



COMPLIANCE WITH THE EU COUNTER-TERRORISM STRATEGY: THE IMPACT ON NATIONAL MIGRATION POLICIES

A CASE STUDY OF HUNGARY AND IRELAND

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ABSTRACT

This master's thesis will research the impact of compliance with the EU Counter-Terrorism (CT) Strategy on the restrictiveness of national migration policies. In order to gain in-depth insight in this research question, this thesis will specifically focus on two Member States of the European Union (EU), Hungary and Ireland. Over the past years the three core components of this thesis – migration policies (see e.g. de Haas & Natter, 2015), compliance (see e.g. Tallberg, 2002; Versluis, 2005) and the EU CT Strategy (see e.g. Herlin-Karnell & Matera, 2014; Monar, 2007) – have been extensively researched. However, these three aspects have not – to my knowledge – previously been connected in the academic literature, making this research question very novel. A congruence analysis will be applied by the use of two theories: the top-down approach and the bottom-up approach. This research will determine the applicability of these theories to the cases. Based on these two theories three hypotheses will be formulated that will contribute to answering the research question of this thesis: *“What is the effect of compliance with the EU Counter-Terrorism Strategy on the restrictiveness of national migration policies in Hungary and Ireland?”*. The chosen timeframe for this research will range from late 2015 until late 2019, with a minor reference to early 2020.

Key primary and secondary sources that are used to conduct this research are official policy reports, peer-reviewed academic research articles, news articles, books and surveys commissioned by the European Commission (EC). Furthermore, the most prominent role in the analysis is assigned to documents of the Asylum Information Database (AIDA).

This research has shown the relevance of the arguments made by the bottom-up approach concerning the restrictiveness of the national migration policies of Hungary and Ireland rather than support for the arguments made by the top-down approach.

Keywords: Migration Policies, EU Counter-Terrorism Strategy, Compliance, Congruence Analysis, Top-Down Approach, Bottom-Up Approach, Hungary, Ireland.

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I would like to finalise this acknowledgement by repeating the quote with which I started my motivation letter for the application to the master's programme International Public Management and Public Policy at Erasmus University Rotterdam.

“If you can dream it, you can do it.”

May whoever reads this feel inspired and motivated to chase their dreams.

Laura Jonas

Strijen, 10 July 2020

Contents

List of Abbreviations	6
List of Tables	7
List of Figures	7
I Introduction	8
II Literature Review	11
2.1 EU Migration Policies	11
2.1.1 <i>Blocs Within the EU</i>	12
2.1.2 <i>Public Opinion and Political Preferences</i>	12
2.2 The EU Counter-Terrorism Strategy	13
2.2.1 <i>The Internal and External Dimensions of the EU CT Strategy</i>	14
2.2.2 <i>The Four Pillars of the EU CT Strategy</i>	14
2.2.3 <i>The Fear of the Returning Foreign Fighter and the PNR Directive</i>	15
2.3 Compliance	16
III Theoretical Framework	19
3.1 The Top-Down Approach	19
3.1.1 <i>Top-Down Perspectives</i>	19
3.1.2 <i>EU CT Strategy Characteristics: Hypothesis 1</i>	20
3.2 The Bottom-Up Approach	21
3.2.1 <i>Public Opinion: Hypothesis 2</i>	22
3.2.2 <i>Populist Right-Wing Parties: Hypothesis 3</i>	23
IV Research Design	25
4.1 Availability of Research Designs	25
4.2 The Research Design: The Congruence Analysis	25
4.3 Selection of the Theories	26
4.4 Selection of the Cases	27
4.4.1 <i>Hungary</i>	27
4.4.2 <i>Ireland</i>	28
4.5 Validity of the Research	29
4.6 Reliability of the Research	30
4.7 Data Collection	30

4.8 Measurement	31	
V		
EU CT Strategy: The Pillars and Migration Related Measures	32	
5.1 Justification of Selected Measures	32	
5.2 Prevent	32	
5.3 Protect	33	
<i>5.3.1 The Passenger Name Record Directive</i>	33	
5.4 Pursue	34	
<i>5.4.1 Visa Information System and the Schengen Information System II</i>	34	
5.5 Respond	35	
VI	Country-specific Stances Towards Migration	36
6.1 Hungarian Stance Towards Immigration and Migration Policies	36	
6.2 Irish Stance Towards Immigration and Migration Policies	37	
VII	Compliance with the EU CT Strategy Measures	38
7.1 Hungary: The PNR Directive and SIS II	38	
7.2 Ireland: The PNR Directive and SIS II	39	
VIII	Public Opinion	41
8.1 Public Opinion Data	41	
8.2 Hungary	41	
<i>8.2.1 Role of the Hungarian Media</i>	43	
8.3 Ireland	44	
IX	Political Orientation	46
9.1 Hungary	46	
9.2 Ireland	46	
X	Results	48
10.1 Changes in Migration Policies in Hungary 2015-2019	48	
10.2 Changes in Migration Policies in Ireland 2015-2019	50	
10.3 Hypothesis 1	52	
10.4 Hypothesis 2	52	
10.5 Hypothesis 3	53	
XI	Concluding Remarks	55
11.1 Summary of the Research	55	
11.2 Limitations	56	
11.3 Suggestion for Further Research	57	

References	58
Appendices	73

List of Abbreviations

AIDA	Asylum Information Database
CT	Counter-Terrorism
EC	European Commission
EU	European Union
FF	Fianna Fáil
FG	Fine Gael
GDP	Gross Domestic Product
IPIU	Irish Passenger Information Unit
MS	Member State
PIU	Passenger Information Unit
PM	Prime Minister
PNR	Passenger Name Record
SF	Sinn Féin
SIS II	Schengen Information System II
VIS	Visa Information System
V4	The Visegrad Group

List of Tables

Table 1. Data Selection Based on Independent Variables	73
Table 2. Background Information on Hungary and Ireland	75
Table 3. Public Opinion in Hungary on Immigration from People Outside of the EU Expressed in Percentages	76
Table 4. Public Opinion in Ireland on Immigration from People Outside of the EU Expressed in Percentages	77
Table 5. Number of Applications for Protection Status in Hungary and Ireland for the Period Between 2015 and 2019	78

List of Figures

Figure 1. Eurobarometer Survey on Public Opinion Towards Immigration from Outside the EU in Hungary	43
Figure 2. Eurobarometer Survey on Public Opinion Towards Immigration from Outside the EU in Ireland	45

I. Introduction

The characteristic openness of the European Union (EU) allows ordinary persons to travel freely from one Member State (MS) to another (Council of the European Union, 2005). However, this entails that terrorists that want to do the EU harm also have the possibility to exploit this open system of the EU in order to execute their plans (Council of the European Union, 2005). Ever since late 2015 many European cities fell victim to attacks fuelled by terroristic motives. Additional to the increasing number of terrorist acts since 2015 is the growing number of casualties in terrorist attacks, which can be linked to the magnifying scale of such terrorist-led deeds (van Ginkel, 2017). Since the EU also has been dealing with an ongoing migrant crisis which had its peak in the year 2015, migration related policies gained relevance in this widespread crisis (Consilium, 2020). The main mechanism in place in the EU to provide measures and guidelines to combat such terrorist attacks is the 2005 EU Counter-Terrorism (CT) Strategy (Council of the European Union, 2005). Often linked to the formulation of the EU CT Strategy are first of all the train bombings that took place in 2004 in Madrid, which caused nearly 200 people to die (Monar, 2007; EEAS, 2020). The second event that is claimed to have played a crucial role in the EU's decision to actively take part in countering terrorism are the terrorist attacks of July 7, 2005 in London, in which 52 people were killed (Ferreira-Pereira & Oliveira-Martins, 2012; Rodgers, Qurashi & Connor, 2015).

This research strives to expose the impact of compliance with the EU CT Strategy on the restrictiveness of national migration policies of two EU MSs, Hungary and Ireland, since the 2015 migration crisis. These two countries have been chosen to be subject to this research because they have proven to be the most crucial cases for this specific research (see paragraphs 4.4.1, 4.4.2 and 4.5). This research goal thus leads to the following specific research question: *“What is the effect of compliance with the EU Counter-Terrorism Strategy on the restrictiveness of national migration policies in Hungary and Ireland?”* The two theories that will provide the theoretical framework for this research are the top-down and bottom-up approaches. Based on these specific theories a congruence analysis will be conducted. This entails that this research will take into account the main lines of thinking of the two theories, which will enable the formulation of three hypotheses. The assessing of these three hypotheses contributes to formulating an answer to the research question and allows to determine the relevance of the theories in respect to this specific research.

This research has scientific as well as social relevance. This research first of all fills in the existing knowledge gap concerning the three factors – migration policies, the EU CT Strategy and compliance – that have not been connected in academic research before. Since the three factors have been thoroughly researched separately, an extensive literature review will expose the main perspectives on each of the factors. Consequently, this research aims to expose the extent to which the field of migration policies is affected by compliance to the EU CT Strategy by connecting the three aspects in a congruence analysis. Likewise, this research might expose that the Strategy does not allow MSs to change their national migration policies in light of containing terrorism and thus exposing that country-specific circumstances and national preferences are key in changing measures in the field of migration policies. To conclude, this research thus exposes the actual link between the EU CT Strategy and national migration policies.

Additionally, this research has social relevance. This research allows society to reflect on their own national migration policies by providing knowledge of factors such as public opinion and the nature of national politics that are relevant in the shaping of these policies (see paragraphs 2.1.2, 3.2.1 and 3.2.2). Therefore, this research allows the public to adopt a critical attitude towards the link between countering terrorism from an EU perspective and the formulation of national migration policies. This thus entails that this research provides the public with an honest view on the extent to which the EU CT Strategy allows MSs to formulate restrictive national migration policies. Consequently, this research raises awareness on the actual motives behind the changes in national migration policies which the public must be aware of when policy changes take place. This is of great relevance since this research will show the direct as well as indirect effect the public is likely to have on the extent to which national migration policies are formulated in a restrictive manner via public opinion and party support.

To conclude this introductory chapter the structure of this research will be addressed. First of all, this research will examine the existing academic literature on the main topics of this research in the literature review. This chapter is followed by the theoretical framework in which the top-down and bottom-up approaches will be addressed, which in the end leads to the formulation of the three hypotheses of this research. Thereafter, an entire chapter is dedicated to the illustration of the research design. The chapter that follows the research design serves as an introductory chapter on the content of the EU CT Strategy that can be related to this specific research. Additionally, chapter six concisely gives insight in the stances of Hungary and Ireland towards migration and thus can be viewed as a chapter that provides background information.

Thereafter, three chapters are dedicated to compliance with the EU CT Strategy, public opinion and political orientation in Hungary and Ireland. After the analysis of these three factors the changes in the national migration policies of Hungary and Ireland during the selected time period will be addressed by examining documents of the Asylum Information Database (AIDA) in the chapter on results. Lastly, this research will illustrate its concluding remarks which entails a brief summary of the research, followed by an indication of its limitations as well as suggestions for further research.

II. Literature Review

The most important topics that will be examined in this literature review are EU migration policies, the EU CT Strategy and compliance. These three aspects are fulfilling a central role in this research and therefore an in-depth review of the existing academic literature on these issues is required.

2.1 EU Migration Policies

The first element that will gain prominence in this literature review are the EU migration policies. Due to the extensive availability of literature on the many different definitions of migrants as well as dimensions of migration policies, a clarification on these terms is necessary in order to concretise the aim of this research.

First of all, migrants can be classified into two main categories within the overarching category of migrants (Castelli, 2018). The first category consists of migrants that leave their home country for economic reasons. Additional to this category are the migrants that exit their own country in order to be reunified with family members that live in another country (Castelli, 2018). The second category includes refugees as well as asylum seekers, which is overall indicated by the term “forced migrants” (Castelli, 2018, pp. 2).

According to Böhmelt & Bove (2019) one of the threats of migration is the fact that it may allow terrorism to cross borders. Especially the home countries of migrants that have to deal with terrorist groups and terrorist acts contribute to this threat (Böhmelt & Bove, 2019). Moreover, it is assumed that the persons that have left EU MSs in order to participate in the wars in countries like Syria will turn back to the EU (Baker-Beall, 2019). These returns would cause the committing of terrorist attacks in the EU to become very likely (Baker-Beall, 2019).

Many academics argue that over the years the attitudes of MSs regarding the style of migration policies have changed. Especially the attitude towards multiculturalism, a term that normatively can be best referred to as “... a desirable way of organizing diversity within a country” seems to have changed (Green & Staerkle, 2013, pp. 5). Whereas countries like the Netherlands used to attach a lot of value to multiculturalism, many states that used to share this attitude have now formulated their policies in such way that they seem to stray from multiculturalism and point out the importance of integration (Green & Staerkle, 2013). This change in attitude towards multiculturalism, that especially since around 1995 has become less supportive, can be said to be fuelled by the perception of people that multiculturalism may

affect their current lifestyle in a negative way (Kymlicka, 2012). It is stated that migration policies can be seen as a tool that in the end allows countries to attract the migrants they want to attract and create disadvantages for the specific people they rather want to keep out of their country (de Haas et al., 2019).

