant (2018:84) distinguishes the EU actors between two types: *principal and agent*. However, the principles she subdivides into supranational, i.e., the EU decision-making bodies of the European Commission, Council of the EU and the European Parliament and the national, which are the member states. Each of the actors has their own interests in who or what to delegate and that creates potential for conflict of interests across the decision-making process between the different actors but also between the stronger and the weaker EU member states. Servant's (2018:84) focus is specifically on the member states as actors who are at the external borders of the EU and are cooperating with the trusted agencies, namely EUAA and Frontex (Servant 2018:84). She specifically explores the issues that arise from the gap that was established between the authority granted to the two agencies in the field of asylum and the need for independent trustees who can handle the conflict between the weak and strong regulators in an unbiased way. Her conclusion is that the goal of giving these agencies more authority was to bridge the gap between their institutional design and the logics of delegation (Servant 2018:84). However, Servant (2018:84) argues that this goal has been only partially achieved, which, as a consequence, has made it easier for powerful regulators to interfere in the internal affairs of weaker regulators by using these

agencies as “proxies.” The only deficiency that is present in this study is that there is a lack of comprehensive empirical analysis of how asylum seekers’ experiences are affected by the institutional dynamics that are being discussed.

In her book *EU Asylum Policies: The Power of Strong Regulating States*, Zaun (2017) analyzes the dynamics of EU asylum policies, focusing on the influence of member states’ regulatory capacities. Similarly to Servant (2018), she acknowledges that the Common European Asylum System (CESA) has not yet achieved full harmonization among EU member states. Its deficiencies were exposed during the 2015 migration crisis, when Europe received over a million refugees (Zaun 2017:5). The study investigates the nature of EU asylum policies and the dynamics among member states in regards to their implementation. She categorises the states in two categories: strong and weak regulators (Zaun 2017:6). The former, among which are Germany, Sweden, and France, effectively influence EU legislation due to their experience and administrative capacity. The latter, among which are Greece, Italy, and Spain, who struggle to implement EU directives due to lack of administrative capacity and overwhelmed systems (Zaun 2017:6). This leads to strong regulators maintaining or upgrading their domestic standards while the weak regulators are struggling in the phase of implementation (Zaun 2017:6). Regarding the issue of compliance with EU law, the author argues that the strong regulators face little “misfit” between EU policies and national policies, leading to high compliance rates (Zaun 2017:5). In contrast, the weak regulators are most often non-compliant due to the “need to build asylum systems from scratch” after EU legislation (Zaun 2017:4). Hence, the lack of administrative capacity in weak regulators is a key explanation for low levels of compliance (Zaun 2017:6). A missing point in the research is that there is no exploration of external factors such as political will, public opinion and EU-level support mechanisms that influence the migration governance domestically.

Chapter II: Theoretical Framework

The theoretical framework in the context of this paper is a combination of two conceptual relationships being presented as follows: 1) *orchestration* 2) *core-periphery dynamics*.

II.I. Orchestration

Orchestration as a process occurs when an orchestrator “enlists and enables intermediary actors to address target actors in pursuit of its governance goals” (Abbott et al. 2012:2). In order to perform a successful orchestration, the orchestrator uses third parties to participate in the process of governance instead of governing its targets independently (Abbott et al. 2012:2). In a general sense, “one actor (or set of actors), the Orchestrator, works through a second actor (or set of actors), the Intermediary, to govern a third actor (or set of actors), the Target (Abbott et al. 2012:2). That is what Abbot et al. (2012) refer to as the O-I-T mode .

Orchestrator → Intermediary → Target

Figure 1. Indirect Governance through Orchestration derived from Abbott et al. (2012:2)

The O-I theory focuses on the process of voluntary “mobilisation” of an intermediate by an orchestrator to achieve a shared governance objective (Abbott et al. 2015:4). It starts with a search for an “affine” third party that the orchestrator believes aligns with its governance agenda and is willing to act in its role (Abbott et al. 2015:4). The key part in this dynamic is that the orchestrator is unable to command the cooperation of the intermediary (Abbott et al. 2015:4). After identifying the “middleman” (the intermediary), the orchestrator provides the necessary assistance in the form of material, “ideational” support or in another shape or form (Abbott et al. 2015:4). This form of support gives the intermediary some control over its actions while the orchestrator gets “modest leverage over its actions” (Abbott et al. 2015:4). While “ideational” assistance, such as official approvals, formal guidance, and political backing, increases the intermediary’s efficacy and legitimacy in relation to goals, the material support bolsters the intermediary’s operational capabilities (Abbott et al. 2015:4). Thus, orchestration gives the

orchestrator subtle control over intermediaries while also empowering them. However, an orchestrator's abilities are limited (Abbott et al. 2015:4). The orchestrator cannot force changes in attitude if intermediaries deviate from the orchestrator's intentions or if third parties are not persuaded by the orchestrator's overtures (Abbott et al. 2015:4). Therefore, O-I theory emphasizes a "horizontal relationship of mutual dependency" between the orchestrator and intermediate (Abbott et al. 2015:4).

As explained above, the majority of governance is generally done indirectly through *intermediaries*. Instead of directly governing targets as in the principle-agent model, governors enlist outside parties to boost efficacy, legitimacy, or efficiency (Abbott et al. 2015:1). These third parties are frequently "external," functioning at a distance from the government, but occasionally they are "internal," as in the case of government bureaucracies (Abbott et al. 2015:1). The orchestrator-intermediary dynamics emphasise that the main constraint on orchestration is a lack of competence and capability to perform a certain task (Abbott et al. 2015:3). It is assumed that the orchestrator must choose intermediaries according to their governance objectives, which may require them to make compromises about their skills (Abbott et al. 2015:3). The orchestrator relies on intermediaries who are inherently inclined to collaborate with the orchestrator due to its lack of strict supervision. As a result, choosing an intermediary with comparable objectives in the first place becomes the information challenge rather than tracking an agent's performance. However, "compatible motivations do not imply adequate capabilities." (Abbott et al. 2015:3). The orchestrator frequently has to deal with intermediaries who are either fully or partially unable to carry out the necessary duties (Abbott et al. 2015:3). Through different types of assistance, the orchestrator may try to enhance the intermediaries' performance but success is never guaranteed (Abbott et al. 2015:3).

For these reasons, *orchestration* is a mode of governance that is *indirect* due to its need to operate with the help of cooperation with intermediary actors (Abbott 2012: 2). In addition, it is a *soft* mode of governance due to the fact that the governor (the orchestrator) does not have actual direct control over the actions of its intermediaries but must stimulate their participation in order to gain the needed result (Abbott 2012: 3). For that reason, the orchestrator is not a ruler/governor in the sense of a traditional hierarchical structure. Instead, the orchestrator "creates, supports, and integrates a multi-actor system of soft and indirect governance geared

towards shared goals that neither orchestrators nor intermediaries could achieve on their own” (Abbott 2012: 3). Orchestration in that context serves as the practical mode for the implication of soft governance. Due to its practical essence, it takes on the form of an *indirect, informal tool* due to the impossibility of conducting verification on whether a certain action has taken place or not and whether a procedure is followed or not. Applied to the EU context and in the context of migration and border management, the EU plays the role of an *orchestrator*; the *intermediaries* are EU-external border countries such as Bulgaria as well as third countries with which the EU has agreements, such as Turkey; and the *targets* are the irregular migrants trying to reach Europe.

When the governor can hire outside parties that are both fully capable of carrying out the necessary duties and are completely aligned with the governor’s objectives, indirect government can only bring benefits (Abbott 2015:4). However, in reality, third parties frequently have objectives that differ from those of the governor and/or only have limited capacities for the intended tasks (Abbott 2015:5).

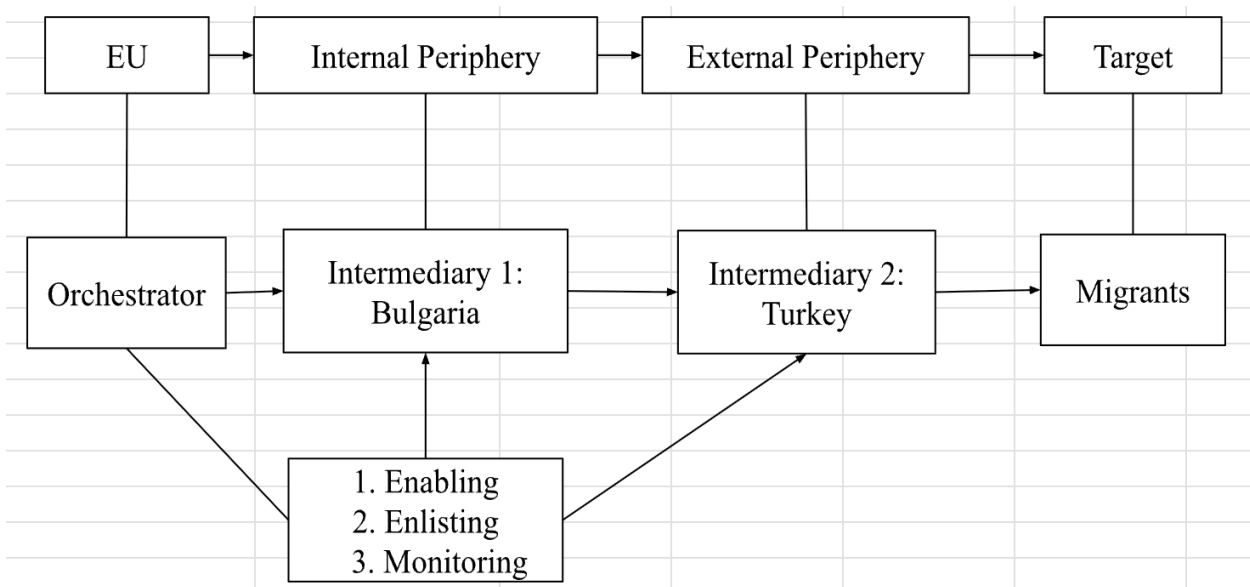


Table 2. The Process of Orchestration

II.II. The Core-Periphery Model

In international contexts, externalization strategies reflect broader social, cultural, and economic boundary-making processes (Faist, 2009 in Stock et al. 2019:2). By reinforcing specific stereotypes about migrants and mobility and strengthening ties between specific actors at the expense of others, these boundary-making processes are aiding in the creation and perpetuation of disparities among nations, organizations, and individuals (Faist, 2009, in Stock et al. 2019:2). In order to achieve social closure, or the hoarding of possibilities for some at the expense of others, they thereby legitimize unequal relationships between states and social hierarchies between actors, institutions, and regulations (Faist, 2018 in Stock et al.2019:2). Therefore, externalization policies can be properly conceptualized as certain kinds of social connections where one party in the relationship seeks social closure and opportunities in order to gain power over the other (Faist, 2018:16 in Stock et al.2019:2). Measures of externalization typically lead to the violation of fundamental standards, violate good governance, cause immobility, and exacerbate the global refugee problem by failing to offer protection (Betts & Collier, 2017, in Stock et al., 2019:3). In the context of this research, the EU is perceived as the international regime experiencing difficulty exerting control over its external borders in the process of handling the migration flows towards Europe and hence establishes partnerships with “third countries” that serve as “middlemen” in an attempt to appease the crisis.

In that context, externalisation applies also within the context of the economically strong and wealthy EU member states and the economically weak and poorer EU members. “The Dynamism of Europe,” a theory developed by the Austrian sociologist Georg Vobruba that uses the concentric circle pattern to explain the EU’s enlargement and integration, provides us with an exact explanation of the principle-agent model within the context of the EU’s economically prosperous states relationship with the economically unprosperous ones (Vobruba 2007 in Hilper, 2024). His argument is that the EU’s development is severely dependent on its interaction between the “EU core,” the politically and economically stable countries, and the “EU periphery,” the developing and economically struggling members of the EU (Vobruba 2007 in Hilper, 2024). At various levels, the countries from the periphery are integrated, circling the “affluent core.” A state’s prosperity gap with the core increases with its distance from the centre. Borders with varying levels of permeability divide the various zones of prosperity (Vobruba

2007 in Hilper, 2024). This leads to a “political exchange ratio” between the affluent core and the peripheral rest. While the former allows for free mobility of people as well as support and economic opportunities, the latter serves as a shield mechanism handling border management issues (Vobruba 2007 in Hilper, 2024). In this way, the periphery plays the role of a buffer zone protecting the core. This mechanism guarantees both the developmental potential of the countries from the periphery and the maintenance of the status quo of the core (Vobruba 2007 in Hilper, 2024). It is important to note that Vobruba (2007) makes a distinction between “inner and outer European periphery” and clarifies that entering the inner one is now equal to entering all EU countries due to the Schengen Agreement (of which, as of January 2025, all EU countries, including Bulgaria, are members) (Vobruba 2007 in Hilper, 2024). That provokes states from the affluent core to be even more interested in controlling the management of the Union’s external borders (Vobruba 2007 in Hilper, 2024). Furthermore, the internal stability of these external periphery countries is of vital importance for the security of the EU’s affluent core members. One could argue that the European “border regime” began with the liberation of movement of people between Schengen countries. It can be closely associated with the creation of the European Border and Coast Guard Agency (Frontex) and the externalization of border control. In a way, the buffer zone inside and outside the EU is maintained by these changes, according to Vobruba’s theory (Vobruba 2007 in Hilper, 2024). The concentric circle pattern in the European border regime indicates that the EU and external border states externalise border control responsibilities to the periphery outside the Schengen borders (the relevant example in this case is Turkey), while the centre externalises these responsibilities to the member states with European external borders like Bulgaria (Vobruba, 2007 in Hilper, 2024).

