

**Agencification of the European Union's Migration Response:
A Precursor for Divergence Within the EU System?**

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Governance of Migration and Diversity - Public Administration

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Abstract

This thesis examines the agencification trend of the EU, and how it affects the EU's migration response and relationships between different EU institutions. Inspired by the existing literature on the effects of agencification, it aims to analyse the level of divergence that has taken place between the European Commission and the European Asylum Support Office. Divergence of EU agencies has implications on individual migrants, as well as member states and future governance solutions, making it a worthwhile issue to research. This thesis will rely on discourse analysis, as it allows for the in depth analysis of the objectives of the agency, as well as the European Commission. The results illustrate that divergence between the European Commission and EASO is taking place in various forms, despite the attempts to redirect the agency. This leads to the conclusion that agencification causes the European Commission to lose some of its control, as authority is given out to agencies instead.

Table of Contents

1. Introduction	6
2. Theoretical Framework	8
2.1. New Public Management & Agencification	8
2.2 Principal-Agent Theory	9
2.3 Migration & Discourse Studies	11
2.3.1 Reflexive Turn	11
2.3.2 Organisational Knowledge	11
3. Research Design & Methods	13
3.1. Research questions	13
3.2. Operationalisation	13
3.3 Methods	15
3.4. Data Collection & Sampling	16
3.5. Expectations of The Study	18
3.6. Ethical Considerations	18
4. Context	19
5. Findings & Data Analysis	20
5.1. Reasons for setting up EASO	20
5.2. Purpose of EASO's Annual Reports	21
5.3. Common Principles of Accountability	22
5.4. European Commission's Role in EASO's Management Board	23
5.5. Mission Creep	23
5.5.1. Budget	23
5.6.2. Social Media Involvement	26
5.6.3. Interviews	28
5.6.4 Vulnerability Assessment	35
5.7. Shirking	37
5.7.1. Third Country Involvement	37
5.7.2. Discourses	41
5.8. New Legislation	42
5.8.1. Early Warning and Preparedness System (EPS)	42
5.8.2. European Union Agency for Asylum	43

	4
5.9. Insulation	45
5.9.1 Expertise Discourse	45
6. Discussion	47
6.1. Bureaucratic Drift	47
6.2. Political Drift	49
7. Conclusion	51
7.1. Policy Recommendations	53
8. Bibliography	55
9. Appendix	62

List of Abbreviations:

DA - Discourse Analysis

EASO - European Asylum Support Office

EC - European Commission

EDPS - European Data Protection Supervisor

EP - European Parliament

EU- European Union

GAS - Greek Asylum Service

NPM - New Public Management

1. Introduction

Over the recent decades, new types of actors have emerged within Europe: EU Agencies. Currently, there are more than 30 EU Agencies, with more on the way (Trondal, 2014). In the 25 year history of EU agencies, they have become part and parcel of EU governance and its multi level administrative system by connecting and supervising their national counterparts (Monnet, 2018). These agencies were “once hailed as a major addition and as a professionalization of EU governance” (Monnet, 2018, 2), but recently the agencification of the EU polity has been brought into question. The agencies cover a wide variety of policy fields, have differing legal standings and powers, as well as funding provisions and staffing (Trondal, 2014). The agencies are also involved with various actors outside of the EU system. Although there can be considerable overlap between the domains of these agencies, the European Asylum Support Office (EASO) and Frontex work specifically in the field of migration.

Frontex is Europe’s border management agency. It is the older agency of the two, and has in particular been in the spotlight for its controversial treatment of migrants at the European borders. In 2011, Human Rights Watch called into question the actions of Frontex, when they supported the detention of migrants in Greece in inhumane and degrading conditions. The situation grew even more dire following the *M.S.S. v Belgium and Greece* case at the European Court of Human Rights, as it was evident that Frontex had knowingly assisted in placing migrants in such conditions (Mann, 2011). These criticisms have continued throughout the 2010s, and have escalated into European Anti-Fraud Office opening an investigation into Frontex for alleged harassment and migrant pushbacks (Barigazzi, 2021).

EASO, on the other hand, was established to support asylum-related cooperation between states and the implementation of the Common European Asylum System in 2011. Although EASO does not function directly at the European borders, and is not able to perform physical pushbacks or transfers of migrants, they can also have a tremendous impact on the asylum procedures. In 2018, the European Ombudsman questioned the involvement of the European Asylum Support Office in Greek asylum procedures. In particular, the concerns, in this case, were raised regarding “the quality of the admissibility interviews as well as about the procedural fairness of how they are conducted” (European Ombudsman, 2017, 9). This statement was the result of a claim that EASO has been acting outside its mandate, as it has effectively decided the admissibility of international protection applications by carrying out ‘admissibility

interviews' on the Greek islands (European Ombudsman, 2017). With these interviews, EASO is also claimed to violate the 'right to be heard' of the Charter of Fundamental Rights (European Ombudsman, 2017).

By merely examining these controversies, the publicity received by the EU's migration agencies displays the extent to which EU agencies operate in ways that are questioned by human rights actors and other EU institutions alike. It is evident that EU agencies can directly impact the lives of migrants, and make studying the functioning of these agencies a societally relevant topic. Furthermore, as an extension of the European Union, the actions of these agencies exercise the authority afforded to them by the European citizens and Member States, making their practices, accountability, and transparency relevant from the perspective of European governance and democracy. Thus, there are numerous justifications for further research into how, and under what ruleset, these agencies operate.

The issue of agencification has also been academically relevant as a result of the rise in the popularity of New Public Management (NPM) (Trondal, 2014). Although the popularity of NPM is not new, the European Union's 'agency fever' (Egeberg & Trondal, 2016) is relatively recent, making this 'fever' worth studying. In particular, the ever changing nature of EU agencies is evident, as existing research shows "that EU agencies have become more than non-regulatory facilitators of transnational regulatory networks and arenas for the exchange of information on 'best practice'" (Egeberg & Trondal, 2016, 3). At the core of the agencification discussion is the principal-agent theory, seeking to explain the relationship in which an agent acts on behalf of the principal (Kassim & Menon, 2003). Based on existing literature, a divergence in agenda and objectives in this relationship is likely, but not sufficiently studied when it comes to EU agencies (Keleman, 2002).

Thus, the focus of this thesis will be this divergence between EU institutions and agencies. This focus also ties in well with the aforementioned EU's migration agencies, as the public claims made against them suggest a divergence from EU's common practices and values. Contributing to the agencification literature, this thesis will examine how the relationship between different EU bodies functions. Improving the understanding of this relationship will hopefully allow the prevention of misconducts and violations of migrants' rights as well as improve European governance practices, thus contributing to societal wellbeing.

The thesis will be laid out as follows. In the second chapter, the theoretical framework surrounding agencies will be examined. This includes exploring new public management, as well as principal-agent theories, leading to the discussion of the core concepts of political and bureaucratic drift. Reflexive turn in migration and discourse studies will also be explored, along with literature regarding the importance of organisational knowledge. The third chapter will discuss the research design and methods. Within this chapter, the research questions, along with the operationalisation of the key indicators will be explained. Furthermore, the method of discourse analysis will be justified, and the data collection and sampling methods will be defined. Finally, the expectations of the study will be explored in a concise manner. In the fourth chapter, the history of EASO and the context of the thesis will be briefly discussed, before moving on to the findings and analysis in chapter five, structured thematically. Based on the findings and analysis, chapter six will include a discussion regarding the results of the discourse analysis. Finally, chapter seven will include a conclusion, further exploring the implications and limitations of the study, as well as policy recommendations and suggestions for future research.

2. Theoretical Framework

2.1. New Public Management & Agencification

Agencification is the core concept of this thesis. It originates mainly from the New Public Management (NPM) literature, although it does overlap with new institutionalist and intergovernmentalist theories (Migliorati, 2020). Since the 1980s, NPM has been increasingly used as a framework for modernising governments and the public sector in general (Hope Sr, 2000). Following the NPM mindset, public managers aim to provide an increasingly privatised and slimmed down government (Hope Sr, 2000).

Dictated by economic rationalism and the examples set by the private sector, NPM strives for efficiency in its governance solutions through performance targets and contracting out public services (Hope Sr, 2000). The institutional side of the NPM approach is “heavily influenced by the assumptions of public choice theory, principal-agent theory and transaction cost economics” (Hope Sr, 2000). With the heavy aim on efficiency and cost-effective performance, as well as being close to citizens with its services, NPM practices lead to decentralisation of governments, as this reduces political transaction costs (Hope Sr,

2000; Trondal, 2014). One popular way of decentralising large bureaucracies is by splitting them into task-specific agencies (Hope Sr, 2000).

Based on the NPM literature, an “agency” can be defined as an administrative body that is formally separated from the ‘central’ body, such as a ministerial department (Trondal, 2014). Agencies tend to perform specific services on behalf of the central body on a permanent basis, and are usually staffed with public servants and funded through the public budget of the central body (Trondal, 2014). Due to a focus on efficiency, the objectives of the contracts established between these and the central body are often defined in performative terms (McCourt, 2000). Agencies are usually granted a certain amount of autonomy in decision making, although the central body maintains a high degree of responsibility for the agency’s actions (Trondal, 2014). The phenomena of “agencification” can be thus defined as the trend of transferring specific tasks and activities from the central governing body to semi-autonomous agencies that are kept at ‘arms-length’ (Trondal, 2014).

Agencification at the EU level is seen to be a result of the need for new functions to be performed by the EU, all while the member states wish to limit the functions given directly to the European Commission and prevent further supranationalism (Migliorati, 2020; Ongaro et al., 2012). Thus, the emergence of the need to take on a new task leads to establishing a new agency to perform that specific task. Despite the fact that the concept of agencification was popularised by New Public Management literature and has received plenty of scrutiny, Trondal (2014) argues that the ‘European dimension’ of agencification has not received sufficient attention.

2.2 Principal-Agent Theory

NPM and agencification literature are heavily influenced by the principal-agent theory. As this thesis aims to examine the relationship between the central body and the agency, it will also draw on this theory. According to principal-agent theory, an actor, referred to as the principal, aims to create an extension of itself by means of delegating tasks to other actors, referred to as the agents (Braun & Guston, 2003). In this type of transaction, the principal needs to find an agent willing to accept resources in exchange for furthering the interests of the principal (Braun & Guston, 2003). Once an actor that is better suited for the task than the principal itself is found, the principal authorises the agent to act on its behalf, creating an “extension of self” (Coleman, 1994, 146).

However, as a result of this relationship, specific issues, known as the principal-agent problem, arise due to 'opportunism' (Braun & Guston, 2003). In this case, 'opportunism' means that "actors are self-interested and thus seek to maximise their personal welfare" (Braun & Guston, 2003, 303). In particular, this can be seen to be the result of informational advantage, or information asymmetry, as only the agent is fully in control of the information regarding the tasks delegated to it (Braun & Guston, 2003). Thus, due to transparency issues as a result of information asymmetry, the principal can never verify that the agent is truly furthering the principal's interest. This can lead to unexpected actions from the agent, as they may behave contrary to the principal's interests unbeknownst to the principal itself.

Although the principal-agent theory has been more utilised in the private sphere, applying it to public institutions, such as the EU and other bureaucratic agencies, adds a level of complexity that should be investigated. In particular, public institutions as the principals face two potential concerns when designing agencies. With the agents' and principals' simultaneous pursuit of their own interest, two so-called 'drifts' might take place between the principal and the agent. As argued by Keleman (2002), these are the bureaucratic drift and the political drift. When creating bureaucratic agencies, drifts are a commonly faced issue and lead to a divergence in agenda and objective between the principal and the agent (Keleman, 2002). While the principal-agent theory explains the initial reasons behind a drift taking place, Keleman's (2002) framework explains how a drift manifests itself, and what happens as a result of such a drift of bureaucratic agencies.

A 'bureaucratic drift' exists when the agent develops a policy and agenda that differs from that of the principal's (Keleman, 2002). A 'bureaucratic drift' can take many forms, such as shirking, slippage, and mission creep. In this case, shirking means that the agent is minimising its efforts to perform on the principal's behalf (Purcell, 2009). Slippage implies that the agent is moving away from the principal's preferred outcomes (Menz, 2015), while mission creep indicates moving beyond the original scope of the agent's skills and competences without the principal's request (Jonker & Meehan, 2008).

Meanwhile, a 'political drift' occurs when future holders of authority in the principal body direct an agency towards objectives that differ from those that were set for the agency when it was initially founded (Keleman, 2002). A political drift is dependent on changes in the objectives of the principal, and thus presents itself in ways of attempting to control the agency in order to change its objectives to align with the principal's. In particular, this may result in new legislation and reforms of agencies (Keleman, 2002).

This brings in the question of control and accountability over these agencies. The concept of drifts when discussing EU agencies has been deployed by Leonard (2009) in the case of Frontex, and by Ripoll Servent (2018) in the case of Frontex and EASO. However, both of these examine the ways in which principals aim to prevent the agency from drifting, such as budget control. This leaves a gap in the literature, particularly in the case of EASO, as much of it focuses on preventive measures instead of examining whether or not such a drift has actually taken place. Thus, this thesis aims to fill the gap to tell if such drifts exist.