Additionally, the increasing line of EU migration policies towards becoming more externally oriented is highlighted (Reslow, 2012). This trend seems to be fuelled to a large extent by the ever more important international character of migration (Lavenex, 2006). This thus entails that actors like third countries as well as international organisations gain a relevant position in shaping EU migration policies (Reslow, 2012).

However, despite the fact that migration policies nowadays are more than ever influenced by decisions that are made at a supranational level, the migration policies of EU countries are not solely created at the EU level, but also have their roots in the national policy-making level (Reslow, 2012; Hix & Noury, 2007). Many academic researchers agree upon the fact that within the EU an entirely shared approach towards migration is not present and the manner in which migrants are approached is rather a national issue (Henrekson, Öner & Sanadaji, 2019).

2.1.1 Blocs within the EU

The concluding remark of section 2.1 concerning the lack of a united view on the issue of migration within the EU finds extensive support in the academic literature. Many academic sources namely highlight the existing gap between on the one hand the Northern and Western EU MSs and on the other hand the fairly new Central European MSs when it comes to their stance towards migrants (Ivanova, 2016). The main point on which the two groups seem to disagree is the EU proposal of mandatory allowance of a determined number of migrants to all EU countries (Ivanova, 2016). Especially the Visegrad Group (V4), which consists of the four Central European MSs Hungary, the Czech Republic, Slovakia and Poland, seems according to the academic literature to be standing out on the matter of migration issues (Nič, 2016; Bauerova, 2018).

2.1.2 Public Opinion and Political Preferences

A lot of research has been done on the factors that affect the formulation of migration policies. First of all, the opinion of the public towards immigration seems to play a crucial role in the shaping of national migration policies in a sense that it can severely affect the restrictiveness of such policies (Dennison, 2019). This first factor is closely interlinked with the view that

political preferences affect the policy making process of migration policies. Whereas the political left namely is often viewed as relatively open towards migrants and therefore migration policies, the political right could better be described as the political side which tends towards more restrictive rather than liberal migration policies (McLaren, 2001). Based on this line of thinking, it would be fair to say that the voters in a country can influence national politics that in its turn thus can shape migration policies to its standards and desires. However, within the academic literature there seem to be sources that contradict each other on this argument. Some research has namely shown that the political scene within a country, which entails the division between left and right, does not necessarily affect the approach towards most types of migration policies (Haas & Natter, 2015). However, an exception to this argument concerns for example the type of migration policies that focus on border control (Haas & Natter, 2015).

It is stated that politicians occasionally tend to talk in line with the desire of the public for more restrictive migration policies (Castles, 2004). However, in reality the politicians seem to carry out the type of migration policies which their country could best benefit from economically, even if this in the end entails formulating non-restrictive migration policies (Castles, 2004). For example, many EU countries could benefit from large flows of migration since migrants would accept the jobs many local workers are rather hesitant to carry out (Hix & Noury, 2007). Additionally, research shows that economic growth causes migration policies to be formulated in a more liberal manner, whereas in times that economic growth is lacking in a country, migration policies tend to be rather restrictive (Haas & Natter, 2015). Thus, it turns out that migration policies are in the process at least partially shaped by the specific economic interests of politicians in a country and the level of national economic prosperity in general.

2.2 The EU Counter-Terrorism Strategy

The second aspect of this literature review concerns the EU CT Strategy. The system of open borders which makes the EU a unique system affects the external as well as internal dimensions of fighting terrorism in a sense that the two separate fields become inextricably related to one another (Council of the European Union, 2005; Herlin-Karnell & Matera, 2014). In order to fully understand the EU CT Strategy, paragraph 2.2.1 will examine these two fields of the EU CT Strategy.

2.2.1 The Internal and External Dimensions of the EU CT Strategy

The internal dimension of the EU CT Strategy focuses on measures such as hindering the financial flow that contributes to the existence of organisations with a terroristic motive (Herlin-Karnell & Matera, 2014). Nevertheless, such initiatives could also be used as an external measure, therefore emphasizing the high extent to which both dimensions are interlinked (Herlin-Karnell & Matera, 2014). The EU's external dimension of countering terrorism came already into play after the 9/11 attacks in the United States of America in 2001 (Herlin-Karnell & Matera, 2014). Terrorism had thus clearly proven to cross borders, therefore urging the EU to cooperate in order to be able to fight this serious threat (Ferreira-Pereira & Oliveira Martins, 2012). Nevertheless, the EU CT Strategy was only adopted four years later. The EU places emphasis on the importance to unite with third countries, such as countries located in the North of Africa as well as Russia, so that the collective fight against terrorism will become more powerful (European Commission, n.d.a; Ferreira-Pereira & Oliveira Martins, 2012). In order to enable third countries to cooperate in a way that effectively supports the EU in their fight against terrorism the EU has included specific measures in the EU CT Strategy such as offering third countries technical help in order to allow these specific countries to successfully adhere to the EU's desired cooperation (Ferreira-Pereira & Oliveira Martins, 2012). Additional to the important role of third countries is the close cooperation with EU organisations such as Eurojust (Ferreira-Pereira & Oliveira Martins, 2012).

2.2.2 The Four Pillars of the EU CT Strategy

The framework of the EU CT Strategy that was designed to combat terrorism can be divided into four individual pillars. These pillars are the “Prevent, Protect, Pursue and Respond” pillars (Council of the European Union, 2005, pp. 6). The Prevent pillar aims at limiting the opportunities that could lead people in the direction of becoming terrorists. This pillar for example entails the prevention of recruitment of people not only within the EU but also beyond its borders (Council of the European Union, 2005). The Protect pillar is particularly crucial in this research since this pillar entails the incentive that the security of borders is an important aspect to ensure the security of the EU (Council of the European Union, 2005). This claim can be linked to the aspect of migration policies and is therefore relevant in this research (Baker-Beall, 2009). The Pursue pillar will just like the Protect pillar gain relevance in this research. The main reason for this is that this pillar aims at disrupting the travelling of potential terrorists to the EU (Council of the European Union, 2005). Migration policies can therefore play an important role in this process. This pillar furthermore focuses on disrupting all pathways that

provide the terrorists the necessary types of resources, such as weaponry and financial resources (Council of the European Union, 2005). The Respond pillar is the final pillar within this framework. This pillar comes into play when a terrorist act has occurred and response from the EU is necessary (Council of the European Union, 2005). Response in this context does not only mean constructing a response to the perpetrators or the organisation behind the terrorist act, but also taking into account the damage done to the victims and how to properly deal with this (Council of the European Union, 2005).

2.2.3 The Fear of the Returning Foreign Fighter and the PNR Directive

At the end of the year 2014, a new fear was mentioned to have risen throughout the EU that has often been referred to as the threat of the “returning foreign fighter” (Baker-Beall, 2019, pp. 438). This new concern was sparked by thousands of people that had previously left the EU in order to take part in the battles that had been taking place in the Middle-East, especially in Syria (Baker-Beall, 2019). It is even estimated that more than 5000 people have made this trip to this specific Middle-Eastern country in the period between 2011 and 2016 (Hegghammer, 2016). However, in this case it was not the departure of those people that was perceived as concerning, rather, it was the fear of how these people would act once they returned from the battlefield and re-entered the EU (Baker-Beall, 2019). The fear of the returning foreign fighter consists of two separate components. On the one hand, the worry is fuelled by the idea that those returning foreign fighters might “...spread their radical ideas...” across the EU (Baker-Beall, 2019, pp. 437). Additionally, the idea that these persons might put into practice the new ways of committing violent acts as they might have learned on the battlefield have led to an overall concern of the return of those people to the EU (Baker-Beall, 2019). This newly developed fear has proven to be justified after the terrorist attacks that took place in Paris in 2015 and in Brussels in 2016 since both attacks were not only executed by the exact same terrorist cell, but also because both attacks included returning foreign fighters (Hegghammer, 2016; Baker-Beall, 2019). It could thus be said that in order to suppress the existing concerns the EU had to come up with proper measures in the field of counter-terrorism that would lower the chance of the returning foreign fighters doing the EU harm (Baker-Beall, 2019). One of the policy fields that has been severely influenced by this fear of the returning foreign fighter turned out to be the field of migration policies (Baker-Beall, 2019). The EC has namely stated that the recent excessive migrant flows provided an opportunity for people with terrorist incentives to enter the EU (European Commission, 2016). An additional problem after the entrance of these people into the EU is the fact that they can travel throughout the Schengen Area without being noticed

(European Commission, 2016). This is therefore the relevant point at which the EU CT Strategy and migration policies meet.

An important counter-terrorism measure related to migration policies and more specifically border control, is the Passenger Name Record (PNR) Directive (Baker-Beall, 2019). This Directive was adopted on April 27, 2016 and was aimed at creating a coherent system of data collection and sharing concerning data of persons using the airspace (European Commission, 2018a). Consequently, in this Directive much responsibility is given to all of the airlines dealing with the personal information of their passengers (European Commission, 2018a). However, the specific data that has been collected via the framework of PNR, such as the way an airplane ticket has been paid for by an individual or the exact location a person is seated in the airplane, may only be used in order for the “prevention, detection, investigation or prosecution” of terrorist acts (European Commission, n.d.b; European Commission, 2018a, para. 7).

After the entering into force of the Directive in 2016, the official deadline to have turned the Directive into national law has been set on May 25, 2018 (Statewatch, 2018). This means that MSs of the EU had over two years to implement the requirements of the Directive in light of the EU CT Strategy. However, remarkably, 14 MSs have not been wanting to or be able to live up to this expectation before the deadline passed (Statewatch, 2018). Based on this remark, it could thus be said that a difference is visible between states who immediately, or at least within the given timeframe, implemented this measure and states who failed to comply.

2.3 Compliance

The final section of this literature review addresses the concept “compliance”. In order to be able to clearly illustrate compliance in relation to this specific research, it is necessary to explain how compliance is approached in the existing academic literature.

Compliance in the context of this research entails the extent to which MSs are implementing the migration related measures posed by the EU in the EU CT Strategy in their own country. According to Tallberg (2002), there are two possible theories to approach the incentives of states to comply or not comply with certain policies. On the one hand, “... managerial theorists stress states’ general propensity to comply with international rules, owing to considerations of efficiency, interests and norms” (Tallberg, 2002, pp. 613). Additionally, according to this management approach there are also specific reasons why states would decide to not comply. The first and foremost reason for non-compliance within this mechanism is the

fact that states are simply not capable of complying (Tallberg, 2002). This lack of capacity can for example have economic grounds, in terms of a state not possessing the financial resources that are necessary to sufficiently comply with an agreement (Tallberg, 2002). Moreover, the reason for non-compliance can also be a lack of proper non-financial resources to carry out the expected compliance (Tallberg, 2002).

The second theory that according to Tallberg (2002) explains tendencies towards compliance or non-compliance is the enforcement approach. In this case, compliance seems to be mostly fuelled by the system of a cost-benefit analysis that a state makes before ensuring compliance (Tallberg, 2002). Additionally, Thomson, Torenvlied & Judge (2019) state that when stakeholders in a MS show strong support for the content of the measures that will have to be implemented, a MS is more likely to do so rather than when stakeholders do not clearly express their positive stance towards the measures.

A large pitfall to successful compliance seems to be the fact that compliance with EU legislation and the implementation of it is a national responsibility, despite the decisions are initially made at the supranational level (Versluis, 2005). Country-specific factors can have a negative effect on the extent to which MSs are decisive to comply. For example, severe corruption within a MS can negatively affect the ability of a country to comply with certain policies (Toshkov, 2010). Additionally, the presence of many conflicts within a MS also negatively affects compliance (Toshkov, 2010). More specifically related to this research, Argomaniz (2011) describes in his work the findings of Bakker that state that the way terrorism is perceived by the people in a MS is a country-specific circumstance that also could influence the willingness of EU MSs to comply with measures related to this field. It could therefore be said that the views of MSs on terrorism might contradict each other and their motivation to implement certain EU CT Strategy measures might be affected because of this (Argomaniz, 2011).

Furthermore, due to national differences in terms of their legal systems, it is very likely that MSs will comply to a different extent with the policies and therefore will implement the EU policies in ways that might contradict the way the policies are implemented in other MSs (Versluis, 2005). Additionally, MSs might because of these national differences even decide to not comply at all (Versluis, 2005). It would thus be fair to say that the national legal system of a MS determines the way in which EU policies are complied with.

Lastly, an important theory that is well-known for being applied to the compliance mechanism is the misfit-theory. This theory states that the link between the measures visualised at the EU level must be in line with the contemporary measures that are present in a MS

concerning that policy field (Falkner, Hartlapp & Treib, 2007). The extent to which these EU incentives and existing measures in a MS overlap will determine the smoothness of the process of compliance (Falkner et al., 2007).

Evidence that a MS is working on its compliance with an international commitment can be found in changing laws or policies within a particular policy field and could therefore help determine whether a state is in fact implementing measures concerning a specific policy (Shelton, 2003).