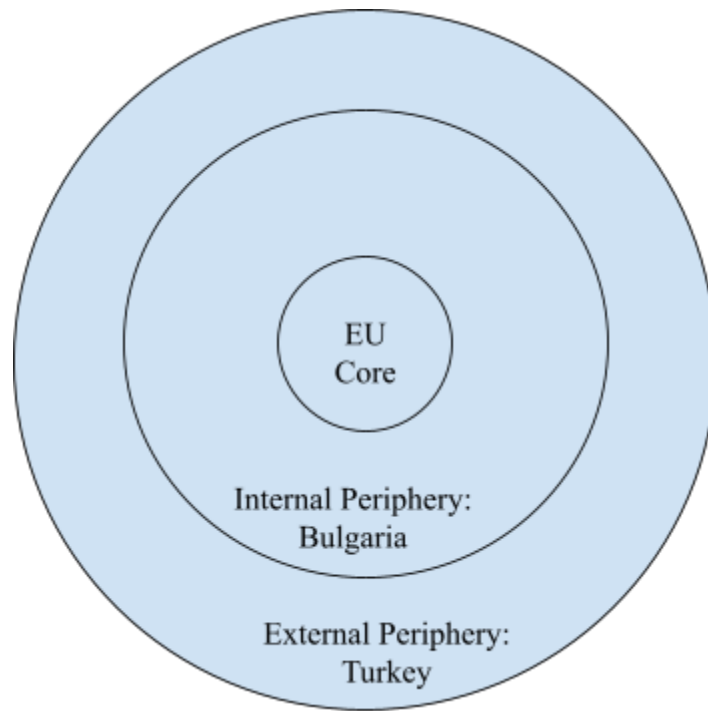


Figure 2. "The Dynamism of Europe" by George Vobruba (2007)

In this way, the Core countries can avoid legal, political, and economic burdens stemming from illegal migration and impacting their welfare and legal systems. Specific interactions arise from such an interdependent relationship between the EU centre and the EU peripheries, which become the main source of "dynamism" (Vobruba 2007:2). The main factor for this is the aim of the EU core to protect its own existence as a politically and economically prosperous, stable zone (Vobruba 2007:2). As a result of this dominant interest, the Core views its periphery in two ways: first, as a source of numerous political and economic issues that undermine the EU's broad interest in stability, and second, as a buffer zone that can help ward off issues that may arise in the more remote periphery (Vobruba 2007:2). This conflicted view of the periphery as a cause of issues as well as a remedy for the Core results in the distinctive mix of exclusion and inclusion in EU policies towards its periphery (Vobruba 2007:2).

This "calculated inclusion" follows the basics of "self-interested aid" (Vobruba 2007:2). In a transnational setting, self-interested aid is driven by the nation offering help in order to figure out how to address issues that cross national boundaries in the other countries where they initially occur (Vobruba 2007:2). This could entail funding a less wealthy EU member's border

management policies, such as financing technology for electronic surveillance at the external land border of the country (Vobruba 2007:3). A very recent example of this policy is from 2023. The EU subsidized with EUR 141 million EU member states under the Border Management and Visa Instrument (BMVI) tool. Assistance for the political and economic stabilization of nations that are in need of reforms can also be considered self-interested aid (Vobruba 2007:3). The idea is that through these “soft” tools, the motivation for the population of the Periphery to emigrate to the EU Core decreases (Vobruba 2007:3). Overall, the self-interested, logic-driven strategy of measured inclusion amounts to allowing the poorer Periphery to partially benefit from the wealth of the EU core (Vobruba 2007:3). This is often the explanation why periphery EU members often announce publicly that their support for regional stability and security is beneficial for the EU as a whole. As the Minister of Economy and Industry of Bulgaria, Nikolov said in April 2024 during the Vienna Economic Forum, “Bulgaria has consolidated and continues to consolidate its role... and its position as a key factor for stability and security in our region. (MEI Bulgaria, 2024)”.

Indeed, there are certain limitations to the calculated inclusion policy (Vobruba 2007:3). On the one hand, there are financial expenses, which can negatively impact the potential inclusion of the periphery states into the “Core Club” (Vobruba 2007:3). What is more, the urgency of this policy demands instant financial expenditures, from which the positive effects can only be seen at a later stage (Vobruba 2007:3). Additionally, the countries of the periphery need to be willing to take on full responsibility as participants in order to achieve a successful calculated inclusion policy (Vobruba 2007:3). That is why it is important to clarify the main difference between an inclusion and exclusion policy: the inclusion policy is only successful if the core and periphery can work as collaborators, whereas an exclusion policy is a unilateral move performed by the prosperous core with regard to its periphery (Vobruba 2007:3). Then the question that is important to raise is how and under what conditions the periphery would be willing to cooperate with the core in order to achieve a policy of calculated inclusion (Vobruba 2007:3). A lot of studies have attempted to respond to that question concerning specifically the external periphery (non-EU periphery countries such as Turkey, Georgia, Azerbaijan, and the Western Balkans group of states, namely Bosnia and Herzegovina, Albania, Serbia, and North Macedonia) (Vobruba 2003, 2007; Smith 2005; Kelley 2006; Emerson et al. 2005 and others).

However, there is a lack of academic research regarding the internal periphery (Bulgaria, Romania, Portugal, f.ex.).

II.III. Theoretical Concepts

Externalization

The term "externalisation of migration and border controls" describes a number of actions taken by states, frequently in cooperation with other nations or non-state organisations, in an effort to regulate migrant flows and implement immigration laws outside of their boundaries (Nicolosi 2024:1). This process is often titled “offshoring of refugees⁶, migrants⁷, or asylum-seekers⁸; non-entrée, remote control; non-arrival measures; deterritorialized control; policing at a distance; cordon sanitaire; a kind of proxy war; or extraterritorial immigration control” (Wikipedia, 2025; Fitzgerald (2019), Stock et al. (2019), Hintjens & Bilgic (2019), and Ryan & Mitsilegas (2010).

Externalisation can take many forms, including contracting out border control operations and establishing agreements with transit or neighbouring nations to stop migrants before they enter the state, as well as offering incentives or assistance to other nations in an effort to stop or slow migration flows (Nicolosi 2024:1). Often used to reduce duties and under the presumption

⁶ According to the UN Refugee Convention from 1951, refugees are people who have left their country because of a “well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular political or social group, or political opinion.” He or she is currently not residing within his home country's territory and is unable to or, due to fear, does not want to request protection or the person is stateless and is currently residing outside of his former country of residence and does not want to return to it (UNRC 1951). The EU definition for refugee has the same foundations, with the only difference that they refer to the person as a “third-country national” to whom Art. 12 (Exclusion) of Directive 2011/95/EU (Recast Qualification Directive) does not apply.

⁷ In an international context a migrant is defined as “a person who is outside the territory of the state of which they are nationals or citizens and who has resided in a foreign country for more than one year, irrespective of the causes, voluntary or involuntary, and the means, regular or irregular, used to migrate” (EC 2025). In the EU context, that is a person who “(i) establishes their usual residence in the territory of an EU/EFTA Member State for a period that is, or is expected to be, of at least 12 months, having previously been usually resident in another EU/EFTA Member State or a third country; or (ii) having previously been usually resident in the territory of the EU/EFTA Member State, ceases to have their usual residence in the EU/EFTA Member State for a period that is, or is expected to be, of at least 12 months (EC Home Affairs 2025).”

⁸ In the global context, it relates to a person who requests “protection from persecution or serious harm in a country other than their own and awaits a decision on the application for refugee status under relevant international and national instruments” (EC Home Affairs 2025). From an EU perspective, an asylum-seeker is a stateless person or a third-country national who has submitted a request for protection under the Geneva Refugee Convention and Protocol for which he or she has not yet received a final decision (EC 2025 Home Affairs 2025).

that human rights obligations only apply territorially; externalization methods transfer the burden of managing migration from the receiving state to other actors or territories (Nicolosi 2024:1).

Even though the barriers that the process of externalisation creates are often not physically visible, like checkpoints or border walls at national borders, they have a severely negative impact on people's mobility (Cecilia 2014:354). Legal restrictions such as visa regulations, bans on transport carriers of asylum seekers, and the signing of agreements with source and transit countries are some of the forms of carrying out externalization (Cecilia 2014, Fitzgerald 2019). These restrictions are coming in direct opposition to some of the foundational principles of international human rights law, specifically the principle of non-refoulement⁹.

Generally, externalization is often used as a tool by developed states to solve the problem of irregular migration. In an attempt to decrease the pressure on their national borders and the asylum system, these countries bypass the responsibility to other states (Missbach & Philips 2020:20). The most recent example is Italy's deal with Albania, which allows for the transfer of up to 36,000 asylum seekers to detention centres in Albania yearly (Euractiv.com 2025). Such countries as Italy, the USA, Australia, Greece, France, Germany, and Austria are often referred to as "destination countries" in the literature on externalisation. Often, state officials from such countries impose demands on the so-called "transit states" to perform gatekeeping activities against irregular migration and at the same time outsource large parts of the migration management processes (Gammeltoft-Hansen 2006; Tsianos and Karakayali 2010; Wallace and Sidorenko 1999 in Missbach & Philips 2020:20).

⁹ The principle of non-refoulement under international human rights law "prohibits States from transferring or removing individuals from their jurisdiction or effective control when there are substantial grounds for believing that the person would be at risk of irreparable harm upon return, including persecution, torture, ill-treatment, or other serious human rights violations" (OHCHR 2025). The principle is included within the Charter of Fundamental Rights of the EU as well as other international human rights instruments such as the American Convention on Human Rights and the Inter-American Convention on the Prevention of Torture (OHCHR 2025). The principle applies to "any form of removal or transfer of persons, regardless of their status, where there are substantial grounds for believing that the returnee would be at risk of irreparable harm upon return on account of torture, ill-treatment, or other serious breaches of human rights obligations" (OHCHR 2025). It has an absolute nature and "applies to persons, irrespective of their citizenship, nationality, statelessness, or migration status, and it applies wherever a State exercises jurisdiction or effective control, even when outside of that State's territory" (OHCHR 2025).

Transit State and Transit Migration

Despite the strong criticism, the only definition so far provided for what a “transit state” entails is by Ann Kimball (2007). The author cites four defining criteria needed for a state to be categorised as a transitional one for irregular migrants. Firstly, a state must share a border with a “fully developed country”; secondly, the state should have a higher rate of emigration vis-à-vis immigration; thirdly, the country must serve as a “primary staging ground” for those whose intention is to continue their travel to another country within the nearby geographical area; fourthly, such states would gradually adopt and implement more stringent border and migration regulations (Kimball 2007:12 in Missbach & Philips 2020:20).

Thus, the transit states fall into the categories of both “the problem and the solution to irregular migration,” which incentivises the destination countries to create strategies, such as laws and policies with substantial financial incentives, that allow them to continuously put pressure on transit states (De Haas 2008 in Missbach & Philips 2020:20). By receiving these incentives, the countries-beneficiaries are expected to exercise strict border and migration controls and preventive deterrence measures as well as introduce asylum processing systems, which will ease the need for them to address their own ongoing policy issue in addressing irregular migration (Boswell 2003; Gammeltoft-Hansen 2012; McNamara 2013; Weber 2007 in Missbach & Philips 2020:21).

Here, it is also important to note the origin of the term “transit migration.” It was coined with the expansion of the EU into Eastern Europe. The countries from the region that were renowned for their previously lenient stance towards irregular migrants and their acceptance of the unrestricted movement of individuals traversing their borders were the “prime targets” for the implementation of a new, stricter border and asylum policy. In this way, in the European context, the transit countries turned from a geographical entity into “a tool of governance by potential destination countries” (Oelgemoeller 2011: 416 in Missbach & Philips 2020: 21). This led to the politicisation of the term “transit migration” due to certain EU member states obsession with securing the Union’s external borders.

Often, the literature on externalization refers to “transit countries” as being outside of Europe and bordering conflict-affected areas such as Turkey, Lebanon, and Egypt (Missbach &

Philips 2020: 21). However, I would like to expand the definition and argue that in the context of irregular migration to Europe, transit countries are also those EU countries that are not the final destination of the migrants and they do not intend to stay in the long term, but they need to pass through to reach their final destination (usually a country in Western or Northern Europe). Often, in the process of illegal crossing, migrants are detained by national border police and are sent to open-access refugee camps where they can seek asylum and are offered to start the legal procedure of obtaining it. However, in practice, many migrants decide to leave these countries after submitting that request for their preferred final destination country. A few examples are Bulgaria, Hungary, and Poland, which are rarely preferred as destination countries by migrants in comparison to Germany, Austria, and France.

Scholars of externalization make an interesting statement referring to the process of outsourcing migration controls in the form of asylum-seeking procedures and border management to transit countries as a form of “remote control.” What that translates to is the idea that developed states from the Global North can remotely control migration from the furthest country away from them to as close as their national state borders (Fitzgerald 2019:2). This practice leads to the developed states’ “monopolization of the legitimate means of movement” (Torpey 2018 in Fitzgerald 2019:2). Within their borders, states seldom exercise monopolistic authority over their territory. The usual approach taken by those developed Global North countries is often one of “friendly cooperation” for the public or simply exercising influence in secret in an attempt to coerce weaker states to adopt their approach towards controlling unauthorised migration (Lake 2009 in Fitzgerald 2019:2). In this way, states purposefully block most of the legal ways for people escaping war or violent conflict to find refuge in a safe country. An example of such cooperation, which this paper will investigate later on in detail due to its high relevance, is the EU-Turkey Agreement from 2016, which aimed at “containing” irregular migration to Europe by having Turkey take back migrants who crossed into Greece illegally in exchange for financial aid, visa talks, and renewed EU accession discussions. Other examples of deals between the EU and other “safe-third countries,” an issue thoroughly discussed later on in the paper, prove that the EU is one of the main actors that is actively externalizing its migration problems and remotely controlling, via financial incentives, its non-EU partners.

What this paper will try to explore is how this policy of externalisation is implemented within the EU's borders as well, specifically towards external border countries with a focus on Bulgaria. The "remote control" of the borders of the EU, especially after Bulgaria's entry into the Schengen zone via land, air and sea in January 2025, enforced an even stronger need for tightening border controls, specifically on the Turkish-Bulgarian border. As an EU member, Bulgaria needs to comply and adjust to the EU's legislation and implement the suggested measures for that. However, could that be defined as a form of externalization? The paper attempts to explore that question by looking deeper into the EU's policy of externalization within the context of Bulgaria and the EU-Turkey Agreement in the following chapters.