2.3 Migration & Discourse Studies

2.3.1 Reflexive Turn

In the field of migration studies, various changes, criticisms, and self-reflections have taken place in the recent decades. For example, the naturalised notion of ethnic solidarity has been challenged by the critics of the ethnic lens, as has the primacy of methodological nationalism (Amelina, 2020). The emergence of intersectional approaches to research along with criticality towards contemporary migration governance and borders have also taken place (Amelina, 2020). Together, these criticisms of previously naturalised knowledge have, according to various scholars, constituted a so-called ‘reflexive turn’ in migration studies (Amelina, 2020). This reflexive turn “pertains to the basic assumptions and ideologies that shape knowledge production in this field” (Dahinden, Fischer & Menet, 2021). Although much of the discussion that has resulted from this reflexivity has focused on the knowledge created by academics, this thesis will examine ‘organisational knowledge’.

2.3.2 Organisational Knowledge

‘Organisational knowledge’ includes knowledge created by, among others, public offices and organisations involved in ‘migration industries’ (Amelina, 2020). More and more ‘knowledge based’

instruments and narratives are employed, particularly in the context of the EU (Hess, 2010). These are claimed to be ‘scientific’, ‘technical’, and most importantly, politically neutral (Hess, 2010). This governance through knowledge “converts political issues into target figures” (Bruno, Jacquot, & Mandin, 2006, 530), as organisations pass out ‘neutral information’, often under the banner of ‘best practices’ (Hess, 2010). Such instruments are not necessarily detrimental on their own, as “the main goal of the migration apparatus is to create grids of intelligibility that make the complexity of such situations comprehensive and the turbulence of human mobility sufficiently simple to enable administrative action” (Casas-Cortes et al., 2019). However, while it is perhaps necessary to make migration intelligible for policymakers, this form of knowledge production nevertheless constitutes a new mode of ‘soft governance’ that has various implications that ought to be examined (Hess, 2010).

Through their ‘expertise’, on which states and other organisations rely on, knowledge producers are able to gain authority in the field of migration (Casas-Cortes et al., 2019). This production is also often used to justify the existence of the actors, and among other things, to protect their funding and continuity (Campillo & Des Gasper, 2008). Although the production of migration knowledge has received some attention, it has not been spread out evenly across different organisations. In particular, the International Organization for Migration (IOM) has received a significant portion of this scrutiny when it comes to ‘knowledge producers’, while related organisations have received considerably less attention (Casas-Cortes, 2019). As a result, Campillo & Des Gasper (2008) invite future research to perform similar analyses on documents produced by other organisations involved in migration. This asymmetry calls for attention to be paid to regional actors, such as EASO, who are equally involved in migration knowledge production and guidance of other actors and states.

3. Research Design & Methods

3.1. Research questions

There are considerable gaps that have been established in the sections above. In particular, the gaps appear to be in examining the possible drift between the EU and its migration agencies, as well as in studying the actors that produce migration knowledge, and how these constitute to their authority and ‘soft governance’.

Thus, the following research question will be proposed:

“How has the agencification trend of the EU led to a divergence in asylum agenda and objectives between the European Commission and EASO since its creation in 2011?”

The following sub questions will also be included:

“What patterns of ‘drift’ are visible in the case of EASO and the EC?”

“How has the relationship between the EC and EASO developed over time?”

“Does EASO make use of its information asymmetry to legitimise a position of authority or autonomy?”

3.2. Operationalisation

In this section, a plan will be laid out for the operationalisation of the constructs of this research model. As the principal-agent theory, and bureaucratic and political drifts in particular, are at the core of the research, the operationalisation will heavily rely on it. As discussed above, the presence of these drifts

leads to specific behavioural patterns from the agent and the principal. In particular, indicators of bureaucratic drift can be observed in the actions of the agent, while political drift is more likely to be observed in the work of the principal. In the following table, these patterns are laid out, along with their observable indicators as guided by the literature in the previous chapter.

Table 1.

Type of Drift	Behavioural Pattern	Indicator of the Behaviour
Bureaucratic Drift	Mission Creep	-Attempts to take on new tasks -Attempts to increase budget -Going beyond mandate
Bureaucratic Drift	Shirking	-Failure to perform expected tasks -Minimizing efforts exerted on principals' behalf
Bureaucratic Drift	Slippage	-Shifting policies away from principals' preferred outcomes -Shifting policies towards own preferences -Sanctions for undesired actions
Bureaucratic Drift	Information Asymmetry	-EASO as the source of asylum information -Manipulation of information -Sources of information used to justify decisions

Political Drift	New Legislation	-Redefining agency's goals, structure, or rule-making procedures
Political Drift	Insulation	-Separation of politics and administration

3.3 Methods

As a method of choice, this thesis will rely on Discourse Analysis (DA). Ideas central to this approach include post-structuralism, as well as constructivism. Although language is often viewed as an accurate representation of the world (Kress, 1990), post-structuralism, particularly one popularised by Foucault, calls into question the objectivity of language and knowledge, and acknowledges their power in shaping reality (Choat, 2010; Stam, 2008). In his view, words and statements do not merely contain information, but rather, they generate knowledge (Radford & Radford, 2005). Furthermore, Foucault argued that knowledge and power are intertwined, and that “there is not knowledge on the one side and society on the other, or science and the state, but only the fundamental forms of knowledge/power” (Foucault, 1971, as cited in Sheridan, 1990, 129). A key concept in this knowledge and power regime is discourse, which “transmits and produces power” (Pitsoe & Letseka, 2013, 23). Meanwhile, constructivist theories, particularly from the domain of International Relations, tend to emphasize the role of language in constructing reality and power relations (Koschut, 2018). In relation to the topic of this thesis, these approaches view discourse as something that inherently shapes migration (van Dijk, 2018).

Therefore, DA complements the theoretical backdrop, as it examines the construction of power relations, the world around us (Gill, 2000), and the underlying meanings in a text (van Dijk, 1991). In particular, discourse can be used by institutions to legitimize and advance their own interests (Mayr, 2008). Using DA allows the examination of the ways in which the EC and EASO construct their objectives regarding

migration along with their respective roles and autonomy. Comparing these discourses will show whether or not the agendas and objectives of these institutions are diverging.

Specifically, the method of choice will be Fairclough's three-dimensional framework for the analysis of discourse. This includes analysing the text, the process in which it is produced and received, as well the socio historical conditions surrounding these processes (Janks, 1997). Although it aims to analyse the text on micro, meso and macro levels separately, they are interconnected. Furthermore, the core of the analysis is in interpreting the linguistic and rhetorical tools used in the text, and how they are tied to the context in which it was created (Janks, 1997).

To further assist with the analysis of the text on a micro level, Thomas N. Huckin's tools of critical discourse analysis are deployed in addition to Fairclough's framework. Huckin's (1997, 2002) critical reading of a text involves analysing larger, text-level features first, followed by smaller, word-level features. Based on Huckin's (1997, 2002) guidance, large features include discursive tools such as omission, framing, and presupposition, while smaller features consist of details such as metaphors and connotations. In summary, the thesis will rely on discourse analysis, and Fairclough's three dimensional framework, along with Huckin's tools of discourse analysis will be deployed to achieve an in-depth examination of the documents.

3.4. Data Collection & Sampling

For the purpose of this discourse analysis, documents created by the European Commission and EASO constitute the target population. However, not all documents are easily available, and thus a sample frame needs to be set. As a sample frame, this thesis will use publicly available documents from the websites of EASO itself as well as EUR-Lex, the official archive for public EU documents:

<https://www.easo.europa.eu/>

<https://eur-lex.europa.eu/>

As the establishment of EASO was first proposed in 2009, the timeframe is limited to 2009-2020. To further narrow down this population, this study will rely on 'flagship' documents published in english,

that is, the first or most well-known documents (Vardi & Vianu, 2013). Although the broad population of texts has been defined, it will have to be further sampled depending on units of analysis, such as themes and other relevant categories (Tischer et al, 2000).

For this, purposive sampling is used initially based on prior knowledge of the researcher, as it allows for a selection of information-rich texts (Etikan et al., 2015). Considering the research questions, this purposive sampling strategy will be used to identify documents from the aforementioned websites that explicitly discuss the formation and goals of EASO, the nature of the relationship between the EC and EASO, and the formation of the European Asylum Agency. A sampling structure without a fixed sample size will be used, as “the decision over what constitutes an adequate sample size to meet a study’s aims is one that is necessarily a process of ongoing interpretation by the researcher” (Sim et al., 2018, 630).

In terms of documents relating to the European Commission, the search function on <https://eur-lex.europa.eu/> is deployed. As the search engine allows for intricate selections to sort through the full population of public documents, the following criteria was established. As the European Commission is the institution under examination, the documents will be limited to those published by the EC. Based on the aforementioned purposive sampling strategy, the search was refined to documents that include “European Asylum Support Office” or “European Union Agency for Asylum” in the title. This process results in narrowing the material down to 17 documents to be analysed on the part of the EC. However, 2 of the documents will be excluded as they are vacancy postings, and thus do not fit the criteria of flagship documents. Thus, the number of documents comes down to 15.

Meanwhile, EASO has also been active in releasing publications on its website. Although there are various documents to choose from, the analysis of the drift requires a clear and consistent examination of the developments within EASO. In order to acquire such a sample of EASO publications, the Annual Activity Reports and Annual General Reports will be analysed, as they are one of the most consistent publications throughout the history of the organisation in terms of their format, and cover the issues related to the purposive sampling strategy. These eight reports cover the activities of the agency from the years 2019, 2018, 2017, 2016, 2015, 2014, 2013, and 2012. A full list of the aforementioned documents by the EC and EASO found using this sampling strategy can be found in the Appendix.

3.5. Expectations of The Study

The principal-agent theory establishes the importance of opportunism and self-interest in this type of institutional relationship. Furthermore, the common threat of a “drift” when creating agencies was also examined in the earlier sections. Based on this line of thinking in the theoretical literature, the expectation of this study is that a divergence in asylum agenda and objectives has taken place between the EC and EASO in the forms of political and bureaucratic drifts. Furthermore, based on the literature on the significance of knowledge production, it will be expected that if EASO shows self-interest, it will be justified by its ‘expertise’ in the field.

3.6. Ethical Considerations

Biases of the researcher are something that should always be taken into consideration, both when conducting and reading research. It is worth noting that discourse analysis has been criticised for its subjectivity, possibly allowing the researcher’s biases to affect the outcome, or to ‘cherry-pick’ texts (Lewin-Jones, 2017). However, following Smith’s (2007) advice, this research will aim to minimize the effects of the bias by applying a consistent methodological approach.

4. Context

Although the European Asylum Support Office has only existed for a decade, the roots of the agency can be traced further back. Its foundation can be argued to be the result of changes that took place in 1999, when the Common European Asylum System (CEAS) was created as a result of a meeting of the European Council in Tampere, Finland (European Asylum Support Office, n.d.).

As a result of the EU member states creating an area with open borders and freedom of movement, the CEAS sets out shared standards regarding the treatment of asylum seekers in the European Union. The aim of numerous directives, such as the Asylum Procedures Directive and the Qualifications Directive, was to ensure that regardless of the country, asylum-seekers would be treated in following the same ruleset, ensuring fair and equal treatment (European Commission, n.d.). Nevertheless, throughout the 2000s, the treatment of asylum-seekers varied greatly between EU member states (Europa Press Release, 2008). To demonstrate, the chance of Iraqi asylum-seekers obtaining international protection varied between 71% in some member states, and 2% in others (Europa Press Release, 2008). Soon it was realised that there was a need for increased cooperation between member states in order to ensure the equal treatment set forth in the various Directives .

As a result, in 2004, the European Council, through the Hague Programme, suggested setting up a support office to increase cooperation between member states in relation to the CEAS (Vianello, 2011). In a 2007 green paper, this need for policy and practical convergence was further emphasized. The green paper suggested that preliminary activities to enhance convergence should be carried out by the previously suggested Asylum Support Office (Vianello, 2011). As a final push towards the creation of EASO, the European Commission stated in its 2008 Policy Plan on Asylum that “legal harmonisation [has to be accompanied] with effective practical cooperation” (European Commission, 2008, 6). During this formation process, the likes of The Commission Officer Françoise Comte made it clear that convergence of practices was the main reason behind the intention to create EASO (Vianello, 2011). On 19 May 2010, a regulation to formally establish the agency was put forth. ‘Regulation 439/2010 of the European Parliament and of the Council’ came into force the same year (European Asylum Support Office, n.d.). The following year, 2011, EASO became operational, with its headquarters being located in Valletta, Malta (European Asylum Support Office, n.d.).

5. Findings & Data Analysis

5.1. Reasons for Setting Up EASO

In order to examine converging and diverging paths of EASO and the European Commission, it is necessary to thoroughly examine the foundational documents and processes of the agency as a starting point for the analysis. In particular, this examination sheds light on the initial goals and reasons behind establishing EASO, along with its intended tasks.