III. Theoretical Framework

This chapter will delve deeper into the existing top-down and bottom-up theories in order to be able to create a strong and meaningful theoretical framework that will contribute to the formulation of three hypotheses that in their turn will facilitate answering the main question of this research: “What is the effect of compliance with the EU Counter-Terrorism Strategy on the restrictiveness of national migration policies in Hungary and Ireland? ”.

3.1 The Top-Down Approach

In this section the top-down approach in relation to the implementation of policies will be examined in order to provide a strong theoretical basis that will contribute to the formulation of one hypothesis. It is therefore necessary to first of all clarify what exactly is meant by the top-level in relation to this specific research. The “top-down impact of the EU on its Member States” is defined originally by Héritier et al. as “the process of influence deriving from European decisions and impacting Member States’ policies and political administrative structures” (Lenschow, 2006, pp. 58). The top-level following the main line of thinking of the top-down approach in this specific research thus is the EU level. More specific, in this case the top concerns the policies formulated by the EU that contribute to the composition of the framework of the EU CT Strategy.

3.1.1 Top-Down Perspectives

The top-down approach states that ambiguity is a crucial factor that affects the policy implementation process. One of the core ideas of the theory is namely that the extent to which the specific goals of a policy are clear influences the likelihood that the policy implementation process will be successful (Matland, 1995). The ambiguity of goals complicates the implementation process since it might cause different perspectives on the relevant aspects of the policy (Matland, 1995). Therefore, it is extremely difficult to implement the desired measures when it is not entirely clear to what specific goal these measures have to contribute. For this reason, the top-down theory advocates less ambiguity of the policy goals (Matland, 1995). Following the line of thinking of the above-mentioned arguments made by the top-down approach it could thus be said that based on this idea a limited amount of ambiguity would contribute to a smoother policy implementation process, which would eventually lead to a higher likelihood of meeting the intended goals of a certain policy, which in this specific

research would be the goals of the EU CT Strategy.

One of the criticisms the top-down approach often has to face, and that can be linked to the previous argument of ambiguity, is that of language. It is often said that because a policy proposal has to please many different people in the very first phase of drafting the policy, the language that is used at this point is rather ambiguous (Matland, 1995). One of the reasons for this high level of ambiguity in the phrasing is that ambiguity allows enough space to implement the same policy in a way that is individually desired by each party involved (Matland, 1995). When this argument would be applied to this specific research, it can be assumed that there is clear language in the policies, however, since the EU CT Strategy according to Wensink et al. (2017) can be partially viewed as a form of soft law, there should also be enough room for a MS to implement the Strategy in their country. Soft law namely entails that MSs are not legally obliged to implement certain measures and at the same time are thus supposed to offer more flexibility to MSs that are willing to implement the Strategy to do this in a way that fits their own country best (Skjærseth, Stokke & Wetteland, 2006; Lastra, 2017).

3.1.2 EU CT Strategy Characteristics: Hypothesis 1

Paragraph 3.1.1 has illustrated some of the main perspectives of the top-down approach. In order to expose the relationship between compliance with the EU CT Strategy and the restrictiveness of migration policies it is necessary to examine the characteristics of the Strategy. However, to be able to conduct an in-depth analysis on the effect of compliance with the EU CT Strategy on the restrictiveness of national migration policies it has been decided to focus on two specific components of the EU CT Strategy that are closest related to the field of migration policies.

Baker-Beall (2009) states first of all that migrants are framed as actors that are closely linked to terrorist activities. According to Baker-Beall (2009) several measures that fall within the framework of EU CT policies can be linked to the issue of migration. This construction takes place in the sense that some EU CT measures are shaped to allow EU MSs to regulate migration with the idea that this regulation might function as a CT measure (Baker-Beall, 2009). One year before the adoption of the EU CT Strategy it was already argued that “improved border controls and document security play an important role in combatting terrorism” (Baker-Beall, 2009, pp. 196-197). This specific quote thus refers to these two fields as inadmissible aspects that play a crucial role in the EU’s fight against terrorism. Based on this argument, it would thus be assumable to expect that the EU CT Strategy, which is the top-level in this specific research, offers room to MS to formulate more restrictive migration policies.

As briefly mentioned in paragraph 2.2.2, the second pillar of the EU CT Strategy is the pillar within the framework that includes the importance of protecting EU borders and therefore can be related to the issue of migration (Baker-Beall, 2009). Additional to the PNR Directive that stems from the second pillar of the Strategy is the Schengen Information System II (SIS II) that is derived from documents that build on the EU CT Strategy (Baker-Beall, 2009). This system aims at sharing crucial information between European countries that is relevant to protect EU borders and therefore is relevant to be able to ensure the safety of Europe in its whole (European Commission, n.d.c). Therefore, similar to the PNR Directive the SIS II can be linked to the goal to protect EU borders whilst at the same time causing the Strategy to be associated with migration policies (Baker-Beall, 2009). For this reason, if the underlying tone of the Strategy is to protect the EU from terrorism by placing emphasis on the relevance of border controls as well as document security and information sharing it can be assumed that MSs that adhere to these top-level EU suggestions are more likely to develop restrictive national migration policies rather than liberal migration policies.

All in all, based on this top-down approach it can thus be expected that MSs who comply with EU CT Strategy measures will tend to have more restrictive national migration policies than MSs who do not comply with EU CT Strategy measures. This leads to the following hypothesis when applied to this specific research:

(H1) The more an EU Member State succeeds to implement the EU Counter-Terrorism Strategy, the more restrictive their national migration policies are formulated.

3.2 The Bottom-Up Approach

The bottom-up approach assumes that the core of the policy implementation process can be found at the local level within a MS rather than at the top-level, like the top-down approach assumes (Matland, 1995). Since it could be said that the top-down and bottom-up approaches are each other's opposites, the supporters of the two theories look at the other theory with a very critical eye. The supporters of the bottom-up approach state that the top-down approach entirely leaves out the relevant role of others that operate at the local level rather than at the top-level (Sabatier, 1986). Moreover, the role the private sector could play in shaping the implementation process is also entirely left out in this specific approach (Sabatier, 1986). It could therefore be said that the supporters of the bottom-up approach view the top-down approach as too limited. The private sector is mentioned by the bottom-up theory as one of these multiple relevant actors that should be taken into account when determining the course of the

process (Sabatier, 1986).

Whereas the top-level in this research would thus be the EU level, the bottom-level following the line of thinking of the bottom-up theory when applied to this specific research would be the level of the national governments, rather than the local governments.

3.2.1 Public Opinion

One view of the bottom-up approach is that the people in a MS can severely affect the policy implementation process (Risse-Kappen, 1991). In the recent years many MSs have experienced the development of anti-immigration sentiments in their countries. Gorodzeisky & Semyonov (2019) illustrate that these sentiments can often be traced back to the fear of competition. This fear of competition can on the one hand be based on economic perspectives. For example, the idea that the immigrants might take in many of the jobs available at the labour market that normally would have been executed by nationals (Gorodzeisky & Semyonov, 2019). Additionally, anti-immigrant sentiments can also be fuelled by the idea of the public that immigrants are used to other cultural norms and values that they will preserve when they enter their host country, followed by the fear that the presence of many immigrants might threaten the national culture overall (Gorodzeisky & Semyonov, 2019). However, this fear of competition and hatred towards immigrants also turns out to be rather selective, proven that immigrants from outside Europe, for example Middle-Eastern immigrants, are more frequently subject to this opposition rather than immigrants that move from one European country to another (Nicol, 2019). The opposition from nationals of a MS against immigrants moreover tends to get only worse when the relatively small group of immigrants seems to increase in number (Nicol, 2019).

Taking into consideration the salience of the migration policy debate, it is stated that when the people in a MS clearly express their perception of migration as one of the core problems, the government is likely to take into account these opinions (Dennison, 2019). Consequently, this will lead to the formulation of migration policy related measures that can be classified rather restrictive (Dennison, 2019). However, the actual driving factor behind this seems to be the awareness that not living up to the specific desires of the public may cause the likelihood of re-election to decrease (Dennison, 2019). It could thus be said that due to this factor the acting of the government is affected and public opinion becomes key. When this bottom-up view concerning the relevance of public opinion is applied to this specific research, the following hypothesis can be formulated:

(H2) EU Member States will formulate more restrictive national migration policies when the public in a Member State is in favour of more restrictive national migration policies, and not because this is required by the EU CT Strategy.

3.2.2 Populist Right-Wing Parties

It can be stated that the way in which a MS is governed can also affect compliance. First of all, based on the view of the bottom-up approach, it is claimed that the bottom-up theory to the policy implementation process is more likely to be successful in countries with a high level of democracy rather than in countries that lack this democracy (DeLeon & DeLeon, 2002).

Another factor that affects the extent to which MSs are willing and able to comply with certain policies and that also can be linked to the previously mentioned argument concerning public opinion, are the populist right-wing parties in a MS, which will be discussed in the paragraph below (Akkerman, 2018). First of all, research has shown that the growing percentage of immigrants within Europe has severely affected the voting behaviour of the European population (Sirkeci, Castro & Sözen, 2018). In this case, the more immigrants entered Europe, the stronger the support of Europeans for parties located on the far-right has become (Sirkeci et al., 2018).

Mastenbroek (2005) argues that it is indispensable to take into account national politics when doing a research on compliance with EU measures, since the expression of desired policy changes often come from actors that operate at this national level. The classification of the government of a MS on the left-right spectrum seems to affect the extent to which a MS is likely to implement certain restrictive measures. The populist parties that are located on the far-right are namely known for their incentives to limit immigration driven by the perception that the nation must be preserved the way it is, therefore being strongly in favour of restrictions (Akkerman, 2018). Despite populist right-wing parties in general do not seem to have found a strong position within national governments yet, it can be said that their presence in general can affect the policy choices that are made in a MS concerning migration (Akkerman, 2018). Additionally, if these populist parties turn out to be successful in the elections regardless of their eventual ability to form a coalition in a MS, this fact alone can already affect the government's stance towards immigration policies (Akkerman, 2018). This argument derives from the idea that especially parties located on the centre-right fear to be overthrown by these radical right-wing parties if they do not adopt some of the positions concerning immigration that were much valued by the public (Akkerman, 2018). It can thus be said that the populist far-right parties can push forward their own desire for restrictive migration policies without

even being physically present within their national government (Akkerman, 2018). In this way, such political parties thus play an important role in the willingness of MSs to comply with a certain policy.

Based on this bottom-up argument concerning the influence of populist right-wing parties it could be expected that compliance with the EU CT Strategy and the implementation of these measures could be severely affected by the extent to which these right-wing parties are playing a crucial role in the MSs. For this reason, the third hypothesis of this research will be:

(H3) EU Member States will formulate more restrictive national migration policies when there is a strong presence of populist right-wing parties in a Member State, and not because this is required by the EU CT Strategy.

IV. The Research Design

This chapter will first of all examine the availability of research designs. After this, the chosen case study design for this specific research, the congruence analysis, will be justified. Thereafter, the selection of the theories and cases will be illustrated. Additionally, the validity and the extent to which this research is reliable will be determined. To conclude this chapter the process concerning data collection and measurement will be addressed.

4.1 Availability of Research Designs

Multiple designs can be applied to a case study research. However, it is crucial to carefully select the research design in order to be able to conduct a reliable and valuable research. A difference can first of all be made between quantitative and qualitative research designs (Mahoney & Goertz, 2006). This specific research will be approached in a qualitative manner. The qualitative research design fits this research better than the quantitative research design since the goal of this research is to in-depth examine the effect of compliance with the EU CT Strategy on national migration policies. In order to closely examine this process and take into account the country-specific circumstances it is more logical to conduct a qualitative small-N research rather than a quantitative large-N research.

Blatter & Haverland (2014) state in their work on “designing case studies” that a distinction can be made between three types of case study designs. These three types are the co-variation approach, the causal-process tracing approach and the congruence analysis approach (Blatter & Haverland, 2014). The section below will further elaborate on the congruence analysis approach since this case study design will be applied to this research.

4.2 Research Design: The Congruence Analysis

Since the congruence analysis is the research design that has been chosen to be applied to this research, the section below is dedicated to the explanation as well as application of this research design.

The congruence analysis is just like the co-variation approach and the causal-process tracing approach a research design that is applied in small-N research. Therefore, it is also in this case not possible to randomly select cases (Blatter & Haverland, 2012). The congruence analysis tries to justify the extent to which the theories that are applied in the research are relevant (Blatter & Haverland, 2014). During the application of this approach multiple

characteristics that can be deduced from the different theories will be linked to specific cases in order to determine the extent to which the theory proves to be applicable (Blatter & Haverland, 2014). One theory is said to have a higher level of explanatory power when it shows stronger congruence with the cases than the other theory does (Blatter & Haverland, 2014).

Within the category of congruence analysis, a distinction can be made between two types of this case study design. The distinction is mainly based upon the nature of the theories chosen for a specific research (Blatter & Haverland, 2014). On the one hand, there is the complementary theories approach. On the other hand, there is the competing theories approach (Blatter & Haverland, 2014). Whereas the complementary theory approach assumes that the application of two or more theories to a case can lead to complementary findings, the competing theories approach assumes that competing theories per definition will lead to different findings when applied to a case (Blatter & Haverland, 2014). Additionally, an important role is assigned to context information in a congruence analysis. In order to be able to justify the detected congruence it is namely crucial to take into account the specific context of a case (Blatter & Haverland, 2012).