Chapter III: Methods

III.I. Research Design

The legal, political, and procedural aspects of Bulgaria's asylum and migration policy are examined in this study using a wide range of sources from the larger context of EU migration governance. In order to pinpoint effective policy modifications and implementation shortcomings in Bulgaria's migration governance, the analysis section involves a methodical review of important policy texts, legal frameworks, and official declarations.

Within the series *Enabling*, a detailed analysis on the EU funding provided to Bulgaria for border control and processing of asylum procedures through different EU mechanisms such as BMVI, AMIF, and EUTF, The Pilot Project is investigated. Then, the infrastructure and technology upgrades on the border with Turkey are presented. Finally, the most relevant legal, institutional and administrative changes that Bulgaria has made with EU support are investigated.

In regards to the series of *Enlisting*, the operational involvement of Bulgaria within the EU-Turkey deal in regards to returns, asylum processing and detentions is analysed. In this section, an investigation is conducted on Bulgaria's amendments to its national law and its administrative practices in response to EU requirements. Finally, the special status as a transit country and gatekeeper of the Southern European border is analysed.

Finally, within the series of *Monitoring*, an analysis of EU's institutions' assessment methods, such as audits and reports on Bulgaria's actions or inactions in regards to migration management, is analysed, followed by assessment on allegations of non-compliance with EU law and Human Rights Standards and reports on pushback practices. Finally, an evaluation of the tensions between Bulgaria's national policies and its EU obligations is presented.

A Single Case Study Analysis

This research employs a single-case study approach, combining qualitative and quantitative data for investigation in order to provide a comprehensive analysis of Bulgaria's migration policies and their implications. It intends to contribute to a wider understanding of the level of efficiency of Bulgaria's migration system and difficulties of externalized asylum policies within the

European Union by combining qualitative and quantitative research methods to provide a solid and evidence-based assessment of Bulgaria's role in EU migration governance.

Theoretically, according to Barady and Collier (2004) as well as Gerring (2007), a case is a particular phenomenon or unit that is bounded by space and time and offers one or more (within-case) observations. As Peters argues, a case study allows for a direct perspective on how a series of events have provided a certain result rather than only the results by themselves (Peters 1998:141 in Ulriksen and Dadalauri 2014:225). Case studies can serve a variety of functions, including educating, providing “facts,” and illustrating certain political mechanisms within a country (Peters, 1998:147). However, the primary function of case studies is “testing and elaborating theory” (Peters, 1998:148). Case studies are most frequently used for theory development and hypothesis generation, while they can also be utilized for theory testing (Gerring 2007 in Ulriksen and Dadalauri 2014:225). This is particularly true for case studies that employ the process-tracing technique (as is the case of this study), where much of the research aims to explain a specific historical event or outcome instead of testing “a theory of a systematic mechanism” (Beach and Pedersen, 2011; Bennett 2010 in Ulriksen and Dadalauri 2014:225). Applying a theory in such cases of historically-based studies has more of a “secondary concern” in comparison to its generalisation in other cases (Mahoney et al. 2009:116 in Ulriksen and Dadalauri 2014:225). In case study research, there are only three approaches to explanation (Blatter and Haverland, 2022 in Ulriksen and Dadalauri, 2014:225). Covariational analysis examines if a certain independent variable contributes to the desired result. Multiple cases might be chosen for this kind of investigation (Ulriksen and Dadalauri 2014:225). For the other two methods, process tracing and congruence analysis, a single case study would be sufficient (Ulriksen and Dadalauri 2014:225). In this study, a single-case study on Bulgaria is conducted via the method of process tracing explained later in this chapter.

Bulgaria as a Case Study

There are several geopolitical, legal, and policy-related reasons why Bulgaria was chosen as the case for this study. Bulgaria is an important player in the EU's migration governance as a member of both the EU and the Schengen area. Its geographical location as an EU external border state in the south and its close proximity to Turkey, which the EU has classified as a “safe third country” for refugees, highlight its importance even more. The country's geographical

location is very special for the Union; it plays the role of a “gatekeeper” of the entrance to Europe and exit to the Middle East. That makes it strongly affected by any political crisis in the Middle Eastern region due to the migration waves that they create, for example, the Arab Spring crisis of 2015 and the followed migration wave towards Europe. In addition, any kind of externalisation practices by the EU shared with countries from the region are directly affecting it.

Secondly, it is one of the newer EU member states that is still trying to reach the informal status of an “equal” member of the Union’s core countries like Germany, France, and the Netherlands in regard to its participation in negotiations and policy-making in Brussels. The divide between countries like Bulgaria from the so-called “internal periphery” and those from the “core” is of interest to this study in the context of migration management. The relationship between the external and internal periphery (Turkey-Bulgaria for example) is not the main focus of the study but some attention is also dedicated to the dynamics in it.

Because of these characteristics, Bulgaria is a case study of utmost importance for examining the application and results of the EU's externalization policy, especially with regard to border management and asylum processes. Furthermore, investigating Bulgaria's migration management system offers us a chance to evaluate the efficacy of European migration policy at the regional level.

Data Collection via Process Tracing

Considering the choice of a single-case study, the main way this study approaches the investigation is through a “soft” version of *process tracing*. As mentioned earlier, process tracing refers to the investigation of “causal mechanisms underpinning the association between two variables” (Bradley and Collier 2004; George and Bennett 2005 in Halperin and Heath 2017:2017). Process tracing is a comprehensive “in-depth within-case study” technique that tracks causalities and their presentation in a real-world case (Beach 2020). In a practical sense, it can be used to better understand the causal dynamics that led to a certain outcome of a specific historical case (Beach 2020). The method’s strength is that it allows for the collection of data from realistic cases, which allows for precise knowledge regarding a certain issue to be produced (Beach 2020). Process tracing consists of 3 main components, which include “1) theorization about causal mechanisms linking causes and outcomes, 2) the development and analysis of the

observable empirical manifestations of the operation of parts of theorized mechanisms, and 3) the complementary use of comparative methods to enable generalisations of findings from single case studies to other causally similar cases” (Beach 2020).

In regards to this thesis, the series through which I am carrying out process tracing are the three mechanisms of *enabling, enlisting and monitoring*. They facilitate my attempt to explain how I approach each of the issues related to migration management.

Research Materials

The EU-Turkey Statement (2016), the Joint Action Plan on Migration Management (2015), and the Briefing on the EU Pact on Migration and Asylum are examples of official communication documents and statements released by the European Commission that serve as relevant sources. The study also includes yearly reports containing updates on Bulgarian border surveillance and asylum-seeker status determination processes, which offer important insights into how and whether the EU policies are implemented on a national level by the responsible Bulgarian authorities and in what ways they affect migrants. To monitor law developments pertaining to the asylum process and temporary protection measures, country-specific reports on Bulgaria—especially those produced by the Asylum Information Database (AIDA) and the Bulgarian Helsinki Committees (BHC)—are examined. Furthermore, important papers for comprehending institutional relationships and policy enforcement are investigated, including the cooperation frameworks between the European Commission and different EU agencies with Bulgarian authorities. In addition, an analysis of migration patterns after the 2016 EU-Turkey Agreement in order to assess the efficacy of the EU-Turkey Statement and associated policy initiatives in the context of Bulgaria is provided. Data on border crossings, asylum applications, and international protection recognition rates are included in this analysis and investigated. This data is predominantly drawn from reports of Frontex as well as the only recent report on surveillance technology developments at European borders, looking specifically in the case of Bulgaria produced by the Border Violence Monitoring Network. The period that is mainly investigated in this thesis is 2016-2024, i.e., the period after the signing of the EU-Turkey agreement.

III.II. Limitations of the Study

Even though the study aims at delivering a comprehensive analysis on how Bulgaria has adapted its approach towards tackling illegal migration in response to the policy of externalisation of the EU, certain limitations need to be addressed. Firstly, Bulgaria is still in the process of establishing a robust migration management system, which makes it a rather new phenomenon for the governmental authorities and academics. As a result, there is very scarce previous academic research on the topic by both Bulgarian and international scholars. Secondly, there is a time constraint and word limit to which this study needs to adhere.

For future studies, it might prove beneficial to include semi-structured interviews with officials from relevant Bulgarian and EU agencies who can provide information on the situation on the ground.

Chapter IV: Historical Background

IV.I. The EU-Bulgaria Relations

Bulgaria joined the EU in 2007 but its path to becoming a full member of the Union has not been an easy one. Although the accession process to the Union served as a catalyst for economic, political and societal changes in the 1990s and early 2000s, the country continued to struggle on multiple levels (Bechev 2018). Bulgaria had difficulty catching up with the other countries that were in the process of accession to join the EU back in 2004 because it simply began its accession journey way later than most post-communist countries in Europe (Bechev, 2018). It thus faced a more difficult pathway battling both economic and political challenges within itself and abroad (Bechev, 2018). A post-accession conditionality system placed Bulgaria and its neighbour Romania under extra scrutiny and placed them in a different category from other members due to a “sense of unfinished business” due to the unfulfillment of certain EU criteria (Bechev, 2018). Unlike other Eastern and Central European countries that joined the Union in 2004, such as Estonia, Slovenia, Poland and others, Bulgaria has not been able to reach the same “status” within the Union due to the little progress made in judiciary reforms and fighting high-level corruption and organised crime. Unfortunately, the membership in the Union since 2007 has not influenced much the way that the political system in Bulgaria operates. Issues such as the absence of transparency and accountability among the political elite as well as state capture are still in place (Bechev, 2018). The most recent example is the Bulgarian political crisis within the period 2021-2025, when the country held 7 consecutive parliamentary elections within those 4 years.

However, Bulgaria’s membership in the EU cannot be dismissed only as a failure. It has brought numerous economic advantages, including increases in growth and enlarged economic “safety nets” during recessions (particularly after the 2008 financial crisis), better economic competitiveness, entrepreneurial opportunities, educational exchange and increased labour mobility, as well as know-how (Bechev, 2018). Furthermore, overall, political parties are supportive of further integration of Bulgaria into the EU. Most recently, the country became a full Schengen member and is now attempting to join the Eurozone as of January 2026.

With some exceptions, the EU has had a big internal impact on the country's state of being but Bulgaria has had little influence on the decisions taken in Brussels. Due to limitations in its resources and overall political influence, the Eastern European country is still unable to have a larger impact on the policy-making process in the EU capital (Bechev, 2018). Given the widening gap between a rather loose periphery of countries and a strongly integrated core, that creates a serious risk for Bulgaria since it is directly impacted by all decisions that are being taken, especially in regards to the foreign policy of the Union (Bechev, 2018). Bulgaria's geographical location being at the crossroads between the Middle East and Europe, neighboring Turkey and being circa 1000 km away from Ukraine and around 5000 km from Russia is more than a rationale for it to be included in decision-making, but that has hardly ever happened (Bechev, 2018). Simultaneously, the country has been impacted by several crises impacting the Union as a whole, specifically the Russian-Ukrainian war, which started in 2022 and led to the arrival of more than 319,000 Ukrainian refugees in Bulgaria, as well as the Arab Spring, which completely transformed the outlook on migration in Europe (Cedefop, 2022).

IV.II. Migration to Bulgaria in Current Times

Bulgaria is one of the EU and Schengen members that has a relatively low number of migrants and refugees residing permanently in the country. The recent Eurostat's Migration and Migrant Population Statistics study states that as of January 2024, around 144,100 third-country nationals (TCNs) and another 67,700 EU citizens are residing in Bulgaria (EU Commission 2025). The former represents around 2.2% of the overall population of Bulgaria, while the latter is around 1.1% (EU Commission 2025).

Similarly, the European Migration Network's (EMN) most recent country factsheet study on Bulgaria from July 2024 shows that the three largest amounts of residence permits that were issued to TCNs in the country were for facilitating family unification (33.7%), work (29.2%), and studies (12.1%) (EMN 2024). The temporary protection holders in Bulgaria in 2024 were 24 570 in total; the most recent data is from March 2025, when 1,555 people were granted protection.

When it comes to granting citizenship, over 16,000 people have received Bulgarian citizenship in 2024, of which 2,436 are from Ukraine, 2,163 from Turkey, 1,887 from Moldova, 1,698 from North Macedonia, 1,328 from Albania, 847 from Serbia, 474 from Russia, 260 from

Israel, 150 from Syria, 108 from Argentina, 82 from Armenia, 40 from Iraq, and 21 stateless persons (Commission for Bulgarian Citizenship, 2025).

Overall, it is visible that Bulgaria has a significantly small percentage of migrants who plan a long-term stay in the country in comparison with the usual Western European countries such as Germany, France, Sweden and Austria. It should be taken into account that the data discussed above is comprised of both Ukrainian and other TNCs (EMN 2025). For the sake of simplicity, this study focuses only on TNCs of non-Ukrainian origin due to the special legal treatment that the Ukrainian refugees receive under the Temporary Protection Directive 2001/55/EC of 20 July 2001 and Decision 0382/2022, activated in 2022 as an emergency response to the Russian invasion of Ukraine.

IV.III. The 2016 EU-Turkey Deal

Because of its advantageous position, the majority of migrants and refugees have used Turkey as a transit territory and a crucial stop on their journey to Europe (Kirişçi, 2012; Yilmaz-Elmas et al., 2016 in Ulusoy et al., 2020:233). But although Turkey is a signatory to the 1951 Refugee Convention and the 1967 Protocol, it mostly avoided regulating migration and refugee matters and creating a national framework until the early 2000s and restricted its obligations under international law to refugees fleeing “events occurring in Europe” (Ulusoy et al. 2020:233). Turkey started making small adjustments to bring its asylum and migration systems into line with the EU framework in 2001, largely due to the EU accession proceedings (Ulusoy et al. 2020:233). These modifications included legislative, institutional, and policy reforms pertaining to asylum. The so-called migration crisis in the EU in 2015 significantly altered cooperation between the EU and Turkey in the areas of migration and asylum (Ulusoy et al. 2020:233). As a result, in an effort to curb unauthorised migration from Turkey to the EU, the EU and Turkey agreed on the EU-Turkey Deal on March 18, 2016 (Ulusoy et al. 2020:234). According to the EU Asylum Procedures Directive 6, the statement anticipated that after March 20, 2016, persons who do apply for asylum and whose applications are rejected or deemed unsubstantiated in Greece will be sent back to Turkey (Ulusoy et al. 2020:234).