These attributes are addressed in the ‘Explanatory Memorandum’ chapter of the *Proposal for a Regulation of the European Parliament and of the Council establishing a European Asylum Support Office*, as it declares the grounds and the objectives of the proposal. In this chapter, the Commission proposes the establishment of a ‘regulatory agency’ that “will be given responsibility for facilitating and strengthening practical cooperation between Member States on asylum and helping to improve implementation of the common asylum system” (European Commission, 2009, 2). In addition to the responsibilities outlined above, EASO will focus on the following three tasks: “supporting practical cooperation on asylum, supporting Member States under particular pressure and contributing to the implementation of the Common European Asylum System.” (European Commission, 2009, 4).

In the discussion of EU agencies, it should be noted that the Commission has identified two different classifications of agencies: ‘executive’ and ‘regulatory’. ‘Executive’ agencies are set up and managed by the European Commission for a limited time period, as they manage tasks related to community programmes (ESO, 2013). Meanwhile, ‘regulatory’ agencies are independent, as they have their own legal personalities and legal basis (ESO, 2013). They are set up to meet specific needs and have no general rule book regarding their creation and operation (ESO, 2013).

From these extracts, the main tasks, the actors involved, along with the domain of the work of the Agency can be identified. Thus, the tasks of the Agency should revolve around improving practical cooperation between admitted EU Member States, along with supporting the Member States under ‘particular

pressure'. These tasks should be within the domain and implementation of the CEAS. In the text, the need for such an Agency is also identified, as Member States have different legislative and non-legislative practices, as well as different information on the countries of origin. When examining the three main tasks of the Agency, the beneficiaries of these tasks are the Member States who receive direct support, and the European Union, whose legislation and policies in the form of the CEAS are being implemented with the support of the Agency. In addition to being beneficiaries of the Agency's work, Member States are also the subject's of EASO's work, as the Agency attempts to shape how Member States' asylum procedures function. It is worth noting that asylum-seekers themselves are not mentioned in the summary of the Agency's tasks or seen as beneficiaries, despite being greatly influenced by the Agency's work. This information establishes a baseline that can be used to gauge the development of EASO's and the EC's objectives over the years, and to examine if any discrepancies arise.

5.2. Purpose of EASO's Annual Reports

Following Fairclough's three-dimensional framework, the process through which a text is created and received ought to be examined. Although the Annual Reports are being published on EASO's website to provide an overview of the activities of the Agency, they also serve an important purpose in the relations between the European Commission and EASO itself. As stated in the 2009 proposal: "The Office shall draw up an annual report on the situation of asylum in the European Union. As part of this report, the Office shall evaluate the results of activities carried out under this Regulation" (EC, 2009, 16). While this excerpt merely describes the contents of the report, the following can be seen to explain that the purpose of it is to "adopt the annual general report on the Office's activities and forward it by 15 June of the following year at the latest to the European Parliament, the Council, the Commission and the European Court of Auditors; the general report shall be made public;" (EC, 2009, 22).

Thus, when examining the processes in which EASO's publications are produced and received, it becomes clear that the main intended audience of the reports are the different EU institutions. This is particularly evident due to the foregrounding of the European Parliament, the Council, the Commission, and the European Court of Auditors, all while making the report public is secondary, despite being accessible on the Agency's website. Furthermore, as requested by the EC, the scope of the content of the

reports does not necessarily involve all activities carried out by the Agency, but rather only “the activities carried out under this Regulation” (EC, 2009, 16). This distinction is important, as it leaves out activities performed by EASO that are not included in the Regulation. It also greatly increases the ambiguity of what EASO is expected to include in its reports, as the name ‘Annual Activity Report’ misguidedly suggests that all of the Agency’s annual activities are included, despite this not being the case. It is important to recognise that the annual reports analysed in this thesis are created by EASO, and mainly for the consumption of the EU institutions to follow and evaluate the activities of the Agency. Thus, they may have been tailored towards meeting the expectations of these institutions, instead of providing the full scope of EASO’s activities.

5.3. Common Principles of Accountability

In order to understand the importance of these reports discussed above, the common principles of accountability when it comes to EU Agencies need to be examined, as they further explain the circumstances in which the various texts are created. These common principles of accountability also provide information regarding the control tools that the European Commission has in its disposal. They are the ex-ante and ex-post control principles set out in the Common Approach (European Parliamentary Research Service, 2018). As detailed by the Common Approach, “ex-ante control is determined by the legal boundaries set in the founding regulations of agencies, as already indicated above, such as the scope of action, powers, finances and the determination and position of the agencies’ principals as well as the general principles that apply to or are declared applicable to agencies” (European Parliamentary Research Service, 2018, 51).

Ex-post control, on the other hand, relies on the Annual Reports created by the Agency’s Management Board and “submitted by the director to the Commission, the European Parliament, the Court of Auditors and the Council” (European Parliamentary Research Service, 2018, 51). Thus, the Annual Reports play a crucial role in ex-post control, as they communicate the Agency’s activities to the principal body, European Commission. Meanwhile, the documents created by the EC that are examined in this thesis shed light on the ex-ante forms of control practiced by the European Commission.

5.4. European Commission's Role in EASO's Management Board

When it comes to determining the direction that the Agency will take throughout its lifetime, the internal structures and decision making processes are pivotal. EASO, like other agencies, has a Management Board that directs and manages the Agency. The Board is “composed of representatives of the Member States and the Commission” (EC, 2009, 4). Within this board, each Member State has one vote, while the Commission has two votes. (EC, 2009, 7). The UNHCR is included in the Management Board as a non-voting member, due to “its expertise in the field of asylum” (EC, 2009, 10).

The reason for such a set-up when it comes to the Agency's structure is that “the Commission and the Member States should be represented on a Management Board in order to control effectively the working of the Office.” (EC, 2009, 10). Although in this excerpt, the Commission is mentioned first, and as an equal to the Member States, this set-up is essential in determining the balance of power within the Agency. The EU has 27 Member States, with one vote each, while the European Commission only has two votes in total. Thus, within the Management Board of the Agency, the European Commission does not hold much power.

5.5. Mission Creep

5.5.1. Budget

A recurring topic throughout the documents establishing EASO, as well as the Annual Reports by the Agency itself is its budget. As established from the start, EASO has been given its own budget in order to “ensure the Office's full autonomy and independence” (EC, 2009, 11). This portrays the budget as a deciding factor in maintaining “autonomy and independence”. However, when examined in conjunction with the aforementioned structure of the Management Board and the power held by the Member States, ‘autonomous’ and ‘independent’ are arguably not accurate labels to describe the Agency, regardless of the budget.

Nevertheless, the budget is still crucial for the functioning of the Agency and part of the ex-ante control toolbox, and thus worth examining. It is mainly derived from the budget of the European Community, as is the case for many other agencies, along with contributions from the Member States and charges for

services provided by EASO (EC, 2009). The annual budget also needs to be approved by the Management Board, the European Commission, the European Parliament along with the Council before it is finalised (EC, 2009, 27). Despite the approval process, the estimates of revenues and expenditures for each financial year are initially drawn up by the Executive Director. Unlike the Management Board, the Executive Director is not directly influenced by Member States or the European Commission, but rather is the independent manager and legal representative of the Office. As a result, the Executive Director, and thus the Office itself, has a certain amount of control over its budgetary developments, despite being mainly funded by the Community Budget. Even if the approving bodies do not agree on increased funding requests by the Executive Director, the Director's independence means that EASO is able to make critical statements regarding its position on the budget. This ability to take a stance on the budget becomes evident when examining the Agency's Annual Reports.

In 2012, when the Office first gained financial independence, its budget was EUR 10 million, and its staff numbers increased significantly from 18 to 58 (EASO, 2012, 5). However, the requested budget by EASO for 2012 was EUR 12 million, instead of 10 million, and the budget and number of staff had to be further reduced in 2013. In this very first Annual Report, the Office's displeasure regarding its funding is evident, along with its interest towards growth not only in terms of budgetary increases, but also in terms of its tasks.

In the report, EASO makes the claim that it "could only concentrate on small tasks within the external dimension" (EASO, 2012, 17). A reason given by EASO for this limited capacity as well as the inability to achieve its preferred impact and fulfill its mandate is simple, as it is "due to the limited budget and staff available during the year" (EASO, 2012, 17). Thus, the very first Annual Report displays the mismatch in expectations between the agent and the principal. It also shows that the Agency is capable of openly criticising the bodies that it is dependent on for funding, and willing to shift the blame for its perceived inefficiencies to these funding bodies. This direct causal relationship between the budget and EASO's work is further implied in the 2013 report, as the Office "was impacted by budgetary constraints which resulted in reductions to the initially foreseen human and budgetary resources." (EASO, 2013, 10). 2013 is also the year when EASO's budget was first raised, to EUR 12 million, allowing the recruitment of 15 new staff members, raising the total to 71 (EASO, 2013, 35). Both changes showcase the Office's enthusiasm to increase its size and capacity when given the opportunity.

In 2014, the budget was raised to 15.6 million (EASO, 2014, 29), while the number of staff rose once

again to 79 (EASO, 2014, 29). Despite the consecutive increases of the budget, the Office once again stated that it “was impacted by budgetary constraints, which resulted in a limited reduction of the initially foreseen human and budgetary resources.” (EASO, 2014, 9). Thus, the two trends of simultaneous increases in budget, along with the continued criticism and comments on budgetary constraints have consistently continued.

Despite the continuous claims of budgetary constraints, the increases in funding, which allowed the Office to grow in size, were relatively gradual in the early years. It was not until 2015, and the EU-Turkey Statement made following the increased flow of migrants to Europe, that led to its rapid growth. As stated in the 2016 Annual Report: “EASO’s role in the implementation of the EU-Turkey Statement in Greece, including the deployment of hundreds of experts and interpreters as well as the contracting of ancillary services, exponentially increased EASO’s operational expenditure well above any previous budget estimates” (EASO, 2016, 10). In practice, this meant that EASO nearly tripled its budget within a year, as it began 2016 with a budget of 19.3 million, and finished the year with a budget of 53.1 million (EASO, 2016).

In addition to increases in the annual budget, EASO received Emergency Assistance - AMIF funds in order to have the funds to implement the EU-Turkey Joint Action Plan (EASO, 2016, 10). In the following year, EASO continued to exceed its expenditure estimates. 2017 started with a budget of 69.2 million, but following two consecutive amendments, it was increased by 13.78 and 6.17 million respectively (EASO, 2017). Despite such rapid increase in budget in a short time-frame, EASO deems the increase “necessary” to fund a number of new activities (EASO, 2017, 14).

Thus, it becomes clear from the examination of the budgetary developments and their justifications, that throughout its lifetime, EASO has attempted to increase its budget by referring to lack of funding as a reason for lacking success in various aspects of work dictated in its mandate. Furthermore, this lack of sufficient increases in funding has led to criticisms towards the principal body, and other EU institutions, namely the European Parliament.

5.6.2. Social Media Involvement

As outlined above, EASO has a particular mandate and a founding regulation which establish the scope of its work and the focus of its tasks. These have been proposed by the European Commission. Although foundational documents establishing the EASO's mandate have remained the same, the Agency has introduced a number of new tasks, evident in the Annual Reports. Some of the new tasks remain strictly within the established scope of the Agency, others introduce new responsibilities and domains, and some arguably take the Agency entirely outside of its original mandate. In the following, the tasks that push the limits of the Agency's established mandate will be examined, along with how the Agency portrays and justifies them in its Annual Reports. One of the more arbitrary ways in which EASO has extended the scope of its tasks is through its social media involvement. This involvement can be divided into two distinct categories: social media monitoring and social media campaigns, neither of which strictly align with the tasks established in the European Commission's documents.

The social media monitoring activities were introduced in 2016, as the Agency chose to transfer and adopt the similar activities originally organised by the UNHCR (EASO, 2016). These activities are used to monitor refugee activities, routes, and conditions using social media. The findings made through these channels are reported to the Member States, EU institutions, and the UNHCR. A year after adopting the monitoring responsibilities, the agency expanded its monitoring capacity, "both by adding languages and by developing additional report types (thematic and ad hoc)" (EASO, 2018, 34). During the year, this "specialised team in EASO produced 47 weekly reports, eight analytical reports, five thematic reports and five ad hoc reports" (EASO, 2018, 34). Thus, in addition to taking over the task from UNHCR, EASO has also increased the capacity of the social media monitoring programme.

The social media monitoring programme of EASO has since then been under scrutiny, particularly by the European Data Protection Supervisor. Reasons for the scrutiny are twofold. First, EU institutions are bound by the 2016 General Data Protection Regulation. The monitoring programme runs into issues with the GDPR, as it relies on sensitive personal data collected about migrants, without informing said migrants about the collection (Fanta, 2019), thus going against the Regulation.