Overall it can be concluded that the congruence analysis is the most suitable research design to apply to this research taking into account the goal of the research. One of the main goals of this research is to investigate compliance with the EU CT Strategy. Two theories that have previously been applied to compliance research in the academic literature are the top-down and bottom-up approaches (see e.g. Matland, 1995; Sabatier, 1986). The congruence analysis gives room to those two theories to fulfil a central role in this analysis. Moreover, the core aspects of the hypotheses that are based on academic literature fit in well with the theories, therefore also providing room for the theories to be crucial in this research.

Blatter & Haverland (2014) argue that in general the theories that will be applied in a research are selected prior to the specific cases. This logic is followed in this research. Therefore, the selection of the top-down and bottom-up approaches will be discussed in paragraph 4.3, followed by the justification of the case selection in paragraph 4.4.

4.3 Selection of the Theories

In order to be able to apply a congruence analysis the research must be based on at least two different theories (Blatter & Haverland, 2014). The two theories that have been chosen to provide the basis for this research are the top-down and the bottom-up approaches. As briefly mentioned in paragraph 4.2, both theories are well-known for being applied to policy implementation processes in the academic literature. Blatter & Haverland (2014) furthermore

argue that it is important to determine the relationship between the chosen theories. In this specific research the theories are not mutually exclusive. This entails that it is not per definition the case that either the top-down approach is applicable, or solely the bottom-up approach is applicable. As highlighted in paragraph 3.2, the top-down approach and the bottom-up approach can be viewed as opposites and therefore they provide a relevant theoretical framework to apply to this specific research.

4.4 Selection of the Cases

Blatter & Haverland (2014) argue that selecting cases for a congruence analysis sometimes begins with the personal interest of the researcher in a certain topic. In this case the EU CT Strategy has been chosen to be the core element of this research. This initial phase of selecting a topic of personal interest is followed by determining the aim of the research (Blatter & Haverland, 2014). The aim for this research is to expose the link between compliance with the EU CT Strategy and the extent to which migration policies of EU MSs are affected by compliance in terms of restrictiveness.

In this specific research the cases concern MSs of the EU. The MSs subject to this research have been chosen based on the core components of the hypotheses as formulated in paragraphs 3.1 and 3.2. These hypotheses have in their turn been based upon the existing academic literature. The aspects that have been taken into account whilst selecting the cases are as follows: based on hypothesis 1, this research requires an EU MS that clearly complies with the EU CT Strategy and preferably an EU MS that lacks compliance or has more freedom to voluntarily decide to comply or not. Following hypothesis 2, this research requires two cases of which one MS has to deal with public opinion that has a positive stance towards migration, whereas public opinion in the other MS should view migration as a negative trend. Additionally, hypothesis 3 could be best analysed when in one MS populist right-wing parties are clearly present whereas the other MS lacks this presence. As previously mentioned in paragraph 2.1.1, the V4 is an interesting group within the EU concerning their stance towards migration. Therefore, it would be relevant to, if the data supports this, select one of these four countries. The two sections below will reflect on the chosen cases in this research.

4.4.1 Hungary

The first EU MS that has been chosen to be one of the two cases in this research is Hungary. It has been chosen to take into account the Eurobarometer survey of November 2015 whilst selecting cases because this is the latest available survey of the year in which the refugee

reached its peak. When addressing public opinion concerning immigration a top five can be formulated of countries where foreign immigration is viewed in the least positive way in November 2015. Those five countries are Latvia, Slovenia, The Czech Republic, Slovakia and Hungary (European Commission, 2015). Those five countries have the highest percentages of votes that fall within the category of either “fairly negative” or “very negative” concerning the feeling to immigration of people that do not come from the EU (European Commission, 2015). Between 76 and 85 percent of all votes fall within these categories for all five countries (European Commission, 2015). When taking into consideration the most recent survey of November 2019 Greece and Malta have taken over the top positions. However, when these two countries would not be taken into account due to their very specific position within the crisis, the top five would still consist of the same countries as in 2015 (European Commission, 2019). Interestingly, three out of the four members of the V4 are part of this top five. Therefore, the decision has been made to select one of these three countries given the interesting position of the V4 concerning migration policies (see paragraph 2.1.1). After this decision it has been determined whether the Czech Republic, Slovakia or Hungary would be the most relevant case concerning the presence and power of right-wing parties. Hungarian Prime Minister (PM) Victor Orbán and his party Fidesz pronounce highly negative statements towards immigration (Europa Nu, n.d.a). The Czech Republic and Slovakia are both just like Hungary positioning themselves as a right-wing led MS, in which the governing parties are showing strong opposition against migration (Kalan, 2019; Mortkowitz & Bauerova, 2019). However, it has been decided that Hungary would be the most-likely case out of the three countries to be able to prove the theories since Hungary turned out to be the only MS out of the three that already prior to the refugee crisis has shown strong support for the political far-right (Kolár, 2016). In this way, Hungary provides a more stable case to investigate the role of populist right-wing parties over time than the other two MSs.

Concerning the PNR Directive and the SIS II Hungary has no opt-out options due to their EU and Schengen membership, therefore being a case that is obliged to comply with the two chosen measures.

4.4.2 Ireland

The second EU MS that will serve as case besides Hungary is Ireland. Interestingly, Ireland is currently the only country together with the United Kingdom that has an opt-out option concerning the SIS II (Andreeva, n.d.). Additionally, Ireland is one out of four countries that decided not to fully implement all elements of the PNR Directive (European Commission,

n.d.e). This difference compared to Hungary should thus lead to Ireland being a case that is not as likely to formulate restrictive national migration policies seen the specific compliance circumstances.

In contrast to the top five of EU MSs in which non-EU immigration is viewed most negative, a clear top two is visible for countries in which the public has a rather positive stance towards non-EU migration. The two EU MSs that according to the latest survey of November 2019 have by far the most positive public opinion are Spain and Ireland (European Commission, 2019). In this case in Spain 66 percent of the questioned people view immigration from outside of the EU as an either “very positive” or “fairly positive” phenomenon (European Commission, 2019). Even stronger are the result from Ireland, where nearly three out of four people vote for non-EU immigration in one of these two positive categories (European Commission, 2019). The November 2015 survey showed that Ireland also was amongst the most positive voters already in the early stage of the migration crisis together with Spain and Sweden (European Commission, 2015).

Contrary to what is currently happening in Hungarian politics, Ireland has been recently experiencing a win for the left in the early 2020 elections (Ferguson & Noack, 2020). In this respect the two cases thus differ enormously not only on the public opinion towards migration but also on their contemporary political landscape. For this reason, Ireland would be the least-likely case in which bottom-up arguments would be applicable.

4.5 Validity of the Research

One of the most important components of the research design is the validity of the research. The term “validity” can be divided in on the one hand internal validity and on the other hand external validity. Kellstedt & Whitten (2013) state that internal validity can be achieved when a research is able to prove a strong degree of causal relationship based upon the analysis that has taken place. In this specific research this would entail that compliance to the EU CT Strategy indeed is the crucial factor that causes the outcome of the research rather than any other variable that has not been taken into account. According to Kellstedt & Whitten (2013) external validity can be reached if the research constitutes a high level of certainty that if another research is approached in the exact same way and the cases are rather similar, the outcome of that specific analysis will be equivalent to the outcome of the original research.

According to Blatter & Haverland (2014), one aspect that can contribute to internal validity is the process of case selection. Blatter & Haverland (2014) argue that internal validity can be strengthened when a research addresses a limited amount of cases. This limited number

of cases allows the researcher to take into account country-specific circumstances which in its turn ensures internal validity (Blatter & Haverland, 2014). This research thus ensures internal validity by the careful selection of two countries, Hungary and Ireland (see paragraphs 4.4.1 and 4.4.2).

This research ensures external validity by looking into the most “crucial cases” (Blatter & Haverland, 2014). In the process of selecting cases that can be considered most crucial it is important to determine the “most-likely” cases and the “least-likely” cases (Blatter & Haverland, 2014, pp. 176). In this research Hungary would account for the most likely case whereas Ireland serves as least likely case based on the hypotheses that in their turn are informed by the theories and academic literature.

4.6 Reliability of the Research

Another relevant concept that needs to be addressed besides validity is the reliability of this research. Reliability as concept when applied to the research design entails that a specific research allows for reproduction (Leung, 2015). Reliability can according to Leung (2015) be assured by approaching the data in a consistent way. Moreover, transparency is a crucial aspect of conducting a reliable qualitative research (Leung, 2015). Therefore, this research will be transparent about the data that is used for the analysis so that reliability will be assured as much as possible.

4.7 Data Collection

According to Paradis, O'Brien, Nimmon, Bandiera & Martimianakis (2016), a distinction can be made between five main categories of approaches to collect data for a research. This can be done via “surveys, interviews, focus groups, observations and textual or content analysis” (Paradis et al., 2016, pp. 263-264). The approach that will be used in this research will most of all consist of textual or content analysis. However, multiple existing surveys will also be consulted despite not being newly created for this specific research.

In order to properly make an analysis this research will use primary sources as well as secondary sources. The primary data that will be selected in order to conduct this research will concern most of all policy documents concerning the implementation of specific EU CT Strategy measures as well as official reports of the AIDA that illustrate the most crucial changes in national migration policies of Hungary and Ireland during the selected time period. Despite this research is a qualitative research, quantitative data will be used in order to approach and analyse certain issues. This quantitative data refers to voting percentages illustrated in surveys

concerning aspects like public opinion conducted by the EC as well as voting percentages made available by Politico, a news organisation that focuses most importantly on politics within Europe, that exposes the popularity of right-wing parties over time (Politico, n.d.).

Blatter & Haverland (2014), as mentioned before, highlight the importance of contextual information in the application of the congruence analysis. For this reason, multiple types of secondary sources will be added to the list of primary sources in order to create a reliable data framework that provides information concerning the context of the cases and their stances towards migrants as well as migration policies. The consulted secondary sources are mainly peer-reviewed academic research articles. *Table 1* that can be found in the Appendices will specifically illustrate the selected data based on the independent variables of this research.

The main timeline that will be consulted will range from late 2015 until late 2019. Since the EU migration crisis has reached its highest level at the end of 2015 as referred to in chapter one, the first data that will be consulted will be from this period onwards. It is necessary to mention that this specific chosen timeframe may affect the outcome of this research given the very special circumstances. This comment will be further elaborated on in paragraph 11.2.

4.8 Measurement

The final component of this chapter concerns measurement. One of the most crucial aspects that affects compliance research is the decision on how to measure compliance. Treib (2014) highlights three core aspects that are determinant for measuring compliance with EU Directives. These three components will therefore be taken into account when addressing the implementation of the PNR Directive. According to Treib (2014), a MS must first of all transpose the EU Directive into their own national law within the given timeframe. Therefore, when researching compliance, one must investigate whether this process has happened and hereby take into account the specific deadline that was set. After this first criterion, one must determine whether the specific EU Directive is indeed applied (Treib, 2014). This aspect thus entails that the institutions that are subject to the Directive are performing in the way they are supposed to do. The final step in this approach is to address the question whether there are mechanisms in place that are ready to correct behaviour that is not in line with the expected behaviour according to the specific Directive (Treib, 2014).

V. EU CT Strategy: The Pillars and Migration Related Measures

The fifth chapter will illustrate the four pillars of the EU CT Strategy more in-depth than has previously been done in this research. Additionally, the focus will be on the aspects of the pillars that can be linked to this specific research. The document that will gain a prominent role in this illustration is the official 2005 EU CT Strategy document. The main focus in this chapter will be on the Protect and Pursue pillars. Additionally, this chapter will highlight two specific elements that can be linked to the aims of the EU CT Strategy. These measures concern the PNR Directive and the SIS II. The Directive and the System have been carefully selected since these measures are closest related to the issue of migration and are therefore the most likely measures to affect national migration policies.

5.1 Justification of Selected Measures

Prior to illustrating the two measures that will play a central role in the analysis of this research it is important to justify the reason why these aspects have been chosen. Paragraphs 2.2 and 3.1.2 already highlighted the importance of the concept “borders” in the EU CT Strategy. The EU CT Strategy mentioned the relative risk of the openness of the EU when it comes to the spread of terrorism, therefore placing emphasis on the importance of strengthening the EU’s external borders in order to reduce this risk and protect the EU (Council of the European Union, 2005). Especially after the peak of the 2015 migration crisis this awareness asked for measures in order to protect the EU (European Council, 2019). The two selected measures, the PNR Directive and SIS II can be seen as measures that contribute to the protection of the EU’s external borders and are associated with migration policies (Baker-Beall, 2019). For this reason, those two measures will be in-depth analysed in relation to the actual implementation of the measures by Hungary and Ireland. Before these measures will be examined, the four pillars of the EU CT Strategy will be illustrated in order to give a global insight in the aims of the Strategy. This research has previously mentioned the crucial role of the Protect and Pursue pillars of the EU CT Strategy in relation to the possible impact on national migration policies (see paragraphs 2.2.2 and 3.1.2). For this reason, these pillars will be addressed more extensively than the Prevent and the Respond pillars.