The EU agreed that “for every Syrian being returned to Türkiye from the Greek Islands, another Syrian will be resettled from Türkiye to the EU, taking account of the UN Vulnerability Criteria,” in exchange for the readmission portion of the agreement (Ulusoy et al. 2020:235).

Priority is given to people who have never entered the EU or have not attempted to enter the EU illegally, according to the statement. The “1:1 resettlement system” is another name for this setup (Ulusoy et al. 2020:235). The main idea behind the deal was to discourage irregular crossings.

Simultaneously, the EU committed to providing financial assistance to Turkey through the Facility for Refugees in Turkey, amounting to EUR 6 billion. The allocation of these funds was directed towards providing support for projects that are of direct benefit to individuals who are under temporary protection in the country, specifically Syrian refugees (European Council, 2016). The main target was providing them with access to education, healthcare and other essential services. What was in it for Turkey was also the political benefit of promising strong potential for reinvigorating the discussions about Turkey’s accession to the EU (European Council, 2016). Additionally, there were suggestions made by the EU regarding the lifting of the visa restriction within the Schengen Zone for Turkish nationals in case Turkey fulfils the criteria in regard to migration management, daat protection and rule of law (European Council, 2016). In response to that, Turkey committed to taking active steps towards the prevention of the opening of new routes for sea and land migration via stronger cooperation with neighbouring countries, including Bulgaria (European Council, 2016). In this regard, the EU-Turkey agreement also considered the launch of a voluntary humanitarian admission program in case of a decrease in irregular border crossings (European Council, 2016). The program allowed for voluntary contributions to be made by each EU member state in the form of admission of a certain number of refugees who are based and registered in Turkey, through which legal migration was aimed to be promoted (European Council, 2016).

This deal became a model for future EU externalisation policies and set the example for individual EU member states to replicate the approach with other countries. Within the Western Balkan region, the Italy-Albania deal is the most recent example, permitting the EU and Schengen member Italy to transfer rescued migrants in Italian waters to the “safe third country,” Albania for repatriation operations and asylum processing under an expedited border procedure (De Leo, 2024).

Chapter V

Empirical Analysis:

EU Externalization and Migration Management in Bulgaria

V.I. Enabling Bulgaria

Financial Instruments

There are two streams where the funding support is predominantly directed to: integration and border management, with the latter taking a prevalence.

When it comes to integration, there are 4 types of financing streams in Bulgaria, which are EU funds, international and foreign financial instruments, international institutions, and national funding (BCRM 2025). Persons granted international protection have access to rights under the terms and conditions for Bulgarian citizens (persons granted refugee status) or under the terms and conditions for foreigners with a permanent residence permit in Bulgaria (persons granted humanitarian status) (BCRM 2025). The “access to rights” is financed by the State Budget of the Republic of Bulgaria, while the European funding comes from multiple channels. The largest one is the Foundation for Asylum, Migration and Integration (FMI) under the EU Asylum, Migration, and Integration Fund (AMIF), which finances all measures and activities for the integration of foreigners who have received international protection after relocation or resettlement (BCRM 2025). AMIF’s main four objectives are strengthening and developing the Common European Asylum System, including its external dimension; supporting legal migration to EU Member States in line with the social and economic needs; promoting the effective integration of non-EU nationals; promoting return strategies in Member States with special attention to the sustainable ways of return procedures and effective readmission to countries of origin; and strengthening solidarity and responsibility-sharing between Member States (BCRM 2025). In addition, all EU countries without Denmark, which is not a participant, are tasked with drawing up national programs that outline the actions through which they intend to achieve the

objectives set out in the AMIF regulation (BCRM 2025). Some examples of practical actions include improvement of asylum systems and reception facilities via provision of support for improvement of administrative structures, training of staff dealing with asylum procedures, development of alternatives to detention, etc., and training and provision of services to non-EU citizens (BCRM 2025, AMIF 2025). In the context of Bulgaria, the managing authority of AMIF 2021-2027 is the Directorate for International Projects (DIP), which is a structure for the management of programs and projects financed by the EU and other international programs and agreements under the umbrella of the Ministry of Interior (MVR 2025). In addition to the amount allocated to them under their national program, the Member States, among which Bulgaria may receive an amount for the implementation of specific actions, would then require Member States to cooperate with each other and “bring significant added value to the Union” (BCRM 2025). As part of the AMIF, the EU Resettlement Programme allows for every Member State to receive every two years additional financial support based on a lump sum of EUR 6,000 for each resettled person, with a possibility of increasing to up to EUR 10,000 in special cases such as groups of vulnerable persons (BCRM 2025). The total financial package for the implementation of the Fund for the current period, 2021-2027, is set at EUR 9.9 billion, from which EUR 28,505,459.00 are allocated to Bulgaria (BCRM 2025). The implementation of the fund is under shared, direct or indirect management, with the largest portion of the funding being dedicated to the shared management under the national programs of the Member States (AMIF 2025). Beneficiaries include state and federal authorities, local public bodies, non-governmental organizations, humanitarian organizations, private and public law companies, as well as education and research organizations (AMIF 2025). The most recent annual performance report under the fund was submitted in 2023 and stated that Bulgaria is still in the process of creating a national program; hence, there is no data available to measure the country’s progress.

Another key EU mechanism for funding integration activities is the European Social Fund. It is Europe’s main tool for ensuring fairer access to the job market for all EU citizens. One of the key priorities as part of the EU’s social inclusion strategy is to provide help to people from disadvantaged groups to enter the job market. In Bulgaria, the responsible entity for carrying out those strategies is the Ministry of Labour and Social Policy. Interestingly, as of May 2024, Bulgaria has introduced a National Employment Education and Training Program for Refugees on behalf of the Ministry of Labour and Social Policy. It targets unemployed people

who have acquired refugee or humanitarian status as well as those enjoying the rights under Art. 29, para. 3 of the Asylum and Refugees Act¹⁰ or temporary protection (Ministry of Labour and Social Policy, 2024). The aim of the program is to support the successful adaptation and employment of individuals on the Bulgarian labor market by including them in training and employment, as well as increasing the capacity of transit and registration and reception centers under the Asylum and Refugee Act and local authorities to work with refugees (Ministry of Labour and Social Policy, 2024). Multiple governmental and non-governmental institutions are involved in the implementation of the program, including the Ministry of Labour and Social Policy, the National Employment Agency, as well as its local and regional offices, regional directorates of the Labour Bureau, the Ministry of Education, the State Agency for Refugees, licensed vocational training centers, employers, local NGOs, and other governmental agencies.

Other EU-funded programs that are also part of the EU's mechanism on integration are the Fund for European Aid to the Most Deprived, Operational Program "Science and Education for Smart Growth" 2021-2027, Erasmus+, Creative Europe and others.

Border-Management: Infrastructure and Technology

Bulgaria's accession to the EU in 2007 served as a catalyst for the update and development of the border management infrastructure of the country. With the aim to meet the requirements for entering the EU and consequently Schengen, in the early 2000s large-scale investments in border control infrastructure occurred, partially due to the pre-accession commitments of the country. At the center of this was the financial support provided via the EU's PHARE program, aimed at providing support for ex-socialist countries in the process of obtaining EU membership, as well as the Schengen Facility Instrument, which aims at preparing new Member States for integration into the Schengen Area (BVMN 2024:24). In addition to the EU instruments, bilateral funding was also made available from Germany, Norway, and the Netherlands, as well as a substantial loan by the World Bank (BVMN 2024:24). These resources were allocated to the construction and upgrading of Border Crossing Points (BCPs), the introduction of advanced surveillance

¹⁰ Art. 29. (3) (amend. - SG 80/15, in force from 16.10.2015, amend. - SG 33/16, in force from 21.05.2016; amend. - SG 97/16) The foreigner shall have the right to access to the labour market, including to be involved in programs and projects, financed from the state budget or under international or European funding, provided that the proceedings are not finalized within 3 months after the submission of the application for international protection due to reasons out of their control.

technologies, and the development of security-based communication networks. Some of the important advanced technology acquired during that period by the Bulgarian authorities included thermovision equipment and heartbeat sensors, patrol vehicles, and mobile surveillance systems. In addition, an IT infrastructure connected to the Schengen Information System (SIS II) was established, which considerably improved the connectivity (BVMN 2024:26).

As of 2003 and until 2010, the Bulgarian border control system was heavily modernised from a technological standpoint (BVMN 2024:26). Multiple procurement procedures for technological devices such as thermovision cameras, CO2 detectors, secure radio systems such as the TETRA¹¹ system - a secure radio and communication system - as well as air and sea patrol vehicles (BVMN 2024:26). In addition to the technological advancement, multiple capacity-building initiatives took place and specialised border team units were formed. During this period, the foundations for Bulgaria's participation in the overall EU surveillance framework were laid, specifically into the European Border and Surveillance System (EUROSUR), which the country successfully became a member of in 2013. On an institutional level, of utmost importance was the established National Coordination Centre (NCC) in the capital Sofia, with its local and regional coordination centres throughout Bulgaria tasked to oversee surveillance activities across both land (green) and maritime (blue) borders (BVMN 2024:26).

After Bulgaria became an EU member, the now-member state continued to receive funding under the Schengen Facility instrument and later via the European Border Fund (EBF). These instruments enabled the Bulgarian authorities to acquire additional surveillance technologies and to improve their border control systems (BVMN 2024:26). Specifically, the acquisition of real-time data collection systems, including biometric databases and automated detection technologies, as well as the development of a pre-frontier data exchange system, facilitating the monitoring of cross-border migration and security threats beyond its immediate territorial borders (BVMN 2024:26). Currently, there are 32 local and 7 regional coordination centres of the Bulgarian border surveillance system, 2 of which are constructed at the Bulgarian-Turkish border (BVMN 2024:26).

¹¹ "Terrestrial Trunked Radio is a secure radio communication system used by government agencies and the military in Europe (BVMN, 2025, derived from en.wikipedia.org/wiki/TETRA)

Post-2015 and as a result of the European migration crisis, the investments in border control infrastructure increased. The Internal Security Fund (ISF) of the EU and the following BMVI became the main sources of financial support for Bulgaria's border management system (BVMN 2024:27). This was also the moment when Frontex and Bulgaria started collaborating on an operational level. Frontex sent standing corps offices along the border with Turkey and provided technological equipment, while Bulgaria in return provided assistance in EU-coordinated border operations in the Union (BVMN 2024:27).

A key priority for the Bulgarian authorities has been the development of IT systems that fit the standards of the EU regulations (BVMN 2024:27). For this reason, the national Automated Fingerprint Identification System (AFIS) was updated and integrated within EURODAC and SIS II via the financial support provided by the ISF, BMVI and AMIF (BVMN 2024:27). Interestingly, Bulgaria was also selected by Frontex to lead the Entry/Exit System (EES) project at two of its BCPs, which marked a significant step for the country towards the fulfilment of the EU's regulations (BVMN 2024:27). The main aim of the project was to test facial recognition and biometric data collection procedures, preparing the ground for the planned implementation of the EES, which is planned to be officially in use as of October 2025 and the ETIAS (European Travel Information and Authorisation System), planned to start operations in the last quarter of 2026 (BVMN 2024:27).

The currently active BMVI 2021-2027 instrument in Bulgaria allows the country's border infrastructure to develop further on multiple levels (BVMN 2024:28). The current priorities include procurements of drones, mobile surveillance units and vessels, many of which are designated for use in Frontex-led operations (BVMN 2024:28). The continuing development of the EUROSUR platform is also a priority for the authorities in order to collect, process and share biometric and travel data of individuals (BVMN 2024:28). The BMVI funds are also used for maintenance of the helicopters, surveillance towers, and mobile command units, as well as improvements of the existing communication networks for secure coordination (BVMN 2024:28).

Border Management: Capacity-building Measures

Before 2016, when the EU-Turkey Agreement was signed, the main responsible agency for border control of the sea and land borders of Bulgaria was and still is the Directorate-General for Border Police and its provincial directorates, under the umbrella of the Bulgarian Ministry of the Interior (Frontex, 2016), which has been in control of the borders since the fall of the Iron Curtain in 1989. In anticipation of the accession of Bulgaria to the EU, in 1997 the Border Police began to undergo restructuring in order to fulfil the requirements for accession (BVMN 2024:16). Its duties include patrolling and monitoring the border zone, identifying unauthorised entry, conducting inspections at border crossings, and apprehending illegal border crossers (BVMN 2024:16). Additionally, it conducts risk assessments within the EU framework for border management as well as provides information to the European Border Surveillance System (EUROSUR) (which Bulgaria successfully joined in 2012) regarding the current situation in the country (BVMN 2024:16).

In recent years, as a result of Frontex's growth as an agency and the rise in irregular migration along the so-called Western Balkan route or routes, Frontex's engagement in Bulgaria has steadily expanded. Since 2013, the Agency has carried out cooperative operations in the Western Black Sea along the Romanian border, carrying out a number of coast guard duties such as border monitoring and surveillance, combating cross-border crime, conducting rescue missions at sea, detecting pollution at sea waters and illicit fishing (BVMN 2024:17). Frontex was active in the country before that as well and it played a crucial role in the "europeanisation" of border control and surveillance in Bulgaria by providing know-how and best practices for the Bulgarian national border guards (BVMN 2024:12). Then, due to increasing migratory pressure, in 2013 the construction of a wall between Bulgaria and Turkey was announced and the project was completed by 2016. As a result, the Bulgarian authorities, with the financial support of the EU, increased the presence of police personnel, increased the number of border checks performed by them and began to share surveillance data with their Turkish counterparts.