Second, the programme does not seem to match the mandate set out for the agency, and thus lacks a legal basis. In the consultation between the EDPS and EASO, the Agency referred to articles 8, 9, and 11 of its founding regulation to justify the social media monitoring programme (European Data Protection Supervisor, 2019). Article 8 refers to ‘particular pressure on the asylum and reception system’, article 9 refers to ‘gathering and analysing information’, while Article 11 addresses ‘gathering and exchanging information’ (EC, 2009). Although opposed by EASO itself, EDPS ruled that upon further examination, the founding regulation of EASO does not provide a legal basis for this operation, as “the collection of information on cross-border crime such as migrants smuggling and human trafficking further falls out of the scope of EASO’s mandate” (European Data Protection Supervisor, 2019, 5). As a result of the investigation by the EDPS into the social media monitoring programme by EASO, the Supervisor made use of its “corrective power under Article 58(2) of the Regulation to impose a temporary ban on the processing operation at hand” (European Data Protection Supervisor, 2019, 10).

The other new tasks relating to social media that were introduced by EASO relate to social media campaigns. These campaigns were first launched in 2017. With the goal “to inform migrants or potential migrants from Nigeria about asylum in the EU”, the campaign was extended in 2018 after “having exceeded all its benchmarks” (EASO, 2018, 34). The campaign is framed as being mainly beneficial to migrants or potential migrants themselves through being labeled as ‘informative’. Furthermore, it presupposes that migrants do not know about asylum in the EU. However, like the social media monitoring campaigns, these informational campaigns do not align with the original and established mandate and goals of the agency.

In particular, it is noted that EASO “should also cooperate with the competent authorities of third countries, international organisations competent in matters covered by this Regulation and third countries in the framework of working arrangements concluded in accordance with the relevant provisions of the Treaty” (EC, 2009, 10). However, within this informational social media campaign, these requirements do not appear to be met. First, the campaign is taking place outside of the EU, and it appears that EASO is not actively cooperating with ‘competent authorities of third countries’ in order to meet its goals. Second, informational campaigns on social media are not covered in any of the European Commission’s documents, making social media campaigns an entirely new and self-introduced territory for EASO.

Although a new domain for EASO, the Agency is not the first actor to make use of such campaigns in the region. The International Organization for Migration (IOM) has utilized media campaigns in Libya to

inform would-be migrants about the risks involved. The IOM's campaigns are also framed as 'awareness campaigns' by the organisation. Nevertheless, the message is always the same, as "migration is presented under its most negative aspects, in order to dissuade possible candidates" (Brachet, 2015, 277). Although information regarding EASO's campaigns in Nigeria is scarce, the Agency's framing of its own campaigns is reminiscent of the IOM. Thus, similarly to the IOM, the campaign could be argued to be a new preventive measure related to the emergence of migration management and the securitization of migration on an EU level, rather than directly related to EASO's original activities.

When discussing both social media monitoring, as well as social media campaigns, the Agency is sparse with details. The fact that both activities receive little emphasis and attention is perhaps to be expected, as the reports may be geared towards the EC, and these activities fall outside the scope of what the EC expects of the Agency. Nevertheless, the backgrounding and omission of details is evident, as these activities are discussed in single paragraphs, and the reports do not provide an overview of what the activities aim to achieve. For example, even as the social media campaign in Nigeria "exceeded all its benchmarks" (EASO, 2018, 34), these benchmarks, along with other ways of measuring its success are omitted. Furthermore, the methods through which monitoring and campaigns are performed are omitted. This increases the ambiguity of such activities, as social media is certainly a new realm for EASO's activities, and the ways in which their work within this realm is conducted has not been standardized over time, or straight-forward by any means. Most importantly, however, in both cases the Agency is appearing to extend the scope of its works by either introducing or simply taking over tasks that are not included in its initial mandate.

5.6.3. Interviews

One of the most significant pieces of new tasks introduced by EASO over the decade of its existence relates to its involvement in asylum interviews. What makes the introduction of such tasks so significant is that in the original proposal to establish EASO, its involvement in such matters is significantly limited. It is stated that "the Office should not have any direct or indirect powers in the taking of decisions by Member State authorities on individual applications for international protection" (EC, 2009, 8). Although it appears that the Agency followed this rule strictly in the initial years following its establishment, the power it chose to hold over individual asylum decisions increased significantly after the halfway point of

the decade, in the midst of an increased flow of migrants to Europe. In the 2016 Report, EASO notes that it performed 6774 interviews in Greece, something that in the 2016 Report is seen as one of EASO's main results in Greece in that year. In particular, it is mentioned that the interviews were "performed under the implementation of the EU-Turkey Statement" (EASO, 2016, 14).

The numbers significantly increased in the following year, as "9,134 interviews were performed by EASO asylum support teams in Greece under the implementation of the EU-Turkey Statement, as well as 645 vulnerability interviews and 2,274 vulnerability assessments in the framework of admissibility and eligibility procedures and the merged workflow" (EASO, 2017, 26). Differing from 2016, in addition to the asylum interviews, EASO was also involved in vulnerability interviews and vulnerability assessments. This shows the significant increase in the involvement of EASO in individual asylum decisions. Although these new tasks were mainly introduced in the Greek hotspots, similar efforts took place in other European countries as well. In Italy, for example, EASO performed 1598 pre-identifications for vulnerability in 2018 (EASO, 2018, 10).

This involvement is perhaps the most substantial departure from the original purpose of the agency. Nevertheless, this is not evident in the Annual Reports by EASO. These tasks are discussed under the subheading of "Helping Greece to cope with arrivals from Turkey" (EASO, 2017, 23). This title actively classifies the tasks as 'help' to an EU Member State (Greece) that has to deal with arrivals from a third country (Turkey). This classification also emphasises EASO's supporting role and 'help' as something urgent and obligatory, instead of an expansion of their mandate or an introduction of new tasks out of choice. The Report goes on to state that "EASO has provided support to the Greek authorities in EU-Turkey statement implementation on the Greek islands." (EASO, 2017, 23). Thus, with use of 'support' as the key activity, the issue is further framed as falling within EASO's responsibility to support Member States under particular pressure. Furthermore, the need for this help is explained to be a particular result of the EU-Turkey statement, thus externalising the demand for the expansion of tasks, and placing the decision to be involved outside of EASO's control.

EASO explains its involvement in interviews in the following:

“In 2017, this support was increased with interim caseworkers to support the interview procedure on the islands, the secondment of interim registration assistants to the GAS and the secondment of interim assistant legal rapporteurs to the independent appeals committees to prepare files in support of the processing of asylum claims at the second instance of the asylum procedure. EASO caseworkers and interpreters provided support in performing 9 134 asylum interviews and drafting concluding remarks under the border procedure.” (EASO, 2017, 22-23)

Considering the importance of the support given to Greece, along with the fundamental nature of the changes brought along with this support, the report does not dedicate much space to explaining the intricacies of this arrangement. In particular, this lack of detail applies to the specifics of these interview processes and arrangements, and how they emerged in the first place, despite not being included in the reports leading up to 2015 or discussed before. Rather, despite the extensiveness of the annual reports, these interviews are only mentioned in a few sentences, or only included at the bottom of a table listing EASO’s results in Greece in 2017 (EASO, 2017, 22). This minimal attention and omission of detail suggests that they are rather mundane or trivial, best conveyed through numbers, such as the 9134 interviews performed. Furthermore, with the European institutions as target audience, the intricacies of interviews might not be of particular interest, leading it to be left out. However, despite the mundane approach to this new task maintained by EASO, its emergence and intricacies should be examined to determine how they change the functions and powers of the organisation.

The Report states that performing interviews emerged as a result of the EU-Turkey statement. This statement took place in 2016, as EU and Turkey reached a significant agreement regarding migrants crossing the European Union border from Turkey. The aim of the agreement was to reduce pressure on the European borders. Although the statement consists of many action points, the most important ones relate to returning irregular migrants from Greece to Turkey, the prevention of irregular departures from Turkey to the EU, as well as the resettlement of Syrians from Turkey to the EU (EASO, 2020). The various measures of the deal are to be implemented not only by states, but also by EU agencies (European Council, 2016).

In order to implement the different measures of the statement, the so-called ‘hotspot’ areas were used. These areas are located on the Greek islands of Lesbos, Samos, Chios, Kos, and Leros (Masouridou & Kyprioti, 2018). Following the EU-Turkey Statement, a “new measure called ‘HEL 4: Support with the implementation of the admissibility procedure’ was added to the ‘EASO Hotspot Operating Plan to Greece’” (Masouridou & Kyprioti, 2018, 10). The purpose of the new measure was to offer technical support to the Greek authorities (Masouridou & Kyprioti, 2018). Included in this measure was the deployment of EASO experts “in order to conduct admissibility interviews and recommend decisions to the Greek Asylum Service” (Masouridou & Kyprioti, 2018, 10). In addition, it was later decided that “support is to be provided to undertake eligibility/full asylum examination procedure for nationalities with low recognition rates.” (EASO, 2016b, 8). Thus, the chain of events from the EU-Turkey deal to EASO performing asylum interviews is clear.

Nevertheless, the specifics of EASO’s responsibilities within this domain and in the hotspots remain unclear. This is partly due to the fact that EASO’s participation in Greek asylum processes is not governed through the same domestic legal regime that applies to the Greek Asylum Service (Masouridou & Kyprioti, 2018). Rather, it’s actions are guided by the Agency’s internal non-public instructions and internal standard operating procedures (Masouridou & Kyprioti, 2018). In order to determine how well EASO’s actions in the hotspots fit within its mandate, the specifics of this arrangement need to be examined.

Although it is within EASO’s mandate to “support Member States under particular pressure” (EC, 2009, 6), it can be brought into question whether or not the recently established activities fit into this category. Although the Member States in which EASO is performing these interviews and assessments are arguably under sufficient pressure to receive support from EASO, the ways in which they are supported appear to clash with the limitations to the Agency’s legal authority and capabilities. Analysing this clash requires the examination of the original proposal, in which it is stated that “the Office should not have any direct or indirect powers in the taking of decisions by Member State authorities on individual applications for international protection.” (EC, 2009, 8).

Under normal circumstances, the asylum interviews are performed by the asylum authorities of the member state. In the case of Greece, they would be the responsibility of the Greek Asylum Service (GAS). In the process of seeking asylum, the asylum interview is instrumental for the Asylum Service in

determining the decision regarding the asylum application and possible refugee status. As stated by the UNHCR Greece: “After the interview, the Asylum Service will make a decision about your application after taking into account your statements during your personal interview, the evidence you have submitted in order to justify your case, information in relevance with your country of origin and all the elements included in your administrative file.” (UNHCR Greece, 2021, para. 26) This demonstrates the importance that the asylum interview has regarding individual cases. By performing asylum interviews, EASO brings its own legal boundaries and limits into question, as these activities are not consistently covered in the legal framework of EASO, but are rather governed by various disconnected policy documents and guidebooks.

A Greek law announced in 2016, known as the Fast-Track Border Procedure, led to a significant change in the Greek asylum processes (Asylum Information Database, 2019, 29). As a result, the domestic legislation accepted the assistance from EASO to the Greek Asylum Service (GAS) in situations where “third-country nationals or stateless persons arrive in large numbers” (Asylum Information Database, 2019, 29). Subsequently, it was stipulated that EASO caseworkers would specifically be allowed, as per the Greek domestic legislation, to conduct asylum interviews (Asylum Information Database, 2019, 29).

This change puts EASO caseworkers in the center of the Greek asylum process, even though EASO does not directly make a decision regarding the status of individual asylum applicants. Rather, EASO caseworkers perform the interviews individually, and based on the interviews, they give an opinion to the GAS (Asylum Information Database, 2019, 95). The Asylum Service then makes a decision based on this recommendation. However, as stated in the Asylum Information Database by ECRE, “the issuance of an opinion / recommendation by EASO personnel to the Asylum Service is not foreseen by any provision in national law and thus lacks legal basis” (Asylum Information Database, 2019, 96). In addition to the recommendation lacking a legal basis, the applicant for international protection is likely to not meet a caseworker of the Asylum Services during the entire asylum process if the interviews are handled by EASO (Asylum Information Database, 2019, 96). Thus, asylum decisions can be made without any direct contact between GAS and the asylum seeker, while relying solely on the EASO recommendation (Asylum Information Database, 2019, 96).

This issue regarding EASO’s involvement has been raised on a European level by the European Ombudsman, as well as the European Center for Constitutional and Human Rights. In particular, the European Ombudsman states that by deploying EASO in joint processing of asylum applications with

member states, the Agency “is being encouraged politically to act in a way which is, arguably, not in line with its existing statutory role” (European Ombudsman, 2018, 7). The Ombudsman also refers to the original regulation stating that the Office shall not have any direct or indirect powers. Similarly, the European Center for Constitutional and Human rights argues that EASO’s Regulation limits the Agency’s competences in this area (European Center for Constitutional and Human Rights, 2019). As a result, EASO’s actions violate article 4 of the European Code of Good Administrative Behaviour, a resolution put forth by the European Parliament in 2001 to ensure shared administrative standards by the European Union Institutions (European Ombudsman, 2001). In particular, Article 4 stipulates that: “The official shall act according to law and apply the rules and procedures laid down in EU legislation. The official shall in particular take care to ensure that decisions which affect the rights or interests of individuals have a basis in law and that their content complies with the law” (European Ombudsman, 2002, 14). Thus, by participating in interviews, EASO is argued to violate the shared administrative standards.