5.2 Prevent

The most interesting comment that is made within the Prevent pillar is the statement made in

paragraph ten that “We must also ensure that our own policies do not exacerbate division [between the West and Islam]” (Council of the European Union, 2005, pp. 8). This comment thus requests MSs not to create such policies that will allow more tension to develop concerning the relationship between the Islam and Western perspectives. However, this section does not specifically mention what policy field this comment is exactly aimed at. For this reason, it could be assumed that this comment relates to any policy field, therefore also being applicable to the field of migration policies. Thus, this statement in the EU CT Strategy document could be interpreted in a way that national migration policies of EU MSs must not make distinction between and place emphasis on “us” and “them”, since this could be viewed as exacerbating division.

5.3 Protect

The second pillar of the EU CT Strategy contains measures that aim at protecting the EU from terrorist activities (Council of the European Union, 2005). The core aspect of this pillar that is relevant for this research is borders. For this reason, one specific measure, the PNR Directive, that within this pillar is assumed to be most likely to expose the link between compliance with the EU CT Strategy and the restrictiveness of national migration policies, will be extensively examined in the paragraph below.

5.3.1 The Passenger Name Record Directive

The PNR Directive is also known under the name of EU Directive 2016/681 and was officially formulated on April 27, 2016 (EUR-Lex, n.d.). The Directive can be seen as a measure to protect the EU from terrorist activities by providing insight into “suspicious travel” via this data sharing system, which was also one of the main motives to adopt the Directive (Baker-Beall, 2019, pp. 448). EU MSs were obliged to implement the measures communicated in the Directive before the set deadline just over two years later on May 25, 2018 (European Commission, 2018a). Data that was made available mid-July 2019 showed that only four EU MSs had not contacted the EC on any of their initiatives to take up the PNR Directive into their national law (Statewatch, 2019). This low number is in contrast to the vast majority of 20 EU MSs who decided to implement the PNR Directive entirely and three EU MSs that at least to a certain extent have adopted PNR related measures and communicated this to the EC (Statewatch, 2019).

This Directive first of all can be seen as the key document that requires airlines to hand over personal data, such as information on personal luggage or specific dates persons plan to travel, of people travelling with them on international flights to or from the EU MSs (European

Commission, 2018a). Additionally, this Directive provides specific guidelines for MSs on how to correctly deal with this information once received by the airlines (European Commission, 2018a). The most important requirement of this Directive is that each MS is obliged to set up an individual Passenger Information Unit (PIU) that is responsible for investigating the data received by the airlines (European Commission, 2018a). This requirement of founding a PIU therefore is a crucial factor in the analysis of implementing EU CT Strategy measures in chapter seven since determining whether a PIU has been established or not exposes whether a MS lives up to this requirement of the Strategy.

The PNR Directive was formulated in the first place to collect personal data of passengers on international flights that either entered the EU or left the EU (Statewatch, 2019). However, the amendment has eventually been made to extent the scope of the PNR Directive to flights from one EU MS to another as well (European Commission, 2018a). It is stated that 24 MSs have communicated their positive response to this notion (Statewatch, 2019).

5.4 Pursue

The third pillar highlights the importance of implementing technologically advanced mechanisms such as the Visa Information System (VIS) and the SIS II in order for MSs to sufficiently execute the task of collecting data of terrorists and correctly investigating this information (Council of the European Union, 2005). This goal however will require “Member States to update their policy response and legislative provisions where necessary” (Council of the European Union, 2005, pp. 12). The section below will further highlight the two systems since these two systems are the two aspects that within this pillar are assumed to be the closest related to migration policies.

5.4.1 Visa Information System and the Schengen Information System II

The very first version of the VIS was already established in 2004, a year before the EU CT Strategy was adopted (FRA, 2018). The main function of the VIS is to offer the possibility to check whether people that enter Schengen states are truly the people they claim to be based on the documents with which they travel, for example by collecting fingerprints (European Commission, n.d.d). The VIS allows Schengen states to share their collected data in a larger database, therefore providing for a large network of relevant visa related data accessible to all Schengen members (European Commission, n.d.d). By determining the authenticity of travel documents that are used the system protects individuals for example from others stealing their identity (European Commission, n.d.d). Moreover, the System strengthens the security of the entire Schengen Area since the VIS can contribute to preventing terrorist acts from happening

based on detecting suspicious travel documents (European Commission, n.d.d).

The more recent SIS II is closely related to the VIS since this system also allows Schengen states to share data back and forward with the aim to ensure a safe Schengen Area (European Commission, n.d.c). Additionally, this system will put emphasis on detecting people that are suspect of planning or executing terrorist acts and in this way strives to prevent such acts from happening, either at the time being or in the future (European Commission, n.d.c). Moreover, this system can be linked to the issue of migration, since the SIS II will pay close attention to people that are imposed to leave or are denied access to the Schengen Area in order to regulate the issue of “irregular migration” (European Commission, n.d.c). The SIS II will be more extensively analysed in the seventh chapter of this research.

5.5 Respond

The final pillar of the EU CT Strategy focusses on responding to the aftermath of terrorist attacks (Council of the European Union, 2005). Despite the indispensability of this pillar in real life and the valuable contribution it is to the Strategy in general, this pillar is not the most relevant out of the four pillars for the aim of this specific research. This can be stated because the Respond pillar does not contain measures or aims that can be directly linked to migration policies, but rather focuses specifically on responding to terrorist acts (Council of the European Union, 2005). For this reason, this pillar will not be taken into account in the analysis in the following chapters.

VI. Country-specific Stances Towards Migration

Based on the value attached to context information by Blatter & Haverland (2012) within this particular research design, this chapter will illustrate the country-specific stances towards immigrants and migration policies. Additionally, Table 2 that can be found in the Appendices will highlight six country-specific factors to give a concise overview of the differences and similarities between the cases Hungary and Ireland.

6.1 Hungarian Stance Towards Immigration and Migration Policies

Hungary became a MS of the EU one year prior to the adoption of the EU CT Strategy, in May 2004 (Europa.eu, n.d.). As mentioned before, together with Slovakia, the Czech Republic and Poland Hungary forms the V4 (Nič, 2016; see paragraph 2.1.1). The V4 attaches a lot of value to close cooperation with EU organisations and the MSs in general in order to create a safe EU for everyone (Visegrad Group, n.d.). Despite, the group of Central-European countries is currently well-known for their anti-immigration stances and their non-solidary position in relation to the migration issue (Ivanova, 2016). This negative stance towards migrants was already present in Hungary at the beginning of this century (Goździak, 2019). Moreover, despite communicating the basic measures necessary to protect the rights of immigrants in Hungary, the actual implementation of those measures was rather disappointing (Goździak, 2019). This lack of providing for the migrants thus shows that Hungary did not put effort in creating a satisfying environment for migrants that would attract them and make them want to stay in the country.

Ever since the migration crisis the Hungarian stance towards migrants became even less welcoming than before. This attitude was mainly fuelled by the fear for the religion these migrants would bring to the country, the Islam (Goździak & Márton, 2018). PM Victor Orbán allowed this fear to spread by stressing that the ruling culture within Europe, which has been Christianity for a long time, was threatened by these migrants and their Islamic religion (Ivanova, 2017). The fairly mild request by the EU to house just under 1.300 migrants led to an immense campaign costing nearly 30 Million Euro in order to stress the negative aspects of immigration and migrants according to the Hungarian government, thereby scaring the public and influencing their perspectives on the issue (Goździak, 2019). Moreover, Hungary also organized a referendum in 2016 that asked the population whether they agreed on allowing the

refugees assigned by the EU to enter the country or whether they were against this decision (Kingsley, 2016).

6.2 Irish Stance Towards Immigration and Migration Policies

Ireland is, just like Denmark and the United Kingdom, not obliged to implement every EU measure related to the field of migration policies due to special arrangements on opt-in and opt-out possibilities that were already established in the signing of the Lisbon Treaty at the end of 2007 (European Commission, 2020; Ruhs & Quinn, 2009). This arrangement thus entails that Ireland may choose to voluntarily participate, opt-in, or decide to not participate, opt-out, in regard to EU initiatives in the policy field of immigration such as the admitting of refugees (European Commission, 2020). Unlike the hostile stance of Hungary in terms of a costly anti-immigrant campaign and a referendum on whether or not to house the allocated migrants as referred to in paragraph 6.1, Ireland has confirmed to, on a voluntary basis, take up a certain amount of migrants even though it was not obliged to do so (European Commission, 2020). This stance thus shows that Ireland is willing to show solidarity to the EU in difficult times. However, the possibility for Ireland to opt-out on specific policies must be taken into account in the conclusion of this research since this might affect the general outcome.

VII. Compliance with the EU CT Strategy Measures

In order to determine the extent to which compliance with the EU CT Strategy influences the restrictiveness of national migration policies this chapter will examine the implementation of the two migration related measures, the PNR Directive and the SIS II, of the EU CT Strategy in Hungary and Ireland as previously referred to in chapter five. The PNR Directive will be approached via the measurement criteria as referred to in paragraph 4.8.

7.1 Hungary: The PNR Directive and SIS II

As paragraphs 2.2.3 and 5.3.1 have previously mentioned, the PNR Directive was formulated in April 2016 and the deadline to adopt the measure was set on late May 2018 (Statewatch, 2018). According to sources of the EC of June 1, 2018, Hungary is on the list of countries that have informed the EC to fully implement the PNR Directive including the application of the Directive to flights within the EU (European Commission, n.d.e). Based on this information, it thus may be concluded that Hungary has implemented the PNR Directive before the specific deadline. The institution in Hungary that is responsible for the tasks of the PIU as formulated in the PNR Directive is carried out by TIBEK, an institution that is also known as the “Coordination Centre against Organised Crime” (TIBEK, 2018). For this reason, it may be legitimately assumed that there is an institution in place in Hungary that fulfils the task of PIU as required by the Directive. Lastly, the “PNR Data Requirements Guide for Airlines” explicitly mentions the consequences of not living up to the rules of the PNR Directive, which in this case would be a fine (TIBEK, 2018). Therefore, it could thus be said that there is indeed a mechanism in place that would be able to correct behaviour that is not in line with the desires of the Directive. Taking into account the three relevant aspects of compliance with a Directive mentioned by Treib (2014) it can be concluded that Hungary fulfils its obligations to successfully comply.

Since Hungary is a member of the Schengen Area the Central European country is automatically connected to the SIS II. Hungary explicitly highlights the possibility for all people to gain insight in whether their individual personal data has been saved in the system (Embassy of Hungary: New Delhi, n.d.). Additionally, Hungary offers persons the possibility to request the alteration of specific data for example in case this data turned out to be false and change is therefore necessary (Embassy of Hungary: New Delhi, n.d.). Hungary can thus be viewed as an EU MS that is obliged to comply with the measures posed in the SIS II.

7.2 Ireland: The PNR Directive and SIS II

Ireland has placed itself in the position of huge advocate of the PNR Directive and has transformed the Directive into national law before the deadline of May 25, 2018 (Irish Department of Justice and Equality, 2018; Irish Department of Justice and Equality, n.d.c). Ireland has, just like Hungary, specifically designed a PIU because of the obligation to do so by the PNR Directive (Irish Department of Justice and Equality, 2018). This institution in Ireland is called the Irish Personal Information Unit (IPIU) and falls within the scope of the “Department of Justice and Equality” (Citizens Information, 2018).

However, Ireland claimed to also be in favour of including the specific application of the Directive to flights from one EU MS to another EU MS (Irish Department of Justice and Equality, n.d.c). Remarkably, Ireland is not on the list of the EC that sums up the countries that have communicated their decision on the implementation of the Directive to flights within the EU (European Commission, n.d.e). The official 2018 Irish annual review on immigration states that the IPIU collects personal data to fight the stream of migrants who illegally seek residence in Ireland, but that this process of collecting data is only applicable to flights that come from outside of the EU (Irish Department of Justice and Equality, 2018). This thus shows that Ireland has decided not to apply the Directive directly to flights from one EU country to another. The Department of Justice and Equality mentions, just like Hungary, the consequence of heavy fines when airlines do not respect or fail to live up to the measures stated in the PNR Directive (Irish Department of Justice and Equality, n.d.a).

To conclude, it could thus be said that Ireland, just like Hungary, lives up to the requirements of the PNR Directive concerning respecting the transposition deadline, the PIU establishment and the measures communicated if non-compliance occurs. Nevertheless, Ireland has decided to not communicate the application of the Directive to intra-EU flights whereas Hungary did.