In 2016, the Agency received a request from the Bulgarian authorities to provide significant additional help, specifically for the border management operations taking place on land (Frontex, 2016). They specifically emphasised help needed at the border with Turkey but

also additional surveillance was requested for the border with Serbia (Frontex, 2016). As per the data available from 2016, Frontex was deploying 192 staff members and officers, of whom 136 had expertise in border surveillance at the two key borders for Bulgaria (Frontex, 2016). In addition, Frontex had provided 5 thermovision vans, 10 dog teams and 46 cars carrying out patrolling activities (Frontex, 2016). In total, 6 joint operations were coordinated by Frontex in Bulgaria, which were JO Focal Points Sea, JO Flexible Operational Activities 2016 Land on Border Surveillance (South Eastern Borders and Western Balkans), JO Focal Points Land, JO Flexible Operational Activities 2016 Land on Border Checks, JO Focal Points Air and JO Vega Children 2016 (Frontex, 2016). According to Frontex, this was a “precautionary measure aimed at boosting Bulgaria’s capacity at its land borders” (Frontex, 2016).

In order to strengthen collaboration with the Bulgarian authorities in charge of the management of the national sea and land borders, as well as the returns of migrants, the first Frontex liaison officer was appointed to Bulgaria in 2018 (BVMN 2024:17). The role’s responsibilities include conducting risk analysis, monitoring and reporting on the situation at the external borders of the country, and supporting the planning and coordination of border management activities (BVMN 2024:17). Overall, Frontex officers have been present ever since the Frontex Standing Corps was established within the time period 2019-2020 (Frontex, 2016). Their primary responsibilities include border check assistance, facilitating “migration management,” including taking fingerprints, performing screening procedures and registrations upon arrival of migrants, deportations, as well as drug trafficking prevention (Frontex, 2016). They are even allowed to carry a weapon and have the executive authority to enforce border controls. Bulgaria took part in the Joint Operation Terra in 2022 led by Frontex and 12 of its member states, with the aim of providing border control assistance to national authorities via standing corps personnel (Frontex, 2016). The agency additionally expanded its presence in 2023, deploying additional officers as well as providing more technical assistance (Frontex, 2016). Under the Pilot Project, the EC encouraged EU member states to increase their funding for personnel at the external borders as well as send additional mobile operational teams to combat cross-border crimes (Frontex, 2016).

Within the period 2023-2024, Frontex’s involvement in AVR’s has only grown, taking over most of IOM’s previous responsibility of carrying them out together with the Ministry of

Interior. For comparison, Frontex carried out, together with the MoI, circa 400, whereas IOM performed only 42. As a result, the Bulgarian government and Frontex signed a Joint Action Plan on Returns (Report 2024:18). Officers from Europol have also been stationed in Bulgaria as of October 2022 to carry out secondary security checks in cases of potential organised crime and terrorism suspicion (BVMN 2024:18).

Bulgaria has also made use of the External Borders Fund (EBF) and the Internal Security Fund (ISF) of the EU by implementing a number of initiatives targeted at enhancing the Border Police's capabilities, such as patrol cars, ICT, and infrastructures like police stations, centres for coordination activities, tools for monitoring and control, and conducting trainings of police officers on the usage of border technological devices and on asylum and human rights law and procedures (BVMN 2024:12). Some of the ISF financial support was also used for the technical maintenance of police vehicles and vessels. The establishment of a trilateral contact facility servicing Bulgaria, Greece and Turkey at the Kapitan Andreevo border checkpoint (BCP) additionally improved the cooperation activities on border control among the neighbouring countries. As a main focus was and still is the Turkish-Bulgarian border due to its critical geographical location. However, attention was and is currently also given to the Bulgarian-Serbian border, which is the main escape route for migrants who have decided to continue their journey further into Europe. Thus, the 2014-2020 edition of the ISF program considered also measures to improve the infrastructure of the checkpoints and the area surrounding them. Additionally, at the border with North Macedonia, two new checkpoints were built, as well as one with Türkiye.

Under the 2021-2027 Border Management and Visa Policy Instrument (BMVI), an EU program under the Home Affairs division of the European Commission, the Bulgarian government is expected to receive parts of the budget of the fund, which is estimated to be around EUR 200 000 000.00, with the aim of investing the funding in border policing activities and border technologies. The EU program consists of numerous suggestions for improvement of the technological assets, such as purchasing additional cars and boats for facilitating border management activities as well as enhancement of the technological infrastructure. Regarding the human resources, serious emphasis is put on hiring additional staff, specifically border guards.

Different frameworks to foster border cooperation with the countries that Bulgaria shares a border with were also established. For example, bilateral agreements with Romania and Greece regarding cross-border cooperation and joint efforts in patrolling activities along the borders with Romania, North Macedonia, and Serbia were and are taking place. In addition, a joint action plan with Austria, the main “resistor” of Bulgaria becoming a member of the Schengen zone, was agreed on to “enhance joint efforts and capabilities in preventing illegal migration” (EC, 2024). Additionally, Bulgaria continued its partnership with Europol with the aim of preventing secondary movements within the Union and “to counter migrant smuggling networks” via the financial support of the BMVI (EC, 2024)

Since then, Bulgaria has received multiple tranches of funding and/or operational support. To address shortcomings in Bulgaria’s asylum system and build capabilities for performance of screening procedures, in March 2023 the EU Commission launched a six-month pilot project. The initiative focused on increased assistance from EUAA regarding migrant protection and reception and from Frontex in the area of border control (BMVI 2024:14). In addition to the previously agreed funding, EUR 45 million was provided via the BMVI instrument with the aim of being used for the fortification of the Bulgarian-Turkish border (BMVI 2024:14). In the same manner, international organisations such as IOM and UNHCR are requested to contribute to the project via participation in capacity-building activities such as those pertaining to the use of technological tools, policing activities, human rights and asylum procedures, and deportations (BMVI 2024:14). Trainings are planned to be delivered by the authorities of Norway via the Norwegian Financial Mechanism (BMVI 2024:14). Overall, the project reflects the current strong focus on prevention of illegal crossings and advancement of border monitoring (BMVI 2024:15). It was declared successful in March 2024 and even elevated to a “cooperation framework,” which opened the possibility for Bulgaria to file applications for additional funding for further expansion of its border surveillance systems, such as buying vehicles with thermovision capabilities as well as operational equipment such as thermovision or cameras detecting movement of people (BMVI 2024:15).

Most recently, in November 2023, the European Commission provided over EUR 141 million of additional funding to reinforce border security and migration management in Bulgaria, Croatia, Greece, Hungary, Latvia, and Lithuania under the BMVI (EC, 2023).

Similarly, under the Asylum, Migration, and Integration Fund (AMIF), EUR 118 million was given to Belgium, Bulgaria, Cyprus, Greece, Italy, Latvia, Lithuania, Poland, Slovakia, and Spain, aiming to “support unaccompanied minors and reception facilities at external borders” (EC, 2023).

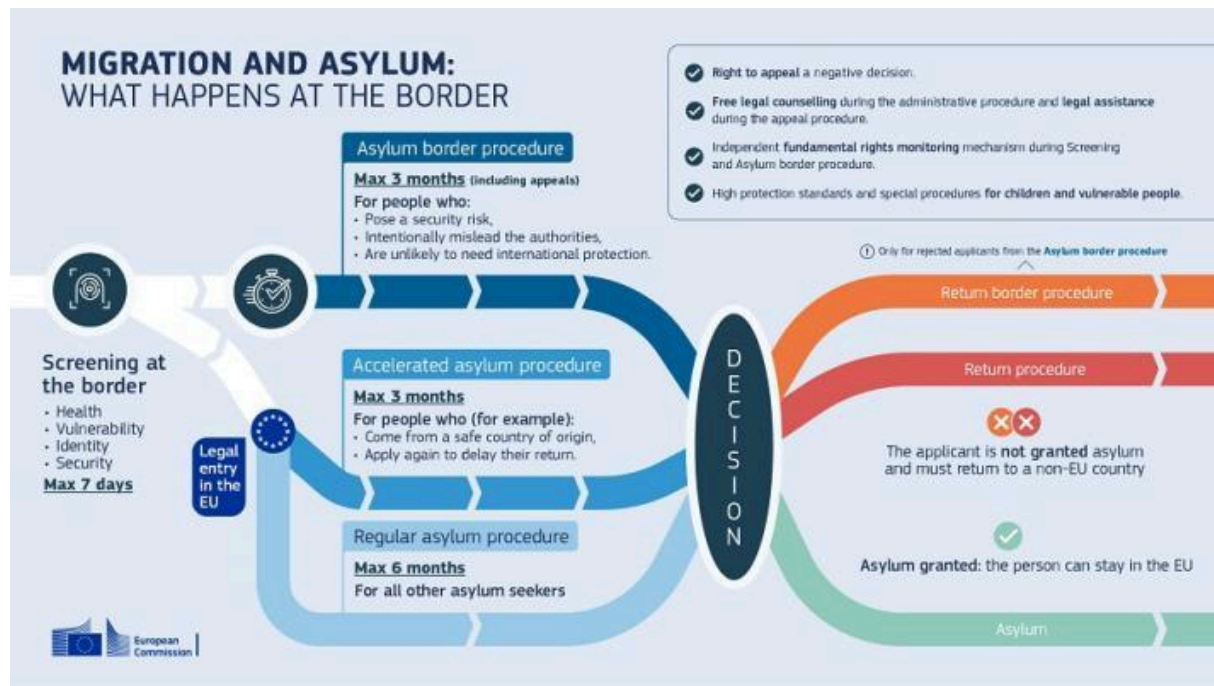


Figure 3. Migration and Asylum: What Happens at the Border (EC 2025)

Assessment through Orchestration

Through the lenses of the *Orchestration theory*, the EU can be considered the orchestrator, while the member states, as in this context, Bulgaria, are considered intermediaries. On a theoretical level, the EU entrusts responsibilities, e.g., migration control, asylum procedures, and migrant integration requirements, to the national governments of its member states, requesting from them implementation of the EU law and alliance on common EU values. In reality, practical issues such as limits in enforcement capabilities and different interests of the actors influence the behaviour of both parties. These are the typical issues that appear in the relationship between actors in an orchestration model. As it became evident, in the context of Bulgaria, there are big discrepancies between the EU goals and the Bulgarian government goals; f.ex., the EU in the role of an orchestrator has the aim of establishing a long-term integration system and

rights-based asylum procedures in its member states, whereas Bulgaria, in the role of an intermediary, focuses predominantly on keeping its status as a transit country with minimal retention of migrants. Similarly, on a legal level, Bulgaria is compliant with EU asylum directives “on paper,” while in practice it engages in pushbacks and ill-treatment of asylum seekers. On a political level, the EU does have the necessary tools to sanction certain behaviours via infringement procedures and conditional funding. However, so far it has avoided serious sanctions in order to keep the political balance due to Bulgaria’s function as a “gatekeeper” of the EU at the border with Turkey. What makes the EU-Bulgaria relationship a particularly interesting case study is the fact that Bulgaria, as an external border country and entry to Europe, uses its geographical (dis)advantage as an excuse for selectively implementing EU law, specifically concerning the fundamental rights of the migrant. However, that is only possible due to the EU’s overall priority, which is border control and not integration. These findings bring out more questions related to the overall management of the EU governance of migration - both from the EU itself and from its member states—and open up further the opportunity for research on these issues.

V.II. Enlisting Bulgaria

Operational Involvement: the EU-Turkey Deal

Bulgaria has played the role of a “buffer state” in the migration context of the EU mainly due to its geographical location. After the signing of the EU-Turkey Deal in 2016, some key changes occurred regarding the migration management within the country.

The main aim of the partnership agreement was to reduce irregular migration across the Eastern Mediterranean route (Turkey-Greece). Even though there was a significant decrease in the irregular crossings, that did not fully stop the migrants from trying to reach Europe (ECRE, 2024). Instead of crossing the Aegean Sea, many decided to change their route and attempted to enter Europe through the land border between Turkey and Bulgaria (ECRE, 2024). That led to strong pressure on border security and Bulgaria’s decision to expand its border fence with Turkey to cover all 270 km, as well as to deploy military personnel and more border guards with the support of Frontex (ECRE, 2024). This practice continued over the years, most recently in

2024, when 600 additional officers were deployed (ECRE, 2024). To stop crossings, Bulgarian officials began exchanging surveillance data with Turkish authorities and stepped up police presence and inspections at border crossings (AIDA 2015). As mentioned earlier, the creation of a trilateral contact facility at the Kapitan Andreevo BCP between Bulgaria, Turkey, and Greece improved cooperation in the area of border control between the two countries (MoI National Program, 2018 in BVMN, 2024:13).

By establishing the 300-meter security zone akin to the border “arrangements” in the communist era, the Bulgarian government prohibited access to 234 km of the border fence constructed along the Turkish-Bulgarian border¹². In addition, taking photos as well as filming the fence was outlawed (AIDA, 2025). The Ministry of Interior (MoI) became responsible for exercising supervision and border management instead of the district governors, as ruled by the caretaker government. Repairs by specialised army units were occasionally made. Bulgaria was one of the 12 EU Member States that participated in the Joint Operation Terra initiated in 2022 by Frontex. It included “the use of patrol cars, thermovision vehicles, and standing corps officers at the EU’s external land borders” (AIDA, 2025). Last year, 240 new FRONTEX staff members were deployed in Bulgaria. Most were expected to take part in combined patrols with Türkiye at the main entry border. This time, in contrast to other deployment operations of Frontex, the teams comprising both Bulgarian and Frontex staff were stationed along the actual land border as well as on strategic routes leading to Romania and Serbia. Following bilateral meetings at the end of 2023 and the start of 2024, this move corresponded with measures of increased external control within the Turkish side of the border exercised by Turkey’s national authorities.

Within the period December 2023 to April 2024, border guards of Turkish nationality were stationed throughout the whole Bulgarian border. They installed surveillance technology and physically inspected all cars and travellers on all main and secondary roads leading to Bulgaria. Weekly meetings at the level of regional directorates and the operation of the tripartite contact centre for police and customs cooperation, established in 2016 at the Bulgarian Kapitan Andreevo checkpoint, increased cross-border collaboration of the Bulgarian authorities with the border agencies of Greece and Turkey.