As discussed above, the final decision regarding asylum status is made by GAS, based on the recommendation by EASO. Thus, it could be argued that EASO does not hold any de jure power in the Greek asylum process. However, by performing these interviews, it nevertheless holds de facto power, as its recommendation dictates, to a considerable extent, the outcome of the application.

This de facto power brought by the performing the interviews is further amplified by the interviews being performed following guidelines and interview techniques established by EASO themselves. This, however, is not addressed in the Annual Reports. According to a 2018 report ‘EASO’s Operation on the Greek Hotspots: An overlooked consequence of the EU-Turkey Deal’ by HIAS and Islamic Relief USA, the interview process and EASO’s involvement in it is much more intricate than what the Annual Reports show. In particular,

“EASO staff set the atmosphere of the interview, explain the procedure to the applicant and control the interview and the interpreter; EASO formulates and asks the questions and applies the interview techniques they consider necessary for the examination of the asylum claim; the EASO caseworkers confront possible contradictions and they keep the transcript, which, in the absence of audio recording, is usually the only record of the articulated claim; they request and collect the relevant evidence; they are in charge of the vulnerability referrals and assessment as seen above and they are expected to identify potential cases under Regulation 604/2013 (‘Dublin cases’).” (HIAS, 2018, 3)

In addition to reports by third-party observers, guidelines by the Agency itself, such as the “EASO Practical Guide: Evidence Assessment”, expect the interviewer to assess the credibility of the applicant's statements against specific indicators. These ‘credibility indicators’ include details, specificity, and consistency (European Asylum Support Office, 2015). Thus, performing these interviews goes beyond collecting data relevant to the asylum decision, as the EASO caseworkers are also expected to make a judgement regarding the credibility of the applicants’ claims. Following the interview, EASO caseworkers give an ‘opinion’ regarding the application to the GAS, including a summary of the material facts, vulnerability assessment, credibility assessment, along with an assessment of persecution/serious harm. (HIAS, 2018, 3).

Another key issue with EASO’s involvement relates to language. Once again discussing the case of Greece, it will become evident that EASO’s de facto expansion has a multitude of practical consequences. Despite assisting Greece by performing asylum interviews, the interviews performed by EASO are conducted in english. Similarly, the opinions given by EASO as a result of these interviews are also given in english (HIAS, 2018, 4). This makes EASO’s involvement all the more problematic, as the asylum seekers going through the greek asylum procedures have the right to consult a legal counsellor. As stipulated in Article 52(5) of the Greek Law 4375 of 2016, the applicant is to be “given a reasonable amount of time in order to sufficiently prepare and to consult a legal or other counsellor who shall assist him/her during the procedure” (Law 4375, 2016). As a result of the asylum procedure taking place in Greece, the applicants are likely to be represented by Greek lawyers. These lawyers are then expected to represent the applicants in english, which, by virtue of not being their native language, may severely affect the quality of representation given to the applicants, further complicating the effect of EASO’s involvement (HIAS, 2018).

Considering the importance of the interviews in the asylum process, all these factors place EASO in the center of the Greek asylum procedure. Despite the significance of these new tasks to individual asylum seekers, as well as the legal ambiguity of performing these interviews, as demonstrated by the involvement of the European Ombudsman and criticism by other actors, they receive very little attention in the Agency’s own publications. Moreover, they have continued for multiple years in a row and add up to a significant portion of the interviews performed in the Greek hotspots, with the portion being 68% in 2017 (EASO, 2017, 22).

Although these issues are arguably significant in their own right, they need to be examined in comparison

with the original proposal by the European Commission. As stated above, “the Office should not have any direct or indirect powers in the taking of decisions by Member State authorities on individual applications for international protection.” (EC, 2009, 8). In this examination, an issue arises, as the terms ‘direct’ or ‘indirect power’ are not strictly defined, even when examining case-law from the Court of Justice of the European Union (Tsourdi, 2016, 1024). Furthermore, as the deployed experts of EASO only formulate opinions, the ‘opinion’ of the caseworkers deployed by EASO are not legally binding. Rather, making of the actual decision regarding an application still remains on the Greek Asylum Service, despite not being involved in the asylum interviews. These aspects showcase the difficulties of determining the legal limits of EASO’s mandate in Member States.

However, when looking at all the aforementioned ways in which EASO alters and is involved in the Greek asylum procedures, it could be argued that as a result of introducing these new tasks, EASO has indirect powers regarding the individual applications for international protection. As put forth by Tsourdi (2016, 1024), “emitting an opinion, even a non-binding one, on an individual case, on the basis of an independently conducted interview arguably qualifies at least as an ‘indirect power’”. Thus, it should be questioned whether performing these interviews can still be considered to be support to a member state under particular pressure, or the transfer of de facto decision making powers to the Agency.

5.6.4 Vulnerability Assessment

A matter closely related to the aforementioned interviews, EASO has been particularly involved in the vulnerability assessments of asylum seekers. This issue relates to the same provision in the original proposal, concerning the ‘direct’ or ‘indirect’ powers on making decisions regarding international protection.

Applicants deemed as ‘vulnerable’ by the Member State’s asylum authorities receive different treatment from the rest of the asylum seekers, which is of particular importance for applicants in Greece. In Greece, ‘vulnerable’ applicants are not required to go through the border procedure, but instead go through the regular asylum procedure (HIAS, 2018, 5). The ‘border procedure’, implemented in 2016 as a result of the Greek Law 4375, reduces the safeguards of asylum applicants, and is being specifically used in the Aegean Islands (HIAS, 2018, 5). In addition, ‘vulnerable’ applicants are not geographically limited to the

island of arrival, and are also exempted from the readmission to Turkey under the EU-Turkey deal. Thus, as the asylum process that ‘vulnerable’ asylum seekers go through differs greatly from that of other applicants, the assessment of ‘vulnerability’ becomes of great importance.

In the case of Italy, 1598 pre-identifications for vulnerability were performed by EASO staff in 2018 (EASO, 2018). In Greece, EASO performed “2 274 vulnerability assessments in the framework of admissibility and eligibility procedures and the merged workflow” (EASO, 2017, 22) and “645 vulnerability interviews conducted for the implementation of the EU-Turkey Statement” (EASO, 2017, 22). Although the aforementioned interviews were not justified or explained in great detail, the vulnerability assessments receive even less attention. Once again, the implementation of the EU-Turkey statement is used as an explanatory factor.

When compared to performing asylum interviews, the Greek national laws have not been modified to allow EASO to conduct vulnerability assessments, and thus, EASO’s decisions regarding an applicant’s vulnerability lack legal basis not only in EU law, but also in Greek domestic law (HIAS, 2018, 5). Nevertheless, when conducting asylum interviews, the Agency has been instructed to determine the applicant's vulnerability. The instructions received by the Agency stipulate that

“when indications of vulnerability arise during the personal interview of the applicant with an EASO caseworker, the interview is suspended and referred for examination by special EASO experts [vulnerability experts] who will determine the existence of vulnerability. In case the special EASO expert determines that there is vulnerability, the applicant’s case is referred to the Regional Asylum Service or to the Asylum Unit for examination under the regular procedure. If the [Greek] Asylum Service or the EASO caseworker detects, during the personal interview with the applicant, indications of a vulnerability that had not been identified at an earlier stage of the procedure, he/she could (in case of an [Greek] Asylum Service caseworker) or must (in case of an EASO caseworker) refer the applicant to the special EASO experts for determination of vulnerability.” (HIAS, 2018, 6)

As a result of these instructions and the role played by EASO in the interviews, the Agency continues to be central in asylum decision making, albeit indirectly. It is at the discretion of the EASO caseworkers to direct an asylum seeker to the EASO vulnerability experts depending on the vulnerability indicators of a

specific applicant (HIAS, 2018, 6). As such, these caseworkers decide, to a great extent, which cases are to be referred to as vulnerable, and which not (HIAS, 2018, 6).

Problems may arise not only when possible vulnerabilities go unnoticed, but also when the EASO caseworkers do assign applicants to vulnerability experts, as their actions can arguably be considered to be de facto decision making. As these vulnerability experts are called up to assess an applicant, they decide whether or not the applicant is to be considered 'vulnerable'. In the case that the expert decides that grounds for a vulnerability claim do not exist, the applicant will continue through the asylum process with the EASO caseworker (HIAS, 2018, 7). This accounts to de facto decision making by EASO, as the competent authority on the matter, the Greek Asylum Service, is not informed about these vulnerability decisions (HIAS, 2018, 7). Thus EASO's involvement in vulnerability assessment shows another way in which the Agency has significant indirect decision making powers with considerable consequences.

5.7. Shirking

5.7.1. Third Country Involvement

When examining the original proposal for the foundation of EASO, the role of cooperation with third countries appears to be one of the Agency's key competences. It is stated that in order to

“to accomplish its purpose, and to the extent required for the fulfilment of its tasks, the Office should cooperate with other community bodies, in particular with the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex), established by Regulation (EC) No 2007/2004, and the European Union Agency for Fundamental Rights (FRA), established by Regulation (EC) No 168/2007. It should also cooperate with the competent authorities of third countries, international organisations competent in matters covered by this Regulation and third countries in the framework of working arrangements concluded in accordance with the relevant provisions of the Treaty. “ (EC, 2009, 10).

This aspect of the Agency's mandate is foregrounded, as this excerpt is placed early on in the document, page 10, establishing the importance of different cooperative bodies. Notably, these cooperative bodies are established before the purpose of the Agency itself is discussed in depth, indicating their importance. Not only is it within the Office's mandate to be allowed to cooperate with third countries, the EC sets forth that it 'should' cooperate with them to fulfill its tasks. This makes cooperation not only a possibility, but a requirement for the Agency. Furthermore, cooperation with the competent authorities of third countries is listed as the second group of cooperative bodies right after 'other community bodies', that is, EU institutions such as the Council and the Commission, as well as various EU courts, banks, and other specialised agencies. Thus, outside of the EU system, third country authorities are the first to be discussed when it comes to EASO's cooperative partners.

This importance is further shown, as articles 7 and 47 of the proposal discuss the Agency's cooperation with different bodies. Article 7(2) stipulates that "the Office may establish forms of cooperation with third countries on technical matters, in particular with a view to capacity-building in third countries within the framework of regional protection programmes." (EC, 2009, 15), while Article 47(2) states that in "matters connected with its activities and to the extent required for the fulfilment of its tasks the Office shall, in agreement with the Commission, facilitate operational cooperation between Member States and third countries in the framework of the European Union's external relations policy, and may also cooperate with the authorities of third countries competent in technical aspects of the areas covered by this Regulation, within the framework of working arrangements concluded with those authorities, in accordance with the relevant provisions of the Treaty" (EC, 2009, 32).

Examining these excerpts, it is evident that EASO has been given relatively broad capabilities to work with third-countries. Not only is the Agency allowed to extend its capacity building activities to third countries, it is also mandated to facilitate cooperation between third countries and member states, as well as to cooperate with third country authorities regarding technical aspects. It could then be expected that third countries play a vital role in EASO's work and activities, and would thus be well represented and discussed in their annual reports. However, when examining the Annual Reports, very little support is shown for the assertion of third country cooperation set forth in the proposal by the European Commission. Few of the objectives established above have been achieved by EASO when it comes to the external dimensions of the CEAS and technical support for third countries.

As stated in the very first Annual Activity Report, "EASO could only concentrate on small tasks within

the external dimension” (EASO, 2012, 17). When comparing it to the Agency’s proposed mandate, ‘small tasks’ does not reflect the emphasis placed on the external dimension of the CEAS in the proposal. Despite the emphasis in the proposal, EASO uses backgrounding to remove the prominence of this particular aspect of its mandate. This de-emphasization is achieved not only through the word choice of ‘small tasks’, but also through placement and size. As opposed to the proposal, this report does not give priority to the external dimension and third-country cooperation. The first part of the report discusses EASO’s achievements in its first year of existence. Within this chapter, the external dimension of EASO’s work is briefly discussed in three paragraphs, placed at the very end of the over 10-page chapter. Highlights within this domain include “Participation in the Budapest process, Participation in meetings on the EU mobility partnerships with Tunisia and Morocco, Participation in the EU–Jordan mobility partnership meeting” (EASO, 2012, 17).

The Budapest process is a migration dialogue spanning over continents and involving over 50 states and 16 international organisations (IOM, n.d.). Meanwhile, the EU mobility partnerships are complex bilateral agreements involving various actors and objectives, and are not simply related to asylum. These partnerships are also signed between the partnering third country and the EU, instead of the third country and a specific EU Agency. Despite participating, the Office was not the primary actor in any of the highlighted activities, and did not establish direct forms of cooperation or working arrangements with third countries. Thus, the external actions in the early years of the Office have fallen short of its mandated responsibilities and capabilities.