Ireland, just like the other EU MSs, has not been standing still when it comes to implementing new and changing existing measures concerning immigration since the migration crisis started (Arnold, Ryan & Quinn, 2018). Despite at this moment in time Ireland is not yet officially a member to the SIS II, Ireland has shown desire to be partially connected to the SIS II at short-notice (An Garda Síochána, 2020; Council of the European Union, 2019). Based on this desire, it was expected to make Ireland a member to the System in the first months of 2020 (An Garda Síochána, 2020). This process thus shows the intention of Ireland to, voluntarily, take part in the SIS II. However, Ireland has notified to only take part in a limited amount of aspects of the system, therefore not officially becoming a full member to the System (An Garda

Síochána, 2020). Rather, Ireland has decided to opt-in on desirable aspects of the system and share and receive information solely on these topics (An Garda Síochána, 2020). One aspect that for example will not be available to consult for Ireland concerns the notifications that Schengen states share amongst each other on the refusal of residence of certain persons (An Garda Síochána, 2020).

VIII. Public Opinion

Public opinion is, as stated in paragraphs 2.1.2 and 3.2.1, one of the multiple country-specific factors that can affect the extent to which MSs are decisive to comply with a certain policy. In this perspective it is assumed that politicians are influenceable by public opinion and listen to the desires of the public in implementing measures. This chapter will focus on Hungarian and Irish stances towards migration. Therefore, this chapter will analyse data of public opinion towards immigration from outside the EU by closely examining EC surveys for the selected time period.

8.1 Public Opinion Data

In order to be able to analyse public opinion towards migration policies it is first of all necessary to illustrate the sources that will be used to do this. This research will extract data from Eurobarometer surveys made available via the interactive Eurobarometer database of the EC. More specifically, this research will analyse the stances of the Hungarian and Irish public on migration from outside the EU.

8.2 Hungary

This section will examine the public attitude towards migration within Hungary for the period between late 2015 and late 2019 based on Eurobarometer surveys stemming from this period. *Figure 1* represents the stances towards immigrants from outside the EU, where it is assumed that the negative lines account for a desire for restrictive rather than for liberal migration policies. This approach will also be applied in the case of Ireland. A clear oversight of the percentages can be found in *Table 3* (see Appendices).

Figure 1 shows that the most negative perception of migration from outside the EU has been ruling in Hungary for the entire selected period (European Commission, n.d.f). For nearly the whole period approximately 50 percent of the surveyed people would state that they perceive this form of immigration as very negative. The exceptions to this are November 2017, where this number slightly decreased to 43 percent (European Commission, n.d.f). However, the true decline in the negative stance can be seen in the polls from June and November 2019, in these two cases the numbers concerning the most negative category fall below 40 percent for the first time with November 2019 even ending up at 31 percent (European Commission, n.d.f). Concerning the fairly positive attitude the true increase can be only seen for the first time in

June 2019 as well as November 2019 (European Commission, n.d.f). At the highest point 22 percent of the surveyed people perceive immigration from outside the EU as fairly positive (European Commission, n.d.f). Despite the very positive attitude remains lows, also for this category an increase can be seen for especially November 2019 (European Commission, n.d.f).

Overall this data shows that public opinion towards the issue in Hungary has become less negative mainly after the survey of November 2018, with the first results visible in the June 2019 survey (European Commission, n.d.f). The small exception in this case is the increase in the fairly negative attitude but this could be explained by the drop of twelve percent in the very negative category, since it could be assumed that people would be more likely to change their voting behaviour from very negative to fairly negative within one survey rather than directly turning into a positive attitude within seven months. Nevertheless, the most recent survey shows that in total only 34 percent of the Hungarian people would conclude their opinion towards migration from outside the EU is in any way positive (European Commission, n.d.f)

The drop in negative attitude between November 2018 and June 2019 does not seem to be caused by changes in the popularity of the right-wing Fidesz party since the national parliamentary voting intention remains quite stable in a sense that it only fluctuates with a maximum of three percentage points (Politico, 2020a). However, the popularity of the extreme right-wing party Jobbik decreases within this particular period with seven percentage points, making the party from the second most voted party the fourth most voted political party (Politico, 2020a).

Public Opinion on Immigration from Outside the EU *Hungary*

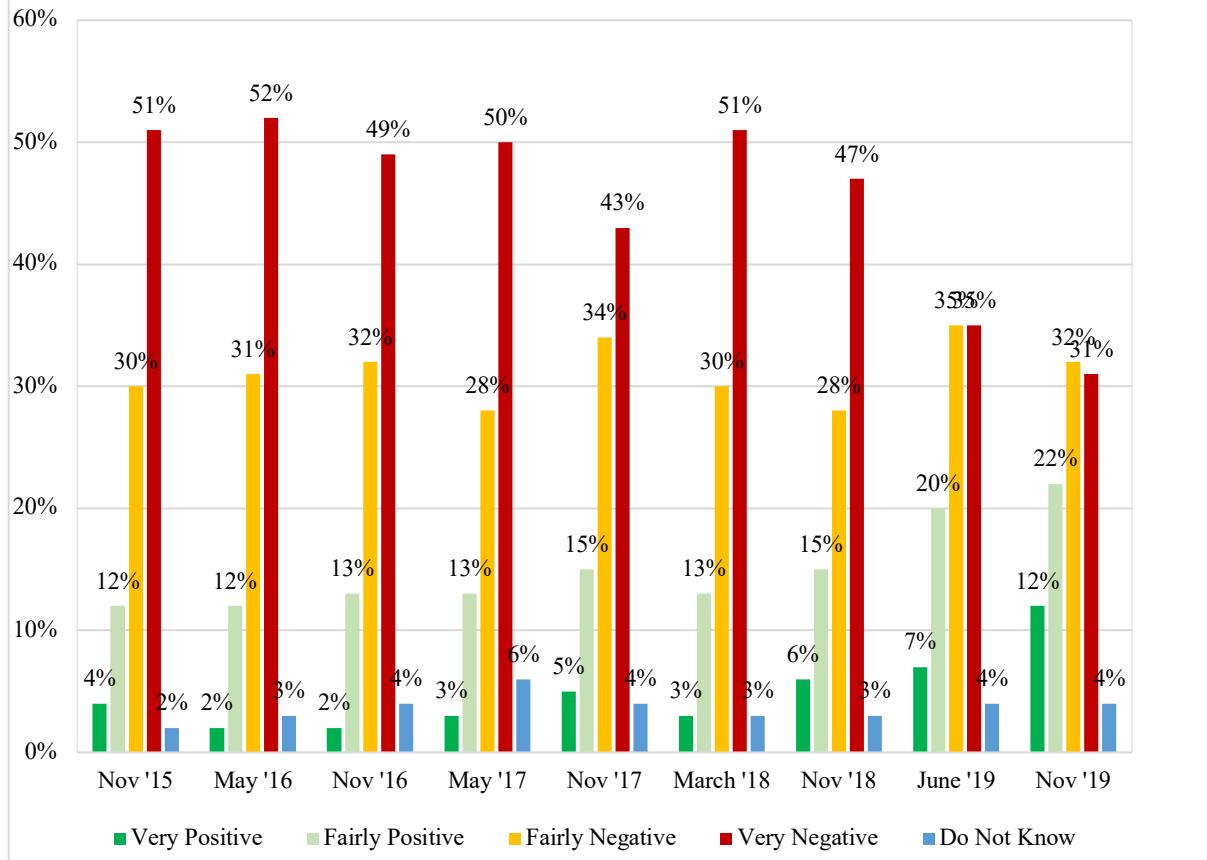


Figure 1. Eurobarometer Survey on Public Opinion Towards Immigration from Outside the EU in Hungary. Retrieved from European Commission Eurobarometer Interactive Public Opinion, May 19, 2020,

<https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Chart/getChart/chartType/lineChart/theMeKy/59/groupKy/279/savFile/927>

8.2.1 Role of the Hungarian Media

A 2019 report by multiple media related institutions such as the European Federation of Journalists has exposed the fuss that arose around the freedom of the press in Hungary (International Press Institute, 2019). Many claims are made that the Hungarian media are controlled by politics, in a sense that media are only able to portray the perspectives on issues in such way that they are in favour of the government (CGTN, 2019). For this reason, it must be kept in mind that public opinion can be influenced by the one-sided story that the Hungarian public receives. The role of the media in Hungary will be further elaborated on in paragraph 11.3.

8.3 Ireland

This section will analyse the opinion of the Irish public towards migration policies ever since the peak of the migration crisis up until the most recent available survey of November 2019. A clear oversight of the percentages for Ireland can be found in *Table 4* (see Appendices).

The first enormous difference that can be noticed immediately and that is in strong contrast to the overall image that Hungary establishes is that the category “very negative” is the category that is least voted for in Ireland over the entire period (European Commission, n.d.g). The survey shows that the most negative attitude towards migration from outside the EU is in May 2016, and from this moment on, with the exception of November 2017, only decreases (European Commission, n.d.g). The overall Irish perception of the issue is relatively positive over the selected period and the relatively positive view fluctuates between 40 and 50 percent since May 2017 (European Commission, n.d.g). Despite the general line in very positive stance towards the issue has been increasing every single survey since November 2015 one interesting decrease period can be seen (European Commission, n.d.g). The category of very positive decreased between May 2017 and November 2017 from twenty percent to sixteen percent, whereas the fairly positive and fairly negative categories remained the same. However, the voting percentage in the very negative category increased from seven to twelve percent (European Commission, n.d.g). In general, it could be said that since the November 2018 survey the Irish attitudes have become less negative and rather positive towards the issue, just as is the case in Hungary (European Commission, n.d.f; European Commission, n.d.g). Overall, the Irish people have been more likely to vote for “do not know” than the Hungarian people for this period (European Commission, n.d.f; European Commission, n.d.g). The total of Irish persons that according to the latest 2019 survey approach this issue with a positive attitude is 73 percent, which is nearly three out of four people (European Commission, n.d.g). Based on this information it can be concluded that the Irish public opinion towards the issue is, besides more positive over the entire period, especially in the latest survey over twice as positive as the Hungarian public opinion (European Commission, n.d.f; European Commission, n.d.g).

Public Opinion on Immigration from Outside the EU *Ireland*

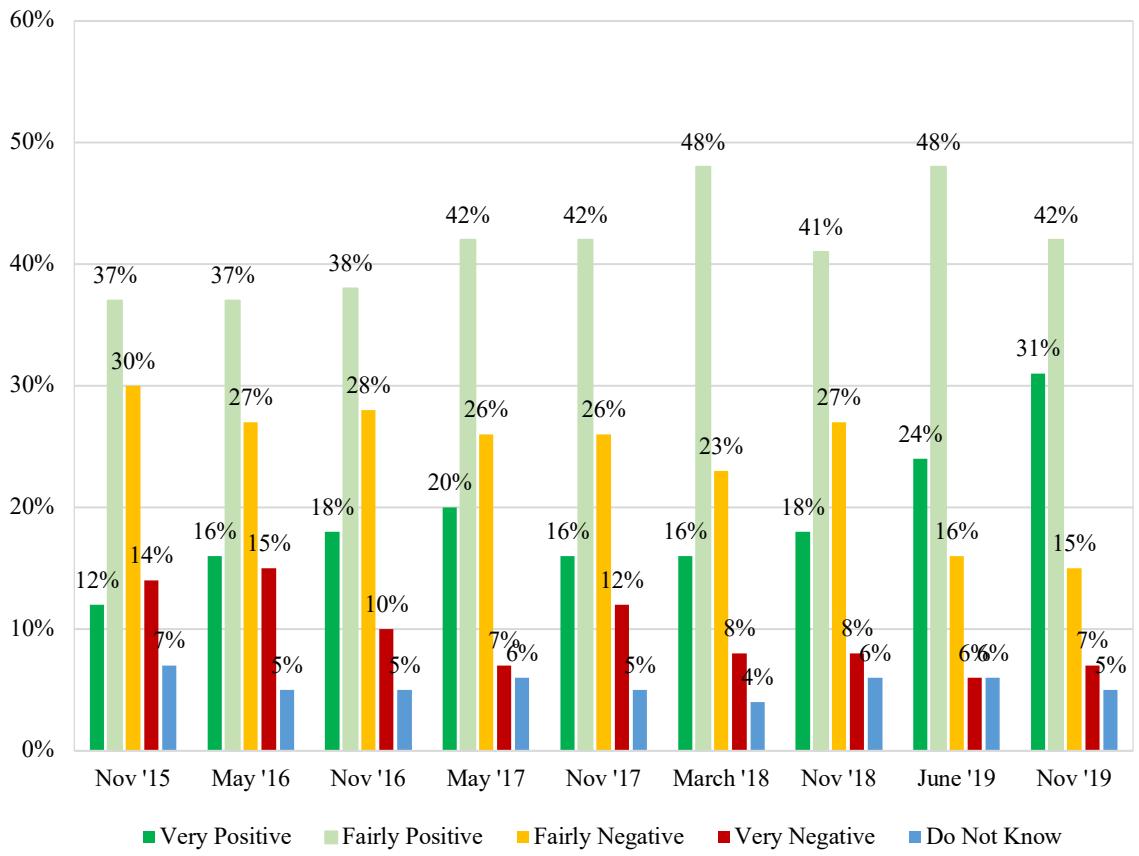


Figure 2. Eurobarometer Survey on Public Opinion Towards Immigration from Outside the EU in Ireland. Retrieved from European Commission Eurobarometer Interactive Public Opinion, May 19, 2020,

https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Chart/getChart/chartType/lineChart/the_meKy/59/groupKy/279/savFile/927

IX. Political Orientation

Hungary and Ireland have experienced a contrasting political scene in the period between late 2015 and early 2020. The ninth chapter of this research will illustrate the presence of populist right-wing parties in Hungary and Ireland over the selected time period in order to expose the political landscape in the two cases. For this reason, national parliament voting intention and national election results will be analysed for the period between late 2015 and early 2020 (Politico, 2020a; Politico, 2020b).