¹² From 9 September 1944 to 10 November 1989 (AIDA, 2025)

Resettlement

Bulgaria's resettlement program is a relatively recent development in its migration management system. The National Resettlement Mechanism Framework proposed by the National Council for Migration and Integration was approved by the Council of Ministers of the Republic of Bulgaria in April 2016 (UNHCR Bulgaria, 2017). This mechanism was created in order to implement Bulgaria's obligation within the Council Conclusions of July 2015 and the 1:1 mechanism under the EU-Turkey Agreement of March 2016, enacted in reaction to the migration crisis to Europe (UNHCR Bulgaria 2017). Bulgaria's Council of Ministers extended the deadline for the relocation of 110 refugees until the end of October 2019 by adopting a revised timeline for the commitments in regards to resettlement agreed on in 2016 and 2017 (UNHCR Bulgaria 2017). In order to fulfil the criteria for resettlement, the asylum-seekers need to be of Syrian decent, own Syrian citizenship, have fled due to the active war in the country and are in need of international protection (UNHCR Bulgaria 4:2017). In case they are registered by the authorities of Turkey, they "must not fall within the scope of the exclusion clauses under European and international law" (UNHCR Bulgaria 4:2017). For the implementation of the mechanism in practice, a Resettlement Selection Team of experts from SAR, the State Agency for National Security, MoI and interpreters is assembled to operate in Türkiye with the assistance of representatives from the Ministry of Foreign Affairs of Bulgaria at the Bulgarian Embassy in Türkiye. The team prepares a dossier, which is then sent to the Bulgarian contact point agency, SAR for consideration of admission. In case of a positive response, SAR informs the European Commission and the UNHCR Representation in Bulgaria, interviews are conducted, and medical examinations with the admitted persons are performed. After a thorough security screening of the documents performed by the State Agency for National Security (SANS) in both Bulgaria and Turkey and clearance is given, the travel logistics are arranged. Besides the 110 refugees who were admitted to the Relocation Scheme back in 2016, another 11 new resettlements were carried out in 2024, granting the resettled persons international protection (BHC, 2025). In 2022, no relocations took place due to the influx of refugees from Ukraine. In 2023, 10 Syrian nationals were relocated from Italy, 76 from Greece and 94 from Cyprus. Most recently, in 2024, 7 Syrians were relocated again from Cyprus (BHC, 2025). Consequently, all in all, 187 people were relocated, including 70 Afghan evacuees (BHC, 2025). Some of those transported were stateless, Syrian, Afghan,

Iraqi, Eritrean, Egyptian and Pakistani (BHC, 2025). No new relocations took place in 2024 (BHC, 2025). Upon resettlement or relocation, every person is “admitted directly to a regular procedure” (BHC, 2025). All persons are accommodated at the Vrazhdebna shelter and provided with medical care, food, social mediation and initial orientation (BHC, 2025). No financial allowance under any condition is given to any asylum seeker in Bulgaria since the abolishment of the social financial support program by SAR in 2015¹³ (BHC, 2025).

On an EU level, the EUAA reached an agreement titled “The Operation Plan” with the Bulgarian authorities back in 2022 for the provision of support with asylum expertise, reception and temporary protection. As part of the Pilot Project which started in 2023, the agency is requested to provide assistance to the Bulgarian authorities with reception and interpretation by sending 5 reception specialists and 27 interpreters (Report 2024:18 (115)).

Legal Instruments

All EU member states need to comply with multiple existing standards at the EU level, which are presented in the table below in a sequence that best reflects the usual integration trajectory of beneficiaries of protection (Vankova et al., 2017:4).

	Obligations and Measures	Provisions
Housing and accommodation	Ensuring equal opportunities with those of legally residing migrants	Article 32 of Directive 2011/95/EU
Integration support	Providing access to integration programs, including, f. ex., language courses, social orientation, creating opportunities for dialogue between refugees and the host society, etc.	Article 34 of Directive 2011/95/EU
Access to the labor market as an employed or self-employed person	Ensuring the same conditions as for nationals of the country that granted the status. Ensuring equivalent conditions to those of legally residing migrants for training	Art. 26 of Directive 2011/95/EU Art. 27, para. 2 of Directive

¹³ SAR, Order No. 31-310, 31 March 2015, issued by the Chairperson Nikola Kazakov.

	related to their work, as well as vocational training aimed at improving their skills. Equal treatment with nationals of the country that granted the status in relation to procedures for the recognition of qualifications.	2011/95/EU Art. 28 of Directive 2011/95/EU
Medical and social care	Equal rights with citizens of the state that granted the status. Vulnerable groups (victims of violence, minors) benefit from existing medical services provided to people with special needs. Social care under the same conditions as for citizens of the state that granted the status, 7.8	Article 30 of Directive 2011/95/EU Article 29 of Directive 2011/95/EU
Family reunification	Simplified requirements for foreigners granted protection under certain conditions	Directive 2003/86/EU
Access to the education system	It is provided to minors under the same conditions as for citizens of the state that granted the status.	Article 27(1) of Directive 2011/95/EU
Access to long-term residence status	After having resided legally for 5 years in the territory of a Member State and fulfilling certain conditions.	Directive 2003/109/EU

Table 3. EU Obligations and Measures derived from Vankova et al. (2017:4) (2017:4) (translation from Bulgarian language)

Back in 2021, the National Strategy on Migration of the Republic of Bulgaria for the period 2021-2025 was adopted in similarity with the previous one for the period 2014-2020. The document itself does not contain “integration” as a concept and only briefly touches upon the issue. Four goals are outlined in it as follows:

1. “To provide conditions for the reception of migrants - particularly highly skilled workers - who arrive legally in the country for work, studies or other reasons and have legal grounds to stay (taking into account also the needs of the labour market); to establish a facilitated regime for entry and residence, under the conditions of mobility, to attract highly qualified TCN workers”.
2. “To strengthen the processes of return for foreigners residing in the country without legal grounds by the established standards for the protection of human rights; to strengthen measures for the prevention of undocumented migration and illegal residence on the territory of the country”.
3. “To contribute to the adoption of a Common European Asylum System by the principles of solidarity and responsibility, thus ensuring the adequate reception of persons in need of protection while "preventing the unequal distribution of the burden of refugee flows and the abuses of the system for asylum, and preventing secondary movements”.
4. “To participate in the processes of developing and strengthening partnerships with third countries, and to actively contribute to partnerships with key third countries of origin and transit, sources of undocumented migration flows into Bulgaria”.

There is very little information on integration, with no concrete areas of improvement that are to be considered (EC, 2025). The integration chapter emphasises that Bulgaria’s legislation regarding equal opportunities, social inclusion and non-discrimination is well-developed and effective and in full compliance with European standards (EC, 2025). Additionally, it is also noted that the EU’s AMIF provides the financial support for the integration of migrants (EC, 2025).

There are no integration initiatives in the 2022 action plan on the strategy’s objectives (EC, 2025). However, regarding the priorities of the strategies, there is an inclusion of a few migrant-related initiatives in the areas of healthcare, employment, education, psychological assistance, and good governance (EC, 2025). There has been only one report released so far on the strategy’s implementation, which covers the months between April 2021 and June 2022 (EC, 2025).

Regarding the national integration program, at the moment Bulgaria does not have one for TNCs residing in the country. There were such programs in previous years but they were focused on specific groups of migrants, such as asylum seekers and the beneficiaries of international protection and were limited to a certain time period. Within the period 2005 and 2013, three National Programs for Refugee Integration were implemented by the State Agency for Refugees (SAR). Despite the increased numbers of beneficiaries of asylum seekers, the last program, which lasted two years (2011–2013), was not renewed.

Table 4: Asylum applications 2015–2023

<i>Year</i>	Applications
2012	1387
2013	7144
2014	11081
2015	20391
2016	19418
2017	3700
2018	2536
2019	2152
2020	3525
2021	10999
2022	20407
2023	22518

Source: SAR

Table 4. Asylum Applications 2015-2023 in Bulgaria, Source: State Agency for Refugees (SAR)

On a positive note, in 2017, an Ordinance was issued that outlined the procedural rules for finalizing, implementing, and terminating the integration agreement of individuals who are eligible for international protection (EC, 2025). This is a voluntary tool aiming to facilitate the integration of beneficiaries of international protection in Bulgaria (EC, 2025). It promotes the idea of voluntary partnerships between municipalities and beneficiaries, allowing those granted international protection to use services such as schooling, Bulgarian language courses, health insurance, accommodation, and professional training (EC, 2025). Unfortunately, zero national funding has been allocated for this initiative, which results in limited practical effects of the program.

When it comes to national legislation, the Law on Aliens in the Republic of Bulgaria (LARB) and the Law of Asylum for Refugees (LAR) are the two main pieces of law that govern migration, mobility, and border control in the nation. While the latter went into force in 2002, the former was passed in 1999 and revised in 2002 (BVMN 2024:10). The LARB outlines all procedures on residence, stay, departure, and stay of foreign persons and has been amended over 70 times since its revision (EC, 2025). The LAR gives out the requirements for protection and integration, as well as the application process and the legal foundation for the granting of asylum and refugee status (BVMN 2024:10). Anyone entering Bulgaria has the right to apply for protection under the law, regardless of whether they do so at the border crossing point, after being stopped and held in a pre-removal facility, or after being discovered to be entering the country illegally (BVMN 2024:10). Individuals may be detained for 18 months in lieu of removal after the LARB was amended in 2017 to bring national laws into compliance with the EU Returns Directive (2008/115) 42 (BVMN 2024:11). This change also allowed immigration police to issue extensions of up to 6 months without a national court's review (BVMN 2024:11). Additionally, there is also the Bulgarian Citizenship Act, adopted in 1998, which provides the fundamental guidelines, requirements, and procedures for obtaining, losing, and regaining Bulgarian citizenship (EC Home Affairs, 2025). Five years later, the Protection Against Discrimination Act was passed. The Act “regulates the protection against all forms of discrimination and promotes prevention” (EC Home Affairs, 2025). The National Council on Migration, Borders, Asylum and Integration, created in 2019 replacing the previous National Council on Migration and Integration, is the main governmental organisation that provides advice on related matters (EC Home Affairs, 2025). The new Council offers advice on how national policies pertaining to integration, migration, borders, and asylum should be implemented (EC Home Affairs, 2025).

On a civil society level, Bulgaria does not have a consultative entity handling migrant integration issues. Occasionally, representatives of the International Organization for Migration (IOM) and the United Nations High Commissioner on Refugees (UNHCR) are invited to take part in meetings of the council (EC Home Affairs, 2025).

Bulgaria as a Transit Country

Bulgaria's geopolitical position at the southeastern periphery of the EU, bordering Turkey, puts it at a key location on part of the "Eastern Mediterranean migration route". As a first entry to Europe, EU and as of January 2025, the Schengen Zone, Bulgaria continues to play the role of a transit country and not that of a final destination like Germany, Austria, France, Italy or Spain. Often, the reason for that is the remotely developed asylum system in Bulgaria, the social benefits provided by most Western European countries for refugees and migrants, the better economic opportunities, as well as the larger diasporas (e.g., 1.9% of the people born in Sweden are of Syrian ethnicity, while 1.4% are from Iraq, according to the Swedish Agency for Support to Faith Communities, 2020). This transitional nature of the country affects the Bulgarian authorities' approach towards migration management and the overall implementation of EU migration policies. Even though there have been significant developments since the signing of the EU-Turkey Deal in 2016, there is still a lot left to be accomplished, especially in regard to the protection of fundamental rights as per the EU Convention of Human Rights. The issue stands on multiple levels.

Firstly, the CEAS is only implemented "sporadically". While Bulgaria has introduced some CEAS directives into national law, such as the Asylum Procedures Directive and the Reception Conditions Directive, the quality of reception conditions and asylum procedures remains relatively poor (EC, 2025). The reason for that appears not to be a lack of capacity but rather a conscious political decision: if conditions are poor, then migrants might be less likely to stay in Bulgaria and are more likely to continue their journey further to the Western European countries (EC, 2025). Despite multiple reports from EUAA, UNHCR, FRA, BHC, Amnesty International and others regarding human rights violations of migrants and refugees and the poor conditions in the reception facilities, the Bulgarian government continuously ignores the facts and continues to promote its policy of discouraging permanent settlement of those vulnerable groups.

Similarly, there is very limited investment and interest in long-term integration of refugees and asylum-seekers on a governmental level. According to Eurostat, Bulgaria has one of the lowest rates of recognised refugees who remain in the country (Eurostat, 2025). There is no

prioritisation of long-term inclusion policies on a governmental level and it is often provoked by political sentiments of anti-immigration nationalist parties within the Bulgarian Parliament. This positions Bulgaria's strategy in stark contradiction with the goals of the EU Action Plan on Integration and Inclusion, which Bulgaria, as an EU member state, is obliged to implement. In a similar manner, even though Bulgaria is officially part of all EU solidarity mechanism, such as the relocation quotas, which were established in 2015, in practice there is a strong reluctance from Bulgarian authorities to execute them. Again, the reason for it, I argue, is the transit nature of the country and the general unwillingness of the authorities to invest in the integration of the asylum seekers into Bulgarian society (EC, 2025). In addition, they often make up the political argument that such pressure put on external border countries is unfair. A system based on shared responsibility regarding asylum then becomes impossible to achieve unless all member states comply with the EU rules (EC, 2025). It also puts forward the question of why Bulgaria (as well as other external border countries) is allowed to continue practicing such policies. My argument would be that due to its status as a "guardian" of the EU, especially after the signing of the EU-Turkey Agreement in 2016 and the recent membership in Schengen, as well as the rather conservative political mood in Europe, the EU is more inclined to allow Bulgaria more "freedom" in its management of migration and the EU's external borders (EP, 2016). The geographical position of Bulgaria creates tensions also along the Dublin III Regulation, which requires asylum seekers to be returned to the first EU country they entered. The mechanism in itself creates a burden for the external border countries, and specifically Bulgaria for that matter, especially since the largest number of migrants arrive via Turkey (EP, 2016). As it is presented and discussed in this thesis, Bulgaria neither possesses the capabilities to process large numbers of asylum claims nor has the political will to develop such (EC, 2024). This argument was also often used by politicians relatively recently during the negotiations for the Schengen accession, where its strategic geographical location and the border management that the country performs are often used as a tool to justify political or financial demands from EU institutions (EC, 2024).