In the later years, efforts have become only marginally more evident. In 2016, the external actions were mainly focused on a very limited number of countries in the immediate EU neighbourhood, as “EASO provided support to the Western Balkans (WB) region and to Turkey within the framework of the IPA II Programme” (EASO, 2016, 25). However, once again, the Office is not the primary actor in its external activities, nor is it making direct working arrangements with third countries. Rather, the IPA II Programme is spearheaded by FRONTEX and the IOM, who receive the vast majority of the programme-related funding, with EASO and the UNHCR acting as supporting partners (EC, 2014). From the IPA II documentation, it becomes clear that FRONTEX acts as the main implementer of the programme, while “EASO, UNHCR and IOM will also be involved in the action, in particular by supporting the development of standardized profiling questionnaires for the interviews at the first point of contact and within the territory in order to ensure a protection-sensitive approach. The expertise of the EASO will be drawn on where possible” (EC, 2014, 17).

This trend of low-scale involvement that does not extend far beyond the immediate EU neighbourhood is continued in later years, as “in 2018, EASO worked primarily with the western Balkans region and Turkey.” (EASO, 2018, 8). However, in 2018, the Agency’s tasks in third countries were somewhat more elaborate, and this is reflected in its foregrounding. In 2018, the ‘external dimension’ is discussed second in the report’s ‘Achievements’ chapter, only surpassed by the operational support to individual EU Member States. From 2018, the Agency was also much more directly involved with third countries, and obtained a more central role than before. This is evident, as EASO implemented capacity building projects under a ‘EASO–Directorate-General of Migration Management (DGMM) roadmap’ (EASO 2018, 15). Being directly involved with the central migration authority in Turkey, the DGMM, EASO has, seemingly for the first time, taken steps towards work in the external domain that matches the expectations set forth by the EC.

Significant changes in the external dimension only took place in 2019, when EASO revised its External Cooperation Strategy, approved by the Management Board. Different reasons are given for the revision: “Given the changes in the wider EU external relation policy framework and in view of the support requested by third countries or discussed with Member States, in 2019 EASO carried out a wide consultation process with Member States and relevant stakeholders to revise and update the external action strategy.” (EASO, 2019, 16) The need for change is reasoned by referring to the needs of external actors and authorities. The “changes in the wider EU external relation policy framework” is topicalised, giving priority to changes emerging from the European Institutions when deciding the new direction for the Agency. Additional justification is achieved by referring to consultations with Member States and other stakeholders, as well as support requests from third countries. Thus, the need for a revision of external strategies does not come from within the Agency itself, despite EASO being a source of ‘expertise’ in the field asylum.

Nevertheless, as a result of the revised strategy and in comparison to earlier years, “EASO registered increased interest and need for capacity-building support to the following geographical areas: Western Balkan countries, Turkey and Middle East and North Africa (MENA) region.” (EASO, 2019, 17). Examining EASO’s involvement in third countries and in the external aspects of the CEAS, it is clear that the Agency has fallen short of the expectations placed on it, and has not made use of its relatively broad mandate within this area. Significant changes only began to take place in 2019, when it could be argued that EASO is, in fact, moving towards filling the role it was given by the EC when it comes to third

countries.

5.7.2. Discourses

Although various discourses regarding migration and asylum procedures are present in the texts, two in particular stand out: securitization and humanitarian discourses. In the original proposal for the foundation of EASO, the humanitarian discourse is more prevalent. This is evident, as it is stated that “a common asylum area should be created by the establishment of an effective harmonised procedure in accordance with the Union’s values and humanitarian tradition” (EC, 2009, 2). Thus, according to the proposal, the priorities in the functioning of the common asylum area lay in what are referred to as ‘the Union’s values’. Although these values are perhaps contested depending on the audience, ‘the Union’s values’ will certainly have specific connotations and nuances to the specific audience of the Annual Reports, that is, the European Commission. Officially, the European Union lists ‘the Union’s values’ as follows: human dignity, freedom, democracy, equality, rule of law, and human rights (European Union, n.d.). It also emphasises its ‘humanitarian tradition’ while claiming its habitual commitment to these values. According to the proposal, these shall function as the boundaries of the upcoming asylum procedures.

However, despite the proposal setting such a humanitarian and value-focused precedent, the Annual Reports of the agency change its focus significantly. Although the aforementioned discourse is still present, it is consistently coupled with, or overshadowed by the emerging securitization discourse. In 2013, the Task Force Mediterranean (TFM) was set up by EASO in response to the sunken migrant boat off the coast of Lampedusa (EASO, 2013, 21). The 2013 report states that the TFM was founded to “prevent or disrupt the use of dangerous *modi operandi* by people smugglers or traffickers who facilitate the irregular crossings of migrants to the external borders of the EU.” (EASO, 2013, 21).

Thus, despite being founded following a tragedy that resulted in over 300 deaths, the TFM is justified on security grounds to protect the ‘external borders of the EU’. This justification places the emphasis on ‘irregular crossings of migrants’, rather than the human dignity of those individuals whose lives were lost, as ‘irregular crossings’ are seen as the defining feature of this group of people. Furthermore, smugglers and traffickers are grouped together. This grouping could be argued to be inherently disingenuous, as it presents the two groups as equals and in equal need of prevention, despite their drastically different

circumstances. Smuggled individuals tend to do so willingly and out of a need in exchange for a payment, whereas trafficked individuals face various forms of exploitation and are not participating in the crossing on their own accord (Aronowitz, 2001).

Similar securitization discourse is continued in later publications. In 2014, when discussing the Stockholm Programme, the Agency emphasises the need for migration management. In particular, “the objective is progress towards a trusted area of freedom, justice and security by better managing migration in all its aspects, by preventing and combating crime and terrorism and by improving judicial cooperation across the Union.” (EASO, 2014, 8). Thus, the benefits of migration management are not linked to humanitarianism, human dignity, or any of the other European values mentioned above. Rather, EASO sees migration management as particularly beneficial due to its security aspects. Not only does this change the emphasis from humanitarian discourse to securitization discourse, but also presupposes that migration is inherently linked to crime and terrorism, for which migration management is the only solution. In 2017, the aforementioned social media monitoring project on migration was said to be “instrumental for the understanding of the social-network general trends and discourse related to flight and migration, smuggling networks, document fraud and integration issues” (EASO, 2017, 7). Thus, the activities of EASO are rather justified by means of securitization and negative perceptions of migrants, rather than through means of humanitarianism or human dignity.

5.8. New Legislation

5.8.1. Early Warning and Preparedness System (EPS)

Throughout the existence of EASO, there have been attempts by larger EU institutions to shape the work of the Agency by introducing new tasks. One of the earliest examples of this took place in 2013, as EASO was assigned the responsibility to implement the early warning, preparedness and crisis management mechanism. This responsibility was not a step taken by EASO itself, but rather assigned to it in the recast Dublin Regulation. The Early Warning and Preparedness System (EPS) is a data collection system that

gathers asylum-related data “to provide information and analyses of flows of asylum seekers to the EU and the Member States’ capacity to respond to them.” (EASO, 2013, 9). While this notion, in many ways, falls under Article 3 ‘pooling information and best practice’, it also adds aspects not included in the EC’s documents regarding EASO. In particular, Article 3 mandates “the exchanging of information and the identifying and pooling of good practice in asylum matters between the Member States” (EC, 2009, 13). Instead of exchanging information between Member States and tackling their backlogs and inconsistencies, the 2013 Regulation expects EASO to predict migration flows outside of the EU Member States, and participate in forming preventive and crisis management action plans (European Parliament & The Council of the European Union, 2013). As there is no mention of the EPS in the original proposal, it is evident that taking responsibility for the system is a new task outside of EASO’s original scope.

5.8.2. European Union Agency for Asylum

Another significant step in developing EASO was taken in 2016, when the European Commission proposed a new regulation to establish the European Union Agency for Asylum. This new regulation took place following the influx of asylum-seekers into Europe in 2015 (European Parliamentary Research Service, 2017). Along with establishing the EUAA, the EC also proposed to repeal Regulation (EU) No 439/2010, which originally established EASO. Despite proposing to repeal Regulation 439/2010, the European Commission was not planning on dismantling EASO. Rather, on the very first page of the proposal, it is stated that the “aim of this proposal is to strengthen the role of EASO and develop it into an agency which facilitates the implementation and improves the functioning of the CEAS” (EC, 2016, 2). Thus, along with a name change and the various other changes that the proposal entails, this proposal to found EUAA is rather an attempt to reform EASO, than to dismantle the agency.

The reasoning for the need to rename and reform the Agency is discussed early on, and relates to the attempts to reform the Common European Asylum System entirely. The European Commission argues that it “would not be plausible to reform the CEAS without providing the Agency with a mandate that corresponds to the demands that the reform will entail” (EC, 2016, 2). In this framing, the proposed changes to EASO are seen as a necessity not only for the Agency’s functioning, but for the functioning of the entire CEAS as a whole. Furthermore, this statement assumes that the Agency’s existing mandate is not sufficient, justifying the need for broadening its mandate.

This broadening of the mandate will transform

“EASO into a fully-fledged Agency which is capable of providing the necessary operational and technical assistance to Member States, increasing practical cooperation and information exchange among Member States, supporting a sustainable and fair distribution of applications for international protection, monitoring and assessing the implementation of the CEAS and the capacity of asylum and reception systems in Member States, and enabling convergence in the assessment of applications for international protection across the Union” (EC, 2016, 2).

This excerpt provides a list of the various activities that the new EUAA will be able to take on as a result of the extended mandate, and how this will result in it becoming ‘fully-fledged’, that is, complete or final. However, despite the vision of a stronger and somehow more successful version of the old Agency, on the surface, these activities do not radically differ from those of EASO. Furthermore, the structure of the Management Board, which is the main decision-making body of the Agency, remains the same. Thus, the EC does not significantly change the balance of powers within the Agency. There are, nevertheless, some noteworthy changes brought on by this proposal.

One particular task introduced by the proposal significantly enforces the role of EASO. The new Regulation would allow the Agency to intervene in Member States under various circumstances. For example, the “Agency may be required to intervene and provide assistance to a Member State only in those cases where, following up on a monitoring exercise or in case of disproportionate pressure on the asylum and reception systems no action or insufficient measures are taken by the Member State concerned, thereby jeopardizing the functioning of the CEAS” (EC, 2016, 4). When compared to the role of EASO that was visualised in the initial proposal, this suggestion significantly increases the powers of the Agency. If the EUAA is to come to existence, it would be able to independently monitor the asylum systems of Member States, and intervene when it deemed necessary, even if the Member State opposes the intervention. Thus, the project to reform EASO into EUAA exemplifies the European Commission’s attempts to redirect and redefine the Agency’s tasks and goals.

5.9. Insulation

5.9.1 Expertise Discourse

Although it differs from the aforementioned humanitarian and securitization discourses, another type of discourse is also present in the texts: the expertise discourse. The importance of EASO is consistently justified through its expertise and creation of knowledge regarding asylum issues. This is argued to allow EASO to support the implementation of the CEAS by “facilitating, coordinating and strengthening practical cooperation among Member States as an independent centre of expertise” (EASO, 2012, 5). Within this expertise discourse, it can be noticed how EASO is attempting to separate itself from politics by labeling itself as ‘independent’, despite having to work with various stakeholders and respond to larger administrative bodies.

With it, the expertise discourse brings an attempt to increase the uniqueness and reliance on EASO. For example, in 2014 “EASO established a query system that allows EU+ countries to post written questions and receive replies concerning practical aspects of the Common European Asylum System (CEAS) and other matters related to asylum policies and practices in the EU+ within a short timeframe.” (EASO, 2014, 21). In this way, EASO will become a one-stop-shop for asylum related questions within the EU, significantly increasing its importance to the member states. This importance of EASO is further self-reassured in 2017, when the Agency states that “EASO has become an important player in Europe for making available reliable, accurate and up-to-date COI for asylum decision-makers and policy experts.” (EASO, 2017, 30).

The 2019 annual report also follows these lines, as it is stated that “EASO analysts have the task of sieving through all available data and information to fully understand the asylum situation and the implementation of the CEAS, and then deliver clear concise messages to a very broad range of stakeholders and decision-makers.” (EASO, 2019, 27) In this quotation, a hyperbole is used to exaggerate the work done by EASO analysts, as they work through ‘all available data and information’. Furthermore, it is only this work by EASO that allows for the examination of ‘all available data’ before it is summarised for those who actually need it: ‘a very broad range of stakeholders and decision-makers’.

Through such statements, EASO builds an image of itself as a one-of-a-kind source of information that is invaluable to other actors.

6. Discussion

From this data analysis, various results arise. When examined in light of the theories discussed in previous sections, features of both political and bureaucratic drifts can be recognised. Furthermore, multiple core features of the Principal-Agent Theory can also be identified.

6.1. Bureaucratic Drift

Bureaucratic drift can be examined through the ‘behavioural patterns’ and ‘indicators of the behaviour’ set forth in the operationalisation section. Out of the behavioural patterns, mission creep in particular appears to be a defining feature in the case of EASO. Mission creep can be argued to take place when the ‘indicators of behaviour’ can be examined in the agency’s actions. These include making continuous attempts to increase its own budget, introduce new tasks, and in some cases, overstep its mandate. All three of these characteristics are evident in the case of EASO. However, although they are visible, some of the attempts to mission creep have been more successful than others. For example, a push for introducing new tasks is very evident in the social media monitoring programmes and the social media information campaigns in third countries. These social media-related tasks, some taken over from the UNHCR, direct EASO’s efforts and work towards projects beyond its original goals, thus constituting mission creep. Furthermore, various activities by EASO test the Agency’s legal mandate. Examples of these include vulnerability assessments and performing asylum interviews, testing the mandate’s limits, while the aforementioned social media monitoring programmes explicitly go beyond EASO’s mandate, and lack legal basis, as stated by the European Data Protection Supervisor.