9.1 Hungary

The two parties that have clearly been ruling overall ever since the peak of the migration crisis have been the Fidesz party led by Victor Orbán and the Jobbik party led by Tamás Sneider (Politico, 2020a). Whereas both parties can be placed on the right-wing side of the political spectrum, the party of Sneider even scores 8.8 on the scale of left-right division where 0 represents the most left and 10 the most right (Politico, 2020a; ParlGov, n.d.a). This number in its turn is a mean of four categories in which countries can have a score between 0 and 10, such as whether they are pro or anti EU (ParlGov, n.d.c). The score of 8.8 is very high in contrast to the score of 6.5 of the right-wing Fidesz party (ParlGov, n.d.a). The party of PM Victor Orbán however has been by far the number one ruling party in Hungary. At the highest point in late 2018 Fidesz received 56 percent of the votes, at the lowest point in September 2015 the party was still capable to collect 43 percent of the votes (Politico, 2020a). This in contrast to the second most voted party, Jobbik, that at its most successful period at the peak of the migration crisis was able to receive 25 percent of the votes (Politico, 2020a). Whereas Fidesz shows an overall increasing line of support during the crisis, the Jobbik party has declined in popularity ever since, despite remaining the second most successful party (Politico, 2020a). However, is only since late May of 2019 that the Jobbik Party is no longer Hungary's second most voted political party (Politico, 2020a). Overall, it could thus be said that for the chosen time period Hungary is ruled by a right-wing political system.

9.2 Ireland

Data shows two parties taking the lead in Ireland ever since early 2016. First of all, there is the Fine Gael (FG) party, led by Leo Varadkar, that has been the most voted party overall in the selected time period (Politico, 2020b). Additionally, there is the Fianna Fáil (FF) party, led by

Micheál Martin, that has been the second most voted party throughout this period (Politico, 2020b). Whereas the FG party can be viewed as a Christian Democratic Centre-Right party scoring 6.4 on the left-right scale, FF can be classified Conservative and is a party located more on the Centre to Centre-Right area, scoring 6.1 on the same scale (Politico, 2020b; ParlGov, n.d.b). The obvious third most voted party is the Sinn Féin (SF) party, led by Mary Lou McDonald (Politico, 2020b). SF, a Green Left party that scores 2.8 on the left-right scale, has been experiencing a remarkable win especially since late 2019, when their voting percentage increased from thirteen percent in late November 2019 to 30 percent in March 2020 (Politico, 2020b; ParlGov, n.d.b). This win was at the expense of the popularity of FF, that dropped from 25 percent to 19 percent over the exact same time period and eventually even dropping to 16 percent according to the latest available data of April 2020 (Politico, 2020b). This pattern thus shows the recent drop of popularity of the Centre-Right FF party, whereas the Left seems to be strongly on the rise via SF. Interestingly and in contrast to what Hungarian data exposes, Ireland does not for the selected time period experience the presence of pure right-wing parties, let alone far-right parties in the selected time period (Politico, 2020b).

X. Results

This chapter will illustrate the dependent variable and expose the accurateness of the hypotheses. In order to conduct a reliable research and approach restrictiveness in an equal manner, the following definition of restrictiveness will be used for each hypothesis is the following: “migration policy related measures that complicate or make the process of migration less attractive and welcoming for migrants”. The main source that will be used are annual reports of the AIDA.

10.1 Changes in Migration Policies in Hungary 2015-2019

Over the selected time period Hungary drastically changed its national migration policy in certain aspects. In 2015 Hungary has, due to the migration crisis, declared the “state of crisis due to mass migration” (AIDA, 2017a, pp. 11). Following this declaration Hungary initiated measures that were meant to impede migrants to come to the country. In this specific year Hungary has made the decision to close their borders for immigrants trying to enter the country with the aim to travel further throughout the EU searching for residence (Cantat, 2020). Moreover, PM Victor Orbán demanded a fence to be built in order to stop the immigrants from entering Hungary, a restrictive migration related measure that has cost a whopping 98 million Euro (CGTN, 2019; Amnesty International, 2015). When people would illegally cross the Hungarian border, they could risk going to prison for a maximum of a decade (Goździak, 2019). Additional to this fence at the Hungarian border with Serbia, Hungary also established this type of blockade at the border with one of its other neighbouring countries, Croatia, just a couple of weeks after the first fence had risen (AIDA, 2015a). This very restrictive measure is expected to be a crucial factor in the enormous decrease in asylum applications in the country, as can be viewed in *Table 5* (AIDA, 2015a).

Additionally, in late 2015 Hungary carefully selected countries that they would consider to be safe countries (AIDA, 2015a). This measure gave Hungary the possibility to reject migrants that have travelled through a country that has been selected to be classified as a safe country, since the idea behind this system is that migrants could have been able to stay in that specific country, and that travelling to Hungary was thus not for safety reasons (AIDA, 2015a). One of the countries that has determined to be viewed as a safe country by Hungary was their neighbouring country Serbia, therefore allowing Hungary to reject all migrants that have travelled via this specific country (AIDA, 2015a).

The final, and very relevant for this research, migration related measure that Hungary initiated in late 2015 was the establishment of transit zones at specific points at the borders with their neighbouring countries Croatia and Serbia (AIDA, 2015a). This measure is said to restrict the freedom of movement of the migrants (AIDA, 2015a).

The process of confining the Hungarian national migration policies goes on in 2016. One measure that stresses the process of Hungary formulating restrictive migration policies is the decision to no longer grant migrants any so-called “pocket money” (AIDA, 2016a, pp. 12). This decision is directly aimed at migrants and will make seeking housing in Hungary less attractive. Moreover, Hungary has made it even more difficult for immigrants to find housing in the country by withdrawing every existing measure that was in place to help immigrants integrate in Hungary (AIDA, 2016a).

Lastly, Hungary also implemented new restrictive measures concerning the validity of Hungarian identification cards (AIDA, 2016a). The time period such documentation was considered to be valid when possessed by migrants has namely decreased significantly (AIDA, 2016a). Moreover, it also has been decided in 2016 that the Hungarian protection status when granted to migrants is not eternally valid, but rather must be reconsidered after three years, thus allowing for the possibility to withdraw the specific protection status of a migrant every three years (AIDA, 2016a).

The decision that was made in 2015 to label Serbia as a safe country has changed in 2017. From this year onwards, Hungary namely does no longer reject migrants solely based on their travel route via Serbia (AIDA, 2017a). However, in 2017 also other restrictive measures were introduced such as measures that limited the amount of days migrants had to fight the decision when they were denied asylum in Hungary (AIDA, 2017a). This is thus a measure with a clear restrictive aim, since it complicates the chance of a successful migration process. Additionally, Hungary decided in 2017 to no longer allow migrants to work in the country (AIDA, 2017a). This measure thus entails that those people will not be able to legally make their own money in Hungary. This change therefore makes seeking asylum in Hungary less attractive. Despite the above-mentioned restrictive measures posed in 2017, Hungary must be rewarded credits for formulating legislative measures to give some asylum seekers the possibility to follow a form of education (AIDA, 2017a).

The year 2018 is the year in which the least changes in migration policies took place compared to the other years of the selected time period. However, in 2018 Hungary did formulate a new restrictive criterion to be able to easily reject migrants by combining the terms “first country of asylum” together with “safe third country” (AIDA, 2018a, pp. 12). This newly

created definition by Hungary enabled them to deny practically all of the asylum requests to their country (AIDA, 2018a).

The last year of the analysis of Hungarian migration policy changes will concern 2019. Apart from continuing many of the already established measures, no major changes in the Hungary migration policy have occurred according to the most recent AIDA report (AIDA, 2019a).

Based on the above-mentioned analysis of the changes in migration policies in the selected time period, it could thus be said that during the migrant crisis Hungary has been taking serious individual measures in order to protect the country and its borders from the excessive migration flow and has developed a more restrictive national migration policy during this period. It can also be concluded that the measures taken by the Hungarian government concerning migration policies have in general increased in quantity and in restrictiveness since late 2015 towards 2020, apart from the year 2018, in which the changes concerning migration policies have been relatively minor (AIDA, 2018a). However, none of the changes that occurred in migration policies in Hungary according to the AIDA documents has specifically been linked to the threat of terror in any way.

10.2 Changes in Migration Policies in Ireland 2015-2019

In contrast to the restrictive migration policy measures that had already been taken in late 2015 by Hungary, the one true measure that stands out in this period in the Irish migration policy is the newly introduced programme to protect refugees (AIDA, 2015b). Ireland has in this period offered housing to migrants that were in the most serious need of protection (Elliott, 2019). Moreover, it has even done so, on a voluntary basis, for more migrants than the EU had initially asked for (Elliott, 2019).

One measure that came into effect in 2016 was the International Protection Act (AIDA, 2016b). This Act was mainly designed in order to shorten the time period for migrants awaiting their international protection decision (AIDA, 2016b). For this reason, this measure can be seen as the opponent of implementing more restrictiveness since the measure is aimed at speeding up the migration process, therefore being in the benefit of the migrants. However, in 2016 Ireland has also changed its law and formulated more restrictive migration policy measures (AIDA, 2016b). The first measure concerns a revision of what the term “member of the family” exactly entails (AIDA, 2016b, pp. 10). This term has due to the changes become less broad under Irish law since family members such as a person’s brothers or sisters are no longer automatically granted Irish international protection, which was previously the case on behalf of

the importance of the reunification of family (AIDA, 2016b). This measure thus causes more restrictiveness since the attractiveness of migration to Ireland is affected by the decreased certainty of family reunification. This turn to more restrictiveness becomes even more emphasized due to the fact that since 2016 Irish law states that requests related to the reunification of family members need to happen within a maximum of exactly one year after the specific date a person that asks for family reunification has received its own status from Ireland (AIDA, 2016b). Based on the above-mentioned changes, Ireland thus introduced measures in 2016 that on the one hand speeded up the migration process, whilst at the same time the possibility for family reunification was limited.

In late 2017 Ireland decided to “opt-in to the Reception Conditions Directive” (AIDA, 2017b, pp. 12). The consequences of the decision of Ireland to opt-in on this Directive are that it offers more possible ways for Ireland to detain asylum seekers (AIDA, 2017b). Consequently, this could thus entail that detention also becomes more likely since the possible ways to get to this point have been extended (AIDA, 2017b). In this way, this measure can be viewed as a restrictive measure since the attractiveness of the migration procedure decreased by the increase of detention possibilities. However, under the same Directive Ireland also proposed to come up with beneficial legal measures concerning rules that would allow migrants to work, since earlier the country had measures that did not allow asylum seekers to work a job in Ireland (AIDA, 2017b).

In 2018 Ireland did not implement many new major changes in its national migration policy. However, in mid-2018 Ireland did allow specific asylum seekers that came from one out of ten carefully selected countries such as Afghanistan and Syria to request a family member to be permitted in Ireland, and in this way loosened the restrictive measures concerning family reunification as formulated in 2016 to a certain extent (AIDA, 2018b). This limited amount of changes in national migration policies is equal to the state of affairs in Hungary, which also imposed the least amount of changes in this year as the analysis in paragraph 10.1 showed.

In 2019 Ireland has finalised the “National Standards on Direct Provision”, a document that will ensure from 2021 onwards a worthy environment to live in for asylum seekers (AIDA, 2019b, pp. 14). The finalisation of this document thus shows the value Ireland attaches to the circumstances of asylum seekers. The final migration policy related measure that Ireland has adopted late 2019 that will be mentioned in this analysis is the compliance with a new programme that will protect refugees as of 2020 (Irish Department of Justice and Equality, n.d.b). Ireland has confirmed to accept nearly 3000 migrants in a time span of four years starting from 2020 onwards (Irish Department of Justice and Equality, n.d.b). This measure thus shows

that Ireland still shows solidarity to the EU. Despite, this number is relatively low taking into account the fact that nearly 125.000 refugees have entered the EU in the year 2019 alone (InfoMigrants, 2019).

Just as has been concluded in the case of Hungary, the changes in Irish migration policies are within the AIDA documentation not in any way mentioned to have taken place because of a threat of terrorist activities.

10.3 Hypothesis 1

The analysis has shown that both Hungary and Ireland implemented or notified to be willing to comply with the EU CT Strategy measures that are closest related to migration policies, although Ireland has done this to a lesser extent due to the possibility to opt-out on specific issues. This shows for example in the implementation of the PNR Directive solely to flights coming from outside the EU, whereas Hungary also applies this to intra-EU flights.