This strategy might bring short-term results for both Bulgaria as a member state and the EU as a political entity. However, in the long term, the results might appear not as reassuring as expected. Due to its border with neighbouring Turkey, a major entry point to the EU and Schengen, Bulgaria has prioritised and continues to prioritise border security over integration (Frontex 2022). As it was mentioned earlier, a large group of border police personnel is

deployed at the border from both the national police and Frontex, equipped with EU-funded surveillance and security gadgets in order to prevent irregular crossings (Frontex 2022). On the one hand, this approach aligns with Frontex's agenda on external border protection but on the other, it promotes deterrence rather than protection towards the vulnerable groups. Due to Bulgaria's "buffer zone" status between the EU and the Middle East, those practices are rarely penalised by the EU (Frontex 2022).

Assessment through Orchestration

The Orchestration model provides the lenses for understanding the relationship between the EU and Bulgaria regarding migration management through its horizontal hierarchical model based on indirect control. As it became evident, that consists of the EU's effort, via its funding mechanisms such as ASIF, the Pilot Project, BMVIA and others, to incentivise Bulgaria to implement EU law and EU standards in order to influence its target group - the illegal migrants. The critical question here is whether Bulgaria really plays the role of a mere executor or if it has a certain level of agency.

Within the context of border management and especially regarding the border with Turkey, as it became evident, Bulgaria is engaged in strategic partnerships with Frontex, FRA and other EU agencies (Dimitriadi 2017). Although the agencies do not directly influence the decision-making, they play a critical role in the operational process of migration management. Bulgaria's geographical location makes the country serve both as a buffer zone and a gatekeeper to the EU. Via implementing the asylum procedures, border control standards and performing return operations, Bulgaria indeed acts as an intermediary of the EU (Dimitriadi 2017). Furthermore, since the country is the poorest and politically weakest member state of the EU, it is evident that Bulgaria's intermediary role is influenced by both formal and informal pressures exercised by the EU. This is mainly visible via the financial conditionality instruments used by the EU to indirectly coerce the country to adhere to the EU law and standards regarding migration. Specifically in relation to the Schengen succession, Bulgaria tried really hard to present itself as a capable "gatekeeper" of Europe (EC, 2022). This is also notable in regard to Bulgaria's role within the EU-Turkey Joint Action Plan (Ivanova, 2020). Even though the EU Member State is not a direct party to the deal, it has become an important implementer of the EU

“containment strategy” via its management of the border between Turkey and Bulgaria. Simultaneously, Bulgaria has indeed made progress regarding the alignment of its national law with the EU law on granting asylum and refugee reception, which signals a political desire to be considered by the EU as a responsible and trustworthy partner. Fulfilling the criteria for admission to Schengen and its membership inception in January 2025 are signs of desire for alignment with the EU values and standards, despite the conscious awareness that its role is just that of an intermediary.

V.III. Monitoring Bulgaria

Compliance Mechanisms

There are multiple mechanisms through which the EU manages to assess whether Bulgaria is compliant with the EU’s laws, values and best practices. Multiple institutions are involved in these evaluating procedures.

From a legal perspective, the European Commission is the primary executive arm of the EU and the governing body that, in case of suspicion that a certain member state, including Bulgaria, does not adhere to EU law and violates certain directives or procedures, can launch an infringement procedure (EC, 2025). In the context of migration, the relevant ones are the Reception Conditions Directive and the Asylum Procedures Directive. In the case of Bulgaria, there have been multiple procedures initiated against the country in regard to its inability to process asylum applications diligently and poor accommodation conditions in migrant detention centers. For example, in 2021, the Commission decided to refer Bulgaria to the Court of Justice for the reason of failure of correct implementation of the Eurodac Regulation in the process of registration of asylum seekers. Another way of evaluating Bulgaria’s legal compliance and progress is through the Rule of Law Reports, which provide an analysis of each country’s performance regarding border management, law enforcement and judiciary. In the most recent country report from 2024, there are no remarks made regarding asylum, migration or national security (EC, Rule of Law, 2025).

Even before acquiring full membership in the Schengen Zone, Bulgaria was a subject of Schengen evaluation missions, whose aim was to evaluate its readiness and compliance with

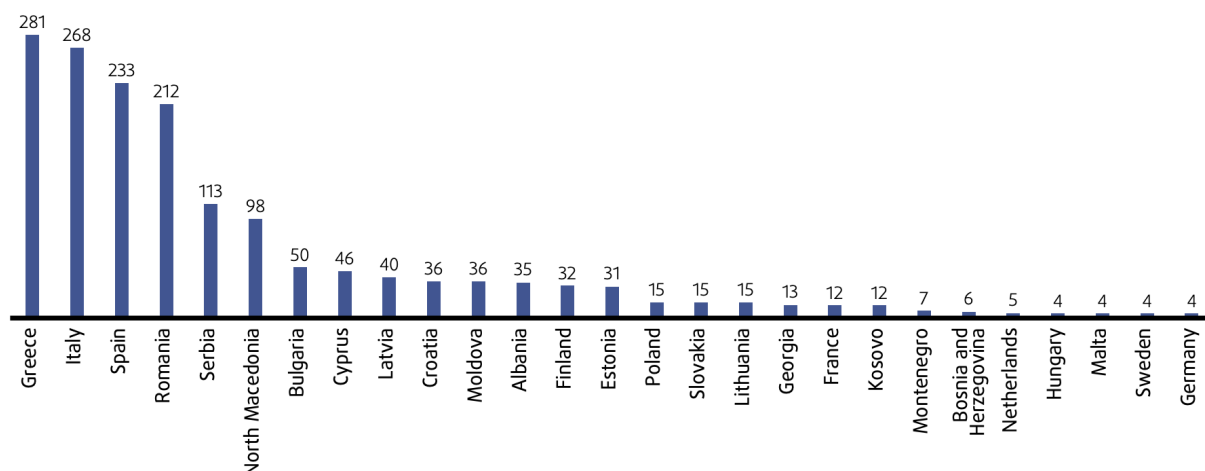
Schengen requirements. That included on-site inspections led by experts from the EC that were performing assessments on the level of compliance with Schengen standards in regard to fundamental rights protection, infrastructure and border control management. Even though the Schengen Country Reports are not made publicly available, among the key priorities then stated in the summary of the report from 2023 is the following: “Schengen enlargement: the Commission calls once again on the Council to further strengthen European unity and allow Romania and Bulgaria to fully join Schengen” (EC, 2023).

In regard to border management, Frontex, as a main operational EU entity within the border management infrastructure of the Union’s member states, gathers data on incidents, migrants' flows and operational challenges on the ground, through which risk analysis is conducted and annual reports are produced evaluating Bulgaria’s performance. Since the launch of the Pilot Project in 2023, the Agency, in its first report in 2024, has reported that “solid results have been achieved with best practices identified in the area of accelerated asylum procedures and effective returns, border management and reinforced cooperation with neighbouring countries” (Frontex, 2024, report).

However, there have been many complaints regarding the disregard of fundamental human rights of migrants by civil society organizations as well as journalists. Thus, Frontex has appointed a Fundamental Rights Officer (FRO) who monitors cases of potential human rights violations such as pushbacks, failure to register asylum claims or aggression towards migrants. If such incidents have occurred and data has been successfully collected, a Serious Incident Report (SIR) is produced by the Frontex FRO. Most recently, in February 2025, the Swedish MEP Alice Kuhnke posed a question in the European Parliament in regards to an investigation by the editorials Balkan Insight and Le Monde claiming based on internal Frontex documents, which allegedly reported that senior Frontex and EU Commission officials are aware of significant abuses of the human rights of vulnerable groups at the Turkish-Bulgarian border (EP, 2025). According to the journals, several Frontex staff members personally witnessed numerous cases of abuse of migrants and violent pushbacks performed by the Bulgarian national border police but were pressured by the Bulgarian guards not to share their observations (Stavinoha & Chereseva, 2024). This information comes from a report compiled by the FRO deployed in

Bulgaria. Other EU MEPs have also criticized the malpractice of pushbacks and called for an investigation into potential violations of EU law.

FIGURE 3.6: FRONTEX FUNDAMENTAL RIGHTS MONITORING – DAYS SPENT IN THE FIELD BY COUNTRY, 2023



Source: Frontex Fundamental Rights Office (2024).

Figure 4. Frontex fundamental rights monitoring—days spent in the field by country, 2023, derived from Frontex Fundamental Rights Office (2024)

A similar EU mechanism being present in Bulgaria in order to monitor compliance with fundamental rights is the European Union Agency for Fundamental Rights (FRA), mentioned numerous times already, which conducts field research through which it gathers information regarding conditions in migrant detention centres, the level of access to asylum procedures, protection of unaccompanied minors, and monitoring for violence or abuse at the border crossings. In its 2023 Fundamental Rights Report, the Agency reported that Bulgarian border authorities have performed “police violence, summary removals, family separation and confiscation of phones” (FRA 2023:97). On a positive note, Bulgaria is mentioned among the MS whose “national human rights institutions visit border areas to monitor fundamental rights compliance in their capacity as national preventive mechanisms under the 2002 UN Optional Protocol to the Convention against Torture” (FRA 2023:101). However, an earlier report from 2019 reported a high risk of arbitrary detention of migrants, serious violations of non-refoulement principles, lack of access to legal aid, as well as poor conditions in reception centres (FRA, 2019: 15).

A notable case is also the 2018 EC formal warning of Bulgaria for breaching EU asylum laws, referring to serious concerns about the treatment of unaccompanied children, support for vulnerable asylum seekers, legal aid provision and detention measures (BHC, 2025). As a result, in 2020 Bulgaria amended its law to improve legal representation for unaccompanied minors but also introduced a controversial clause allowing the revocation of protection status for failure to renew identity documents, which is in contravention with the 1951 Refugee Convention. This change both legalized and unlawful practices and simultaneously violate both EU and international law (BHC 2025).

In addition to the “external” checks carried out by EU bodies, the Commission has also provided practical guidance documents available for all Union MSs, providing know-how on how to establish national independent mechanisms for monitoring fundamental rights compliance at the EU external borders (EU Publication Office, 2022).

Pushbacks and Rights Violations

Irregular migrants apprehended in Bulgaria: 2016-2024									
Apprehension	2016	2017	2018	2019	2020	2021	2022	2023	2024
Irregular entry	4,600	743	689	489	510	1,386	2,298	1,803	2,543
Irregular exit	4,977	2,413	353	494	924	1,097	2,337	1,990	2,207
Irregular stay on the territory	9,267	1,801	1,809	1,201	2,053	8,316	12,092	14,761	4,458
Total apprehensions	18,844	4,957	2,851	2,184	3,487	10,799	16,767	18,554	9,208

Table 5. Irregular migrants apprehended in Bulgaria 2016-2024 derived from AIDA (2025)

Since the EU-Turkey Agreement became a fact in 2016, the MoI of Bulgaria ceased to disclose publicly the number of so-called “prevented entries” of migrants (AIDA, 2025). This paved the way for a series of pushbacks, including verbal abuse and physical violence, as well as degrading practices of unlawful incarceration, confiscation of personal belongings including clothes, shoes and mobiles, and strip searches (AIDA, 2025). In addition, those attempting to enter illegally through the Strandzha or Sakar mountains, which are regions primarily within the jurisdiction of the Bulgarian Sredets and Bolyarovo border police authorities along the border zone with Turkey, often found their deaths within the premises of this external border zone of the EU. The most recent case was reported in the winter of 2024, when three migrants of Egyptian descent, aged 17 to 25, were found dead in the area (AIDA, 2025). Many NGOs as well as

international volunteer groups such as No Name Kitchen (NNK) and Colletivo Rotter Balcaniche reported deliberate hindrance of the search and rescue efforts and intentional passivity, as well as filed allegations for harassment experienced by some of their team members from the Bulgarian border police personnel¹⁴. The Prosecutor's office did not file any official charges, and the MOI's internal investigation revealed no misconduct on the part of their employees (MoI, 2025). Additionally, the MOI stated that in 2024, it assisted 515 migrants in need of medical care at the border between Bulgaria and Turkey and in January 2025 alone, it assisted 53 (MoI, 2025). For clarification, the Strandzha and Sakar mountains at the Bulgarian-Turkish border are where 16 of the 17 persons attempting to cross the border died (AIDA, 2025). It is an extremely mountainous and hard-to-pass-through region, especially during the winter period when temperatures go down well below 0 degrees (AIDA, 2025). For that reason, the main causes of death as recorded after medical examinations are frostbite, fatigue, dehydration, and malnourishment, often combined with consumption of energy drinks and opioids or overdose, which are often given to the migrants by the traffickers in order to quicken the pace with which the smuggled persons are moving (AIDA, 2025).

Since January 2024, the data on the number of irregular entries in 2023 and 2024 has been disclosed. According to their statistical information, in 2023 they caught 178,698, which, in comparison to 2024, when MoI reported 52,534 people, represents a dramatic difference between the two years (MoI Bulgaria, 2025). The decline in the number of people being prevented entrance also reflected on the number of so-called "pushbacks¹⁵," which were tracked and reported by the Bulgarian border monitoring system (AIDA, 2025). As part of a Tripartite Memorandum of Understanding between the Bulgarian Helsinki Committee, an independent non-governmental organisation, UNHCR and the Bulgarian Border Police, the monitoring mechanism in place reported 3,548 alleged pushbacks affecting 43,282 persons (AIDA, 2025). Regarding the 52,534 people who were prevented entry in 2024, the Bulgarian Border Police officially claimed that they were "irregular migrants who, before entering Bulgaria, decided

¹⁴ "Frozen Lives: An Investigation Into How Bulgarian Authorities put the Lives of People on the Move at Risk of Death", No Name Kitchen (NNK) and Colletivo Rotter Balcaniche (January, 2025)

¹⁵ "Various measures taken by states which result in migrants, including applicants for international protection, being summarily forced back to the country from where they attempted to cross or have crossed an international border without access to international protection or asylum procedures or denied of any individual assessment on their protection needs which may lead to a violation of the principle of non-refoulement" (Migration & Home Affairs, European Commission, 2025).

themselves to return back into the interior of neighbouring countries” (i.e., Türkiye) (AIDA, 2025). The so-called “prevented entries” closely match the number of those that were reported as being pushed back by the national border surveillance mechanism within the territory of Bulgaria, at the actual border or from regions around the border zone.