In the case of budgetary increases, it is evident in the annual reports that the agency has been pushing for an increase in its annual budget every year since its foundation. Nevertheless, only small increases took place during the early 2010s. Major increases to EASO’s budget only began to take place once it was deemed necessary by the higher authority following an influx of migrants in 2015. Thus, it would appear that the attempts by EASO to change its direction in this sense have been relatively unsuccessful.

Going hand-in-hand with the budget is another behavioural pattern of bureaucratic drift: shirking.

Shirking can be detected through two indicators in particular: failure to perform expected tasks, as well as the minimizing efforts exerted on principals' behalf. Both can be detected, although to a smaller extent in relation to the budget. This is evident in the case of EASO working on the external dimension of the CEAS, as the Agency is mandated to coordinate information exchanges and capacity building with third countries. However, particularly in the early stages of the Agency, it failed to perform the aforementioned tasks included in its mandate, as in 2012, it only performed "small tasks within the external dimension" (EASO, 2012, 17). In particular, these minimal efforts exerted on the principals' behalf in the external dimensions of the CEAS were caused by the limited budget of the Agency.

A final behavioural pattern related to the bureaucratic drift that can be detected from the text is information asymmetry. In particular, this is a result of the ways in which EASO's extensive collection and coordination of information, along with knowledge production make it instrumental in the implementation of the CEAS, as well as the European Agenda on Migration. Along with using the informational asymmetry to justify its authority in the field of migration, information asymmetry is also evident in the ways EASO reports to the EC. As discussed above, certain tasks, such as those related to social media and the individual asylum procedures, receive scant attention. As these tasks arguably clash with the intentions of the EC to some extent, it is beneficial for EASO to use its informational advantage, and keep details regarding these tasks to a minimum.

However, when re-examining the behavioural patterns expected as part of the bureaucratic drift, it becomes clear that many of the indicators cannot be clearly observed in the documents. A major behavioural pattern that can be linked to bureaucratic drift is Agent 'slippage'. 'Slippage' includes shifting policies away from principals' preferred outcomes, shifting policies towards own preferences, as well as sanctions for undesired actions. Perhaps the closest feature related to these indicators of behaviour is the ban on EASO's social media monitoring activities, imposed by the European Data Protection Supervisor. However, the EDPS is an independent supervisory body within the EU system that was merely nominated by the European Commission and advises other EU institutions on data protection issues (EDPS, About Us). Thus, a ban imposed by the EDPS cannot necessarily be considered to be a sanction from the European Commission, and is not an indicator of sanctions imposed by the principal for undesired actions.

Bureaucratic drift is thus evident in various ways, with some behavioural patterns of the Agency being more distinct than others, with only 'slippage' lacking sufficient evidence. When revisiting the theoretical

framework, having sufficient evidence of ‘bureaucratic drift’ implies that the policy and agenda of EASO has begun to diverge from that of the European Commission.

6.2. Political Drift

Meanwhile, political drift is also present to a significant extent. In particular, political drift is evident in the ways that EASO’s activities and work are shaped by the European Commission after it has already been founded. As discussed above, one of the distinct behavioural patterns of political drift relates to new legislation. This pattern is indicated by attempts to redefine agency’s goals, structure, or rule-making procedures. Some examples of this are the Early Warning and Preparedness System (EPS) and the extended scope of EASO’s role in asylum interview processes. The EPS was introduced as a result of the recast Dublin Regulation, which was proposed by the European Commission. Similarly, the involvement in interview processes discussed above, which have also been a major change to the work of the Agency, were not necessarily originally introduced or requested by the Agency itself. Rather, as it was already involved in the Greek hotspots, it was named one of the bodies responsible for the implementation of the EU-Turkey deal. Thus, it was assigned the responsibility to also carry out the asylum interviews. Similarly to being assigned new activities by its principal, the Agency’s budget appears to have increased significantly only when it was seen as appropriate by the principal.

Another aspect indicating a political drift rather than a bureaucratic one is the attempt to formally increase the mandate and capabilities of the Agency by the principal through the reformation of the Agency. Similarly to the EPS and involvement in asylum processes, reformation also falls under attempts to redefine agency’s goals, structure, or rule-making procedures. Although the process has halted in recent years, there have been continuous attempts by the European Commission to push for the formation of the European Union Agency for Asylum. This reform of the agency would redirect the objectives of the Agency, that would as a result differ from the goals that were originally set out.

Finally, insulation is also one of the behavioural patterns that take place during political drifts. Insulation is indicated by attempts to separate politics and administration. In the case of EASO, the European Commission emphasizes the Agency’s ‘scientific’ and ‘technical’ contributions to separate politics and

administration. This is despite the fact that the asylum issues that EASO deals with and gives advice on, are in many ways political issues, and not necessarily issues caused by lacking technical or scientific expertise.

Thus, in addition to bureaucratic drift, political drift is also evident in the actions of the European Commission. This means that the successive holders of authority at the European Commission have directed the Agency towards objectives that differ from those of the authority that initially founded the Agency.

While the aspects above tie directly into the theories regarding bureaucratic and political drifts between the principal and the agent, the following general characteristics of the principal-agent theory are also applicable to the case of EASO and EC. From the expertise discourse maintained by the Agency, it becomes evident that there is information asymmetry between the agent and the principal, indicating that the expectations set out in the principal-agent theory literature hold true. Furthermore, this expertise discourse allows migration, and asylum issues in particular, to be separated from politics. This is done through emphasizing the importance of EASO as a knowledge producer, and also aligns with the principal-agent theories regarding the need to use agencies in order to depoliticise public issues.

Outside of the two drifts, the EC's accountability methods are also worth mentioning. As many of the European Commission's methods of control over EASO relate to assessing its *de jure* activities (Scholten & Brenninkmeije, 2020), it becomes increasingly difficult for the European Commission not only to control the Agency's actions, but also to hold it accountable. The aforementioned *ex-ante* form of control is only applicable when the activities of the Agency remain strictly within the scope of the legal boundaries set for the Agency when founded. However, they fail to control the Agency once it steps outside those boundaries. While *ex-post* control relies on the Annual Reports created by the Agency, they do not discuss in particular detail what EASO does on the ground. Rather, the focus is merely on the numbers as achievements, but not on what kind of specific tasks and responsibilities the operational processes of the Agency entail. Thus, in addition to showing that the EC loses some of its control in the Agencification process, this analysis shows that there are various gaps in the two methods of control exercised by the European Commission.

7. Conclusion

The issue this thesis aimed to explore relates to the agencification trend of the European Union, and the ways in which forming semi-independent agencies to perform certain tasks on behalf of the EU institutions may lead to diverging policies, practices, and goals within the European Community. The theoretical literature regarding agencification, mainly powered by New Public Management theories, indicates that although keeping agencies at ‘arms-length’ brings about benefits of efficiency and effectiveness, it may also have unwanted consequences, such as lack of control. While lack of control certainly has an effect on EU-level governance, it can also impact Member States and asylum seekers arriving in Europe, making agencification an important topic of research. Furthermore, lack of control over the agencies means that they are working independently from the other EU institutions, and that important administrative and political tasks are increasingly immune to the opinion of EU citizens.

In particular, the consequences of agencification are often explained by the principal-agent theory, which seeks to explore the relationship between the agencies, and the larger bodies that establish those agencies. The differing interests and knowledge between the two actors can lead to different kinds of ‘drifts’. Either a bureaucratic drift, in which the agency begins to diverge from its original objectives, or a political drift, in which the larger body attempts to use its powers to change the established direction of the agency.

Nevertheless, agencification at the European has been relatively unexplored and a particular gap exists in the study of agencification of the EU’s migration response. In order to examine the phenomena of agencification of the EU, the field of migration, and specifically the European Asylum Support Office, was chosen due to the recent developments in migration literature. The reflexive turn in migration calls not only for self-reflection within academia, but also criticism towards contemporary migration governance. One of the core elements of this criticism relates to knowledge production and migration ‘expertise’ sustained by states and other organisations, and EASO is one of the actors participating in the ‘expertise’. The Agency has been under scrutiny for its treatment of asylum seekers at EU borders, but has received significantly less academic attention than its border control-focused counterpart FRONTEX. Thus, this thesis aims to fill a gap in public administration literature by examining the agencification of the EU’s migration response, and its implications on governance and individuals alike. The detailed research question put forth in the beginning of this thesis was:

“In what ways has the agencification trend of the EU led to a divergence in asylum agenda and objectives between the European Commission and EASO since its creation in 2011?”

As a result of an in-depth analysis of the relevant documents by both bodies, it is clear that as a result of agencification in the domain of asylum, divergence in asylum agenda and objectives has taken place, despite the European Commission’s attempts to control the development of EASO. Using the concept of ‘bureaucratic drift’, the European Asylum Support Office has taken the responsibilities originally given to it, and introduced new tasks, while neglecting others. The most evident of the new tasks are the social media monitoring programmes and social media information campaigns, along with the involvement in asylum procedures in the hotspots. Meanwhile, other original responsibilities belonging to EASO, such as the external aspects of the CEAS, have received little attention by the Agency. Rather, they have been used to push for an increase in the Agency’s budget, but have not been sufficiently addressed despite budgetary increases in later years.

Although EASO can be seen to divert from the path set down by the European Commission, the European Commission itself can also be seen to attempt to redirect the Agency. This is evident in cases such as the Dublin Regulation recast, where the recast proposed by the European Commission assigned EASO as the responsible body for the creation of an Early Warning and Preparedness System. In this case, the Agency has had little say, as the consequent authorities of the principal body reformulate the Agency’s tasks. The most significant attempt to date to reform the Agency was launched in 2016, as the European Commission proposed to turn EASO into a European Union Asylum Agency, which would have significantly increased the independence of the agency, had the change been finalised.

Agencification of the EU may lead to divergence regarding some specific issues where the Agency has the will and ability to branch out and grow, or is unwilling to exert sufficient efforts on behalf of the EC. All this happens while the European Commission is still able to dictate and delegate new tasks to the agency through new legislation. Thus, the interplay between the agent EASO, and its principal, the European Commission, is complex. Over the first decade of EASO’s existence, its relationship with the EC has been defined by this kind of back-and-forth struggle for power. Not only does this make clear-cut statements regarding the effect of Agencification on objective divergence in asylum issues difficult to produce, it also makes predictions about the future impact of the EU’s agencification relatively unreliable. However, it can certainly be argued that regardless of the level of divergence and its predictability, the European Commission loses some control when authority is given to agencies instead, and it does not

have sufficient control methods in place to combat the losses. This is particularly evident, as agencies like EASO are self-reporting, and thus able to make use of the informational asymmetry for their own benefit.

Although the analysis displays signs of both bureaucratic and political drifts, going beyond the relationship between the EC and EASO may be necessary for a complete analysis of the documents. In particular, it is worth noting that in many examples of the two drifts, the Agency or the EC are not the only affected actors. In particular, much of the strive for independence by the Agency, as well as the attempts of the EC to control the Agency, have significant consequences on the Member States. Throughout its lifetime, EASO's de facto expansion has slowly taken over tasks that challenge the sovereignty of the Member States, while the European Commission's proposals would give the agency the ability to intervene in Member States on its own accord. Thus, future research should aim to involve the Member States in this complex equation. Moreover, as the Member States nevertheless play a crucial role in the Management Board of EASO, the interplay between these actors is of even more significant interest in order to answer questions of increased EU integration and supranationalism. While this thesis relied on the principal-agent theory and analysing written documents, future research could benefit from deploying other methods, such as interviews, and making use of a multiple principal approach and new intergovernmentalist theory to gauge this complex network of actors.

It is clear that the EC loses a degree of control over its agencies as the 'agencification fever' accelerates. The lack of appropriate accountability and control measures has major implications on those tasks of the Agency that most directly affect the lives of individual migrants. Furthermore, it has a direct impact on the level of control that the European Commission has over its own agencies, along with the understanding of the work that the Agencies do. The implications make it paramount to address these administrative gaps. Thus, in the following, policy recommendations are given, particularly in relation to establishing forms of control over the agencies to prevent further divergence from the EC.

7.1. Policy Recommendations

The first policy recommendation is in relation to the ex-ante form of control exercised by the European Commission, which relies on the founding regulation to set the boundaries of the Agency's work. Many

of the Agency's activities discussed in this thesis have been argued to be legally ambiguous. While EASO's actions are under heavy scrutiny, the legal ambiguity and accountability issues could be argued to simply be the result of lack of specificity in its founding documents. In many cases related to EASO's possible overstepping of their mandate, it has been difficult for outside actors to come to a definitive conclusion about what EASO is supposed to be doing in specific scenarios. More often than not, this is a result of vague descriptions of the Agency's intended tasks.