Only one specific change in migration policy in Hungary can be linked to the compliance of EU CT Strategy. The restrictive Hungarian migration policy measure that concerns the transit zones can be linked to the PNR Directive since an important component of the transit zones is the fact that in this phase Hungarian police will use passenger information in order to map the travel route of a person (AIDA, 2015a). In the case of Hungary, implementation of the EU CT Strategy is thus used to adopt more restrictive national migration policies. On the contrary, Ireland specifically claims not to use such data to complicate the asylum-seeking process (AIDA, 2019b).

The analysis therefore leads to the conclusion that hypothesis 1: “*The more an EU Member State succeeds to implement the EU Counter-Terrorism Strategy, the more restrictive their national migration policies are formulated*” is not entirely supported. Whereas Hungary thus proves that the Strategy indeed allows for using aspects of the Strategy in a way that it affects national migration policies in a restrictive way, Ireland shows that this is not strictly necessary. It therefore seems to be crucial how the MS copes with the Strategy measures after the minimum implementation rather than the implementation itself.

10.4 Hypothesis 2

Based upon the bottom-up theory concerning public opinion and *Figure 1* it would be expected that if the following hypothesis “*EU Member States will formulate more restrictive national migration policies when the public in a Member State is in favour of more restrictive national migration policies, and not because this is required by the EU CT Strategy*” would be correct,

the restrictiveness of national migration policies in Hungary should be decreasing from the year 2018 onwards. According to the results in paragraph 10.1 the restrictiveness of Hungarian migration policies has indeed declined since from this period onwards the least amount of restrictive policy changes have been taking place.

If this hypothesis would be true it could be expected that in the case of Ireland the most restrictive migration policy measures would be implemented in the earliest phase of the selected time period, since during this period the public opinion in Ireland is the most negative. It can be seen in the results in paragraph 10.2 that indeed the year 2016, in which the public opinion in Ireland thus has been the most negative, the most restrictive migration policy measures have been implemented. Therefore, it could be said that there is a link visible between public opinion and the restrictiveness of migration policies. However, it is important to realise that correlation does not per definition means causality. In order to claim causality, it would be necessary to have concrete evidence such as national policy documents or official statements that prove that public opinion has in fact been the reason for specific changes in national migration policies.

It could therefore with care be assumed that hypothesis 2: “*EU Member States will formulate more restrictive national migration policies when the public in a Member State is in favour of more restrictive national migration policies, and not because this is required by the EU CT Strategy*” is likely to expose correlation.

10.5 Hypothesis 3

The research of Juhász (2017) exposes the interesting position of the Jobbik party in the migration policy issue in Hungary. Concerning the issue of the famous fence built by Hungary in order to stop immigrants from entering the Central-European country, the Jobbik party has been the only political party, besides the parties that form the government in Hungary, to be in favour of this very restrictive and remarkable measure (Juhász, 2017). All in all, the research of Juhász (2017) stresses the fact that the migration related attitude of Hungary might be largely fuelled by the specific stance of the Jobbik party, which eventually leads to the adoption of restrictive migration policy measures as pushed forward by Jobbik. This for example could stem from the fact that Jobbik, as overall second most voted Hungarian party, is able to push forward certain migration related topics that put pressure on the Parliament, which eventually might lead to the adoption of far-right views (Politico, 2020a; Akkerman, 2018). For this reason, it could thus be assumed that the Hungarian far-right party Jobbik is responsible for influencing the restrictiveness of national migration policies. Based on the analysis of the changes in the Hungarian migration policy, the quantity and restrictiveness of these changes

only increased over time. Due to the overall ruling of the populist right-wing Fidesz party the hypothesis “*EU Member States will formulate more restrictive national migration policies when there is a strong presence of populist right-wing parties in a Member State, and not because this is required by the EU CT Strategy*” is assumable. The lack of populist right-wing parties in Ireland might therefore be one of the factors that influences the limited amount of changes of restrictive character in the Irish national migration policies. However, due to the lack of empirical evidence this claim cannot be made with hundred percent certainty. Therefore, it could be stated that there is a link visible between the presence of populist right-wing parties in the MS and the restrictiveness of national migration policies but that there is not enough evidence to claim causality, rather correlation is very likely.

XI. Concluding Remarks

This final chapter will first of all provide a summary of this research, followed by the limitations of the research. Additionally, initiatives for further research will be suggested.

11.1 Summary of the Research

The research question that this thesis has been trying to answer is the following:

“What is the effect of compliance with the EU Counter-Terrorism Strategy on the restrictiveness of national migration policies in Hungary and Ireland?”

The goal of this thesis has been to gain insight in how the national migration policies of Hungary and Ireland have changed during the period of late 2015 until late 2019 and if restrictive changes in these policies directly stem from the EU CT Strategy. This research has been approached in a qualitative way. The top-down and bottom-up approaches have facilitated the theoretical framework for this research by allowing a congruence analysis to take place. Additionally, the documents of the AIDA have provided the basis for the analysis. By analysing the main changes that took place in the national migration policies in Hungary and Ireland during the selected time period for every year and linking these changes to the hypotheses a conclusion has been drawn on the accurateness of the theories. This research has shown no evidence from the view of the top-down approach that compliance with the EU CT Strategy urges MSs to formulate restrictive national migration policies. More applicable seem the arguments made by the bottom-up theory in light of the importance of country-specific circumstances on the restrictiveness of national migration policies.

In relation to the academic literature that has been used in order to construct a literature review and theoretical framework this research has thus shown to confirm to a certain extent many of the pre-existing arguments, for example concerning the relevance of public opinion and political orientation on the formulation of migration policies. However, despite correlation concerning these arguments is highly assumable, it must be kept in mind that causality is rather difficult to claim due to the lack of concrete evidence. In terms of social relevance, the findings of this research have given insight in the importance of country-specific factors when it comes to making restrictive changes in national migration policies. For this reason, the public must realise that such restrictive changes are not imposed by the EU CT Strategy as counter-terrorism

measures, but rather are dependent on the situation in the MS itself. People must thus be aware that their individual voting behaviour and opinion indirectly can affect national migration policies.

All in all, the EU CT Strategy is not a document that inextricably links terrorism to migration policies, despite the strong value that is attached to borders. The main policy recommendation that therefore could be made based on this research is that if the EU does strive to counter terrorism in the EU from an EU level via migration policies this Strategy should provide more migration related measures that allow restrictive national migration policies to be formulated. This could for example be done by adding a clause to the existing EU CT Strategy document that specifically allows EU MSs to adopt certain types of restrictive migration policy measures when MSs can prove the necessity of these measures in order to assure the safety of their nation in times of extensive terrorist threat.

11.2 Limitations

This research also has its limitations. One limitation that has been briefly mentioned in paragraph 4.7 is the comment that the chosen timeframe – late 2015 until late 2019 – might have affected the outcome of this research given the ongoing migration crisis in this period. It must be kept in mind that the outcomes of the hypotheses might be affected in any way by this specific circumstance. However, this possible limitation has been accepted because the specific circumstance increased the likelihood to find relevant information due to the fact that the issue is a salient topic.

Another limitation that is relevant to mention is the fact that for this analysis it has been chosen to specifically focus on AIDA reports in order to keep a clear oversight in and equal usage of the sources. Even though it can be assumed that these reports portray the most relevant changes in national migration policies, it must be kept in mind that some minor, yet relevant changes might not have been updated in these reports.

Furthermore, the results section has shown that proving causality for two out of three hypotheses is difficult. Rather, it is concluded in these cases that correlation is likely. It is therefore important to be aware of the fact that this research is thus limited in its ability to claim causality.

The final limitation that has to be addressed is the controversial role of the media in Hungary. Based on the statement made in paragraph 8.2.1 it may thus be assumed that public opinion in Hungary is rather the reflection of the attitude of the ruling political party portrayed on the public and may not be the actual driving factor behind the restrictiveness of the national

migration policies but used as a disguise for the preconceived political ideas. This must therefore be taken into account when claiming the causality of public opinion.

11. 3 Suggestions for Further Research

This research leaves open multiple possibilities for further research on MS compliance with the EU CT Strategy in relation to the restrictiveness of national migration policies. This research is subject to changes in compliance, political landscape as well as public opinion. For this reason, it might be interesting to repeat this research in a decade when these aspects might have changed in order to see whether these factors indeed have turned out to be as relevant as is assumed in this research. Moreover, since this research specifically focuses on Hungary and Ireland, it might as well be relevant to apply this analysis to different EU MSs in order to see whether the same conclusions can in fact be reached.

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Appendices

Table 1

Data Selection Based on Independent Variables

Independent Variables	Data Selection
<p><i>Following from Hypothesis 1:</i></p> <ul style="list-style-type: none">○ Compliance with the EU CT Strategy	<ul style="list-style-type: none">○ Hungarian Policy Documents – TIBEK○ Irish Policy Documents - An Garda Síochána – Irish Department of Justice and Equality○ Official Website of the European Commission○ Academic Literature
<p><i>Following from Hypothesis 2:</i></p> <ul style="list-style-type: none">○ Public Opinion	<ul style="list-style-type: none">○ Interactive Eurobarometer Surveys on Public Opinion Towards Immigration of People from Outside the EU (2015-2019) in Hungary and Ireland○ National Parliament Voting Intention Hungary – Politico○ News Website○ 2019 Report of the International Press Institute

<p><i>Following from Hypothesis 3:</i></p> <ul style="list-style-type: none"> ○ Presence and Role of Political Right-Wing Parties 	<ul style="list-style-type: none"> ○ Election Results Ireland – Politico ○ National Parliament Voting Intention Hungary – Politico ○ Parliaments and Governments Database
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Note. This table demonstrates the sources used for the analysis of the specific hypotheses in this research.

Table 2

Background Information on Hungary and Ireland

	Hungary	Ireland
<i>Location</i>	Central Europe	North-Western Europe
<i>Neighbouring countries</i>	Ukraine, Slovakia, Serbia, Croatia, Romania, Austria and Slovenia (Europa Nu, n.d.a)	Northern-Ireland (Province of the United Kingdom) (Bada, 2018)
<i>Inhabitants</i>	Ca. 10 million Covering 2,2% of EU population (CIA, 2020a; Europa Nu, n.d.a)	Ca. 5 million Covering 1,1% of EU population (CIA, 2020b; Europa Nu, n.d.b)
<i>Main religion</i>	Roman Catholicism (CIA, 2020a)	Roman Catholicism (CIA, 2020b)
<i>GDP</i>	143,826 Million Euro (2019) (Countryeconomy.com, n.d.a)	347,215 Million Euro (2019) (Countryeconomy.com, n.d.b)
<i>EU Member State since</i>	2004 (Europa.eu, n.d.)	1973 (Europa.eu, n.d.)

Note. Retrieved from different sources, see table.

Table 3

Public Opinion in Hungary on Immigration from People Outside of the EU Expressed in Percentages

<i>Public Opinion Hungary</i>	Very Positive	Fairly Positive	Fairly Negative	Very Negative	Do Not Know
November 2015	4%	12%	30%	51%	2%
May 2016	2%	12%	31%	52%	3%
November 2016	2%	13%	32%	49%	4%
May 2017	3%	13%	28%	50%	6%
November 2017	5%	15%	34%	43%	4%
March 2018	3%	13%	30%	51%	3%
November 2018	6%	15%	28%	47%	3%
June 2019	7%	20%	35%	35%	4%
November 2019	12%	22%	32%	31%	4%

Note. This table demonstrates public opinion on immigration from people outside the EU expressed in percentages in Hungary. Retrieved from European Commission Eurobarometer Interactive Public Opinion, May 19, 2020.

<https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Chart/getChart/chartType/lineChart/themeKy/59/groupKy/279/savFile/927>

Table 4

Public Opinion in Ireland on Immigration from People Outside of the EU Expressed in Percentages

<i>Public Opinion Ireland</i>	Very Positive	Fairly Positive	Fairly Negative	Very Negative	Do Not Know
November 2015	12%	37%	30%	14%	7%
May 2016	16%	37%	27%	15%	5%
November 2016	18%	38%	28%	10%	5%
May 2017	20%	42%	26%	7%	6%
November 2017	16%	42%	26%	12%	5%
March 2018	16%	48%	23%	8%	4%
November 2018	18%	41%	27%	8%	6%
June 2019	24%	48%	16%	6%	6%
November 2019	31%	42%	15%	7%	5%

Note. This table demonstrates public opinion on immigration from people outside the EU expressed in percentages in Ireland. Retrieved from European Commission Eurobarometer Interactive Public Opinion, May 19, 2020.

<https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Chart/getChart/chartType/lineChart/the meKy/59/groupKy/279/savFile/927>

Table 5

Number of Applications for Protection Status in Hungary and Ireland for the period between 2015 and 2019

<i>Number of Applications of Protection Status</i>	Hungary	Ireland
November 2015	175960	1770
2016	29432	2245
2017	3397	2910
2018	670	3673
2019	468	4781

Note. This table demonstrates the number of applications for protection status in Hungary and Ireland for the years 2015, 2016, 2017, 2018 and 2019. Retrieved from the Asylum Information Database (AIDA), May 23, 2020.

- *Specific note.* Data for the number of applications for protection status in Ireland in 2019 has been added on July 10, 2020 due to the recent publication of the 2019 numbers.