	Within the period 01.01-31.12.2024	Within the period 01.01-31.12.2023	Dynamics
<i>Total migration pressure at the state border</i>	55,166	181 117	-69.5%
Detained by Bulgarian border authorities	2543	1803	41.0%
Independently returned to neighbouring countries	52,534	178,698	-70.6%
Detained by neighbouring border authorities	89	616	-85.6%

Table 6. MOI of Bulgaria (2025): December 2024 Report, Migrants who independently returned to the territory of neighboring countries (translation from Bulgarian language)

However, violations such as the one reported by the EUobserver in July 2024 show that the pushbacks might be performed intentionally. The editorial presented what seemed to be internal documents from Frontex showcasing that Bulgarian authorities exercised pressure on Frontex personnel into “ignoring migrants’ rights abuses in exchange for experiencing how border guarding works in practice” (ECRE, 2024). According to the presented documents, the Bulgarian border staff guarding the Bulgarian-Turkish border put pressure on Frontex officers to disregard the violation of the rights of asylum seekers exercised by their Bulgarian colleagues in exchange for complete border access (ECRE, 2024). This was not the first case of such violations to appear publicly since, at an earlier point in time, Frontex’s fundamental rights officer reported on “allegations of collective expulsions and ill-treatment by Bulgarian authorities at the Bulgaria-Türkiye border” (ECRE, 2024). Overall, the way that the Bulgarian border police operates is no different than the pattern of operation witnessed at other external border countries of the EU, and specifically Frontex officers being denied access to key locations

at the borders. As a result, border guards continue to perform pushbacks and the EU then pretends that it does not know about it and the cycle continues (EUobserver, 2024).

Domestic vs. EU Priorities

Directives and other CEAS measures transposed into national legislation

Directive	Deadline for transposition	Date of transposition	Official title of corresponding act
Directive 2011/95/EU Recast Qualification Directive	21 December 2013	16 October 2015	Law on Amendment of the Law on Asylum and Refugees, State Gazette No.80/16 October 2015
Directive 2013/32/EU Recast Asylum Procedures Directive	20 July 2015	25 December 2015 19 October 2020	Law on Amendment of the Law on Asylum and Refugees, State Gazette No.101/22 December 2015 Law on Amendment of the Law on Asylum and Refugees, State Gazette No.89/16 October 2020
Directive 2013/33/EU Recast Reception Conditions Directive	20 July 2015	19 October 2020	Law on Amendment of the Law on Asylum and Refugees, State Gazette No.89/16 October 2020
Regulation (EU) No 604/2013 Dublin III Regulation	Directly applicable 20 July 2013		

Table 7. Directives and other CEAS measures transposed into national legislation (AIDA, 2025)

In November 2018, the European Commission found that deficiencies in the Bulgarian asylum system and associated support services violate the recast Asylum Procedures Directive,

the recast Reception Conditions Directive, and the Charter of Fundamental Rights¹⁶. The Commission sent a formal notice letter to the Bulgarian government regarding the incorrect application of EU asylum legislation (AIDA, 2025). Issues specifically pertaining to the detention of asylum seekers and protections provided during the detention process; the proper identification and support provided for asylees who are a vulnerable group; the legal representation and accommodation of unaccompanied minors; and the provision of sufficient legal assistance. Under these concerns, the Commission warned the Bulgarian government that it would send a reasoned opinion on the issue if Bulgaria did not take action within two months. As a follow-up, the following year, an EC delegation visited the country to examine the developments (if any) but there was no public information on the matter that was accessible. Again, a year later, in 2020, Bulgaria amended its national law, readjusting the mandatory legal representation of unaccompanied refugee and asylum-seeking children¹⁷ (AIDA, 2025). A positive development regarding the responsibility for legal representation occurred: it made responsible selected legal aid lawyers from the National Legal Aid Bureau (NLAB) who fulfilled specific requirements and had defined responsibilities and liabilities replace the local municipalities (AIDA, 2025).

However, a rather negative development occurred in 2020 with another amendment of the law adding a clause that allowed “cessation or revocation of international protection where the status holder fails to renew expired Bulgarian identity documents or to replace them if they have been lost, stolen, or destroyed in a period of 30 days”¹⁸ (AIDA, 2025). The amendment sought to legalise a procedure used by the SAR since 2018, despite it violating the 1951 Refugee Convention. In contravention of both national and EU law, this expanded interpretation of the recast Qualification Directive effectively created a new cessation ground.

Similarly, since 2015 following a SAR order¹⁹ by the chairman at the time, Nikola Kazakov, no monthly cash allowance has been provided to any of the asylum seekers (Savova, 2025:18). Since access to any other social benefits under the EU *acquis* is neither legally nor

¹⁶ European Commission, ‘November infringements package: key decisions’, MEMO/18/6247, 8 November 2018

¹⁷ National Parliament, Law on Amendment of the Law on Asylum and Refugees, State Gazette №89 from 16 October 2020

¹⁸ Article 42(5) LAR, enforced on 20 October 2020

¹⁹ SAR, Order No 31-310, 31 March 2015, issued by the Chairperson Nikola Kazakov.

practically guaranteed, it is still concerning whether Articles 17, 18 and 25 of the Reception Conditions Directive are being followed (Savova, 2025:18).

When it comes to integration, yet again for the 11th year, Bulgaria commemorated its zero integration policy due to the fact that no national integration program for TCNs was adopted (Savova, 2025:20). Bulgaria is one of the 5 countries in the EU together with Malta, Poland, Hungary and Cyprus, that have not issued such a document.

Assessment through the Core-Periphery Model

When applying the *core-periphery model* to Bulgaria's involvement in EU migration policy, significant dynamics on a structural level specific to the allocation of authority and responsibility within the Union become apparent. This model is usually used to explain how wealthier and more powerful “core” countries of the EU, such as Germany, Austria, and the Netherlands, create policy frameworks that are expected to be implemented by peripheral states, such as Bulgaria.

Core EU member states put a lot of pressure on Bulgaria to act as a buffer and implement EU border policy. These expectations are particularly evident in Frontex's operational activity, the EU-Turkey Statement, and the Dublin Regulation's implementation. They have a strong motive to externalize border control to peripheral members of the Union like Bulgaria in order to restrict secondary movements and asylum applications within their own borders while they deal with the political reactions against migration at home.

As a result, Bulgarian autonomy and sovereignty are significantly impacted by the pressure from the EU core. Although Bulgaria is officially a sovereign nation, the external expectations of other EU states, as well as their conditionalities and surveillance systems, increasingly influence its migration policy decisions. For instance, Bulgaria's adherence to EU operational criteria, such as collaboration with Frontex and the establishment of hotspot-like infrastructures, is frequently a requirement for access to EU structural and migration-related subsidies (Marin and Carrera, 2015). There is a so-called “incentive structure” built via those financial mechanisms, which to a large extent is asymmetrical. While the core states preserve their internal security and political stability, Bulgaria and other external border countries bear the heavy political, social and humanitarian costs of hosting irregular migrants, coping with acts of violence at the borders and enduring criticism for their practices. This illustrates the inequality

between the periphery states where responsibilities are actually outsourced and the core states where the decision-making takes place.

Conclusion

This study aimed to examine the internal impact of the EU's migration externalisation policy through a focused case study of Bulgaria, a key Schengen and EU member state located at the Union's external southeastern border. By analysing how Bulgaria's migration governance has evolved following the 2016 EU-Turkey Agreement, the study aimed to assess the extent to which this transformation aligns with EU law, reflects international relations dynamics, and whether it promotes or undermines the principle of solidarity and human rights protection within the EU.

The main research question, “*How has Bulgaria adapted its approach towards tackling irregular migration in response to the policy of externalization of the EU?*” was explored through the theoretical lenses of orchestration and core-periphery dynamics, each of which offered a different analytical perspective on Bulgaria's role in EU migration governance and assisted in unpacking the different legal, operational and normative dimensions of it.

Key Findings

The study found that Bulgaria has undergone a significant transformation throughout the period of investigation (2016-2024), which was influenced by different decisions taken in Brussels through a top-down approach, promoted via financial and operational incentives for the country, and at the same time experiencing certain limitations on a structural level due to its peripheral status within the EU's internal dynamics. The process was analysed along three dimensions: *enabling*, *enlisting*, and *monitoring*, each representing a different stage of Bulgaria's involvement in the externalised migration governance within the EU framework.

In regard to *enabling*, through this process Bulgaria as a beneficiary has received relatively large financial and technical support from the EU through multiple mechanisms, including the Asylum, Migration and Integration Fund (AMIF) and the Border Management and Visa Instrument (BMVI). These funds have been used to upgrade the surveillance systems and border control technologies, as well as finance capacity-building activities on a state level. However, this enabling strategy has created a relationship of dependency between Bulgaria and the EU, positioning the country as an unequal partner executing the decisions taken in Brussels. This dynamic exemplifies the typical characteristics of the orchestration model, where Bulgaria,

as an “Intermediary” received resources and legitimacy from the EU as an “Orchestrator” in exchange for funding and alignment with its goals and values. However, this form of cooperation does not take such a simple form on a practical level as on a theoretical one. Even though Bulgaria accepts funding and engages with the relevant EU decision-makers, it often implements certain EU measures selectively, especially when on a national level there is tension with domestic political priorities such as nationalistic tendencies, elections or simply a lack of capacity and know-how. Conversely, the EU may avoid its responsibilities, especially in regards to monitoring human rights violations, which ultimately undermines the overall credibility of the governance model it aims to promote.

In regard to *enlisting*, Bulgaria is fully integrated as a partner into the operational structure of EU migration control. The joint operations with Frontex, the European Union Agency for Asylum (EUAA), as well as the application of important EU directives and legal instruments, have turned Bulgaria into a frontline executor of EU border security and asylum policies. For this reason, the orchestration theory here is particularly relevant. Since the EU lacks direct control, it “orchestrates” border control through intermediaries like Bulgaria and third countries such as Turkey. These actors serve as “gatekeepers” who are instructed to implement policies that align with the EU objectives while often not being held accountable for violations occurring during the implementation phase. This cooperation has created a form of “double delegation” in the sense that Bulgaria is both a target of EU coordination and itself an enforcer of migration control, which makes her take on the position of a buffer between the EU core and external transit countries. However, the responsibility burden is not equalized. While Bulgaria is tasked with implementing an asylum system created in Brussels, it does not receive proportional support on a political level and infrastructural investments to match these increasing obligations. In addition, Bulgaria’s status as a transit country and not an end destination for migrants makes these dynamics even more complex. This mismatch between legal responsibility and the intention of the migrants creates not only administrative but also humanitarian challenges for Bulgaria, such as delays in asylum claim processing, inadequate reception conditions, and tensions with EU asylum law standards.

In regard to *monitoring*, the focus was put on investigating how Bulgaria’s compliance with EU norms is evaluated and the extent to which rights violations such as pushbacks and

prolonged detention is addressed. Despite the promotion of a rights-based approach to migration by the EU, its enforcement is rather inconsistent. Indeed, for some independent monitoring mechanisms and bodies, such as the office of Frontex's Fundamental Rights Officer, their mandates and capacities are rather limited. The core-periphery model here helps to explain this dynamic. Bulgaria, as a country accounting for one of the EU's internal periphery states, is expected to promote and serve the security interests of the EU core (Western and Northern European states) by taking on the role of a "containment zone". This dynamic only reinforces the already existing structural inequalities within the EU, where the EU core delegates responsibility but upholds the power to influence legislation, withdraws support whenever a certain action does not adhere to its preferences, and criticises implementation techniques without offering an actual alternative.

These findings demonstrate that the boundaries between EU and national sovereignty within the field of migration governance are strongly blurred. Although migration governance is a shared competence within the EU, the findings suggest that the current system allows for political leverage of the EU's core member states and institutions to shape the Union's migration policy in ways that disproportionately affect the autonomy of countries like Bulgaria. In this context, the study adds an additional perspective on the ongoing discourse about EU solidarity. Although in theory it is seen as a foundational principle, in practice it appears as a selective one. In the context of Bulgaria, the principle takes the form of conditional funding and political pressure rather than meaningful burden-sharing or equal participation in decision-making. This provokes the question of the legitimacy and fairness of the current EU migration governance regime and the extent to which "solidarity" is implemented in practice.

These findings bring out important considerations for both EU and Bulgarian policymakers. There is an obvious need to redefine burden-sharing within the Union. The current model of burden-shifting, where responsibilities are disproportionately placed on peripheral member states without corresponding support, is not only unfair but also not sustainable in the long term. Similarly, the funding mechanisms need to be tied to certain legal and ethical standards, which might require an expansion of their mandates and operational capabilities as well as budgets.

In regard to the EU-Turkey Deal, such commitments need to be made based on the principles that the EU's human rights agenda promotes and not solely for the sake of deterrence of migrants.

On a national level, Bulgaria needs to be more proactive in regard to its investments in integration mechanisms, capacity-building for institutions and overall public awareness about migration to Bulgaria. This will allow the country to advance its positioning in the EU as a relatively autonomous actor and not a mere executor.

Looking into the future, the study opens the door for further investigations of migration management in other external border countries of the EU. Additionally, with the recent accession of Bulgaria to the Schengen Zone in January 2025, the implications that this membership will bring in regard to migration can be further investigated.

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