The issues relating to ex-ante form of control could be improved in two ways. First, the founding regulations for EU Agencies need a sufficient amount of detail and depth. In the case of EASO, for example, the founding documents of the Agency do not define specific terms, such as 'direct' and 'indirect power'. Without defining such terms, it is impossible to definitively judge whether or not the Agency has 'direct' or 'indirect power' over certain decisions. Thus, it is necessary to ensure that as much ambiguity regarding the Agency's work is removed from the very start by involving a sufficient level of detail in the Agency's founding documents.

Second improvement related to ex-ante form of control can be achieved through updating regulations and reforming agencies. This type of improvement has been attempted by the European Commission since 2016 through its efforts to reform EASO into the European Union Asylum Agency. Although the EC was able to put forth a proposal for the reform, the progress of the reform has since halted. Nevertheless, when the original regulation establishing an agency proves inadequate for the purpose of ex-ante control, the agency, along with its rules and regulations, could be reformed to better accommodate the changing situations and to ensure that all aspects of the Agency's ever changing role are appropriately addressed in the legal texts establishing the boundaries of the Agency.

In terms of ex-post form of control, it is evident that with the increased scope of EASO's activities, along with the relatively limited reporting done to the European Commission in the form of Annual Reports, the retrospective evaluation of the Agency may not be particularly effective. Thus, it is recommended that European Commission should deploy independent and external experts to evaluate the work that is being done by the Agency. Doing so will allow for a more objective and balanced reporting of the Agency's activities. Furthermore, it will prevent situations where the Agency and the European Commission end up under scrutiny from the European watchdogs and the general public as a result of unregulated expansion.

8. Bibliography

Asylum Information Database. (2019). *Country Report: Greece - 2019 Update*.

Amelina, A. (2021). After the reflexive turn in migration studies: Towards the doing migration approach. *Population, space and place*, 27(1), 1-11.

Aronowitz, A. A. (2001). Smuggling and trafficking in human beings: the phenomenon, the markets that drive it and the organisations that promote it. *European journal on criminal policy and research*, 9(2), 163-195.

Barigazzi, J. (2021, January 11). EU watchdog opens investigation into border agency Frontex. *Politico*. <https://www.politico.eu/article/olaf-opens-investigation-on-frontex-for-allegations-of-pushbacks-and-misconduct/>

Brachet, J. (2016). Policing the desert: The IOM in Libya beyond war and peace. *Antipode*, 48(2), 272-292.

Braun, D., & Guston, D. H. (2003). Principal-agent theory and research policy: an introduction. *Science and public policy*, 30(5), 302-308.

Casas-Cortés, M., Cobarrubias, S., & Pickles, J. (2019). B/ordering turbulence beyond Europe: Expert knowledge in the management of human mobility. In T.A. Linhard & T. Parsons, (Eds.), *Mapping Migration, Identity, and Space* (pp. 257-281). Palgrave Macmillan.

Choat, S. (2010) *Marx Through Post-Structuralism: Lyotard, Derrida, Foucault, Deleuze*. Continuum International Publishing Group.

Coleman, J. S. (1994). *Foundations of social theory*. Harvard University Press.

Dahinden, J., Fischer, C., & Menet, J. (2021). Knowledge production, reflexivity, and the use of categories in migration studies: Tackling challenges in the field. *Ethnic and Racial Studies*, 44(4), 535-554.

Egeberg, M., & Trondal, J. (2016). *Agencification of the European Union Administration: Connecting the Dots* (ARENA Working Paper 3/2016).

European Asylum Support Office. (2015). *EASO Practical Guide: Evidence Assessment*. Publication Office of the European Union.

European Asylum Support Office. (2016). *EASO Special Operating Plan to Greece*.

European Asylum Support Office. (n.d.). 3 Questions & Answers.
<https://easo.europa.eu/3-questions-answers>

European Asylum Support Office. (n.d.). EASO Brochure.
https://easo.europa.eu/sites/default/files/publications/EASO-Brochure-EN%20_0.pdf

European Center for Constitutional and Human Rights. (2017). *EASO's influence on inadmissibility decisions exceed*.

European Commission. (2008). *Policy Plan on Asylum: an Integrated Approach to Protection Across the EU*. <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0360:FIN:EN:PDF>

European Commission. (2014). *Instrument for Pre-Accession Assistance (IPA II) 2014-2020: Regional support to protection-sensitive migration management in the Western Balkans and Turkey*. IPA 2014/031-603.07/MC/migration

European Commission. (n.d.). Common European Asylum System.
https://ec.europa.eu/home-affairs/what-we-do/policies/asylum_en

European Council. (2016). EU-Turkey statement, 18 March 2016.
<https://www.consilium.europa.eu/en/press/press-releases/2016/03/18/eu-turkey-statement/>

European Data Protection Supervisor. (2019). *Formal consultation on EASO's social media monitoring reports (case 2018-1083)*.

European Ombudsman. (2002). The European Code of Good Administrative Behaviour.
<https://www.ombudsman.europa.eu/fo/publication/en/3510>

European Ombudsman. (2018). Decision in case 735/2017/MDC on the European Asylum Support Office's' (EASO) involvement in the decision-making process concerning admissibility of applications for international protection submitted in the Greek Hotspots, in particular shortcomings in admissibility interviews.
<https://www.ombudsman.europa.eu/en/decision/en/98711>

European Parliament & the Council of the European Union. (2013). Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013. *Official Journal of the European Union*.

European Parliamentary Research Service. (2018). *EU Agencies, Common Approach and Parliamentary Scrutiny*.

European Union. (n.d.). The EU in brief.
https://europa.eu/european-union/about-eu/eu-in-brief_en#from-economic-to-political-union

ESO: European Sources Online. (2013). *Information Guide: Agencies and Decentralised Bodies of the European Union*. Cardiff University.

Europa Press Release (2008, April 18). The EU moves towards the creation of a Support Office in the field of asylum management. <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/09/275>

- Etikan, I., Musa, S. A., & Alkassim, R. S. (2016). Comparison of convenience sampling and purposive sampling. *American journal of theoretical and applied statistics*, 5(1), 1-4.
- Fanta, A. (2019, December 9). Data watchdog raps EU asylum body for snooping. *EUObserver*.
<https://euobserver.com/investigations/146856>
- Gill, R. (2000). Discourse analysis. *Qualitative researching with text, image and sound*, 1, 172-190.
- Hess, S. (2010). 'We are Facilitating States!' An Ethnographic Analysis of the ICMPD. In M. Geiger & A. Pecoud (Eds.), *The politics of international migration management* (pp. 96-118). Palgrave Macmillan.
- Hope Sr, K. R. (2000). 'The New Public Management: A perspective from Africa' in K. Schedler & I. Proeller (Eds.), *New public management* (pp. 210-226). UTB.
- HIAS. (2018). *EASO's Operation on the Greek Hotspots: An overlooked consequence of the EU-Turkey Deal*.
- Huckin, T. (1997). Critical discourse analysis. In T. Miller, (Ed.), *Functional approaches to written text: Classroom applications* (pp. 87-92). United States Information Agency.
- Huckin, T. (2002). Critical discourse analysis and the discourse of condescension. In E. Barton & G. Stygall (Eds.), *Discourse studies in composition* (pp. 155-176). Hampton Press.
- IOM. (n.d.). Budapest Process. <https://www.iom.int/budapest-process>
- Janks, H. (1997). Critical discourse analysis as a research tool. *Discourse: studies in the cultural politics of education*, 18(3), 329-342.
- Jonker, K., & Meehan III, W. F. (2008). Curbing mission creep. *Stanford Social Innovation Review*, 6(1), 60-65.

- Kassim, H., & Menon, A. (2003). The principal-agent approach and the study of the European Union: promise unfulfilled?. *Journal of European Public Policy*, 10(1), 121-139.
- Keleman, D. R. (2002). The politics of 'eurocratic' structure and the new European agencies. *West European Politics*, 25(4), 93-118.
- Koschut, S. (2018). The power of (emotion) words: On the importance of emotions for social constructivist discourse analysis in IR. *Journal of International Relations and Development*, 21(3), 495-522.
- Kress, G. (1990). Critical discourse analysis, *Annual review of applied linguistics*, 11, 84-99.
- Law 4375. (2016). 'On the organization and operation of the Asylum Service, the Appeals Authority, the Reception and Identification Service, the establishment of the General Secretariat for Reception, the transposition into Greek legislation of the provisions of Directive 2013/32/EC'. <https://www.refworld.org/docid/573ad4cb4.html>
- Leonard, S. (2009). The creation of FRONTEX and the politics of institutionalisation in the EU external borders policy. *Journal of contemporary European research*, 5(3), 371-388.
- Lewin-Jones, J. (2017). Getting to Grips with Critical Discourse Analysis: Shedding Light on an HE Policy Document. In *Papers from the Education Doctoral Research Conference Saturday 26 November 2016* (pp. 76-82). University of Birmingham.
- Mann, I. (2011). *The EU's Dirty Hands: Frontex Involvement in Ill-treatment of Migrant Detainees in Greece*. Human Rights Watch.
- Masouridou, Y., & Kyprioti, E. (2018). *The EU-Turkey statement and the Greek hotspots. A failed European pilot project in refugee policy*. The Greens.
- Mayr, A. (2008). *Language and power: An introduction to institutional discourse*. A&C Black.

- McCourt, W. (2000). New Public Management in developing countries. In K. Schedler & I. Proeller (Eds.), *New public management*. (pp. 227-242). UTB.
- Menz, G. (2015). The promise of the principal-agent approach for studying EU migration policy: The case of external migration control. *Comparative European Politics*, 13(3), 307-324.
- Migliorati, M. (2020). The Post-agencification Stage between Reforms and Crises. A Comparative Assessment of EU agencies' Budgetary Development. *JCMS: Journal of Common Market Studies*, 58(6), 1393-1412.
- Ongaro, E., Barbieri, D., Bellé, N., & Fedele, P. (2012). European Union (EU) Agencies. In K. Verhoest, S. van Thiel, G. Bouckaert & P. Laegreid (Eds.) *Government Agencies* (pp. 400-410). Palgrave Macmillan.
- Pitsoe, V. and Letseka, M. (2013). Foucault's discourse and power: Implications for instructionist classroom management. *Open Journal of Philosophy*, 3 (1), 23-28.
- Purcell, E. A. (2009). Long-Term Contracts and the Principal-Agent Problem. *Gettysburg Economic Review*, 3(1), 5.
- Radford, G. P., & Radford, M. L. (2005). Structuralism, post-structuralism, and the library: de Saussure and Foucault. *Journal of documentation*, 61(1), 60-78.
- Regulation 604/2013 Of The European Parliament And Of The Council of 26 June 2013. *Official Journal of the European Union*.
- Ripoll Servent, A. (2018). A new form of delegation in EU asylum: Agencies as proxies of strong regulators. *JCMS: Journal of Common Market Studies*, 56(1), 83-100.
- Scholten, M., Strauss, B., & Brenninkmeijer, A. (2020). *Controlling EU agencies: an introduction*. In *Controlling EU Agencies*. Edward Elgar Publishing.

- Sim, J., Saunders, B., Waterfield, J., & Kingstone, T. (2018). Can sample size in qualitative research be determined a priori?. *International Journal of Social Research Methodology*, 21(5), 619-634.
- Sheridan, A. (2003). *Michel Foucault: The will to truth*. Routledge.
- Smith, J. L. (2007). Critical discourse analysis for nursing research. *Nursing Inquiry*, 14(1), 60-70.
- Stam, C.A.J. (2008). *The church in relation to the world: A conceptual analysis of the church world relationship and a study of the use of performative language and discursive strategies in three documents of the World Council of Churches' Faith and Order Commission*. Eburon Uitgeverij.
- Titscher, S., Meyer, M., Wodak, R., & Vetter, E. (2000). *Methods of text and discourse analysis: In search of meaning*. Sage.
- Trondal, J. (2014). Agencification. *Public Admin Review*, 74, 545-549.
- UNHCR Greece. (2021, March 30). 'What happens after I apply?' <https://help.unhcr.org/greece/applying-for-asylum/what-happens-after-i-apply/>
- Van Dijk, T. A. (1991). The interdisciplinary study of news as discourse. In N.W. Jankowski & K.B. Jensen (Eds.), *A handbook of qualitative methodologies for mass communication research*, (pp. 108-120). Routledge.
- Van Dijk, T. A. (2018). Discourse and migration. In R. Zapata-Barrero & E. Yalaz (Eds.), *Qualitative research in European migration studies* (pp. 227-245). Springer.
- Vardi, M. Y., & Vianu, V. (2013). What is a flagship publication?. *Communications of the ACM*, 56(8), 5-5.
- Vianello, I. (2011). European Asylum Support Office: An effective answer to Europeanization of Asylum Policy?. *MaRBLe*, 1.

Waterman, R. W., & Meier, K. J. (1998). Principal-agent models: an expansion?. *Journal of public administration research and theory*, 8(2), 173-202.

9. Appendix

Institution	Title	Year	Number of Pages
EC	“Commission staff working document - Accompanying document to the Proposal for a Regulation of the European Parliament and of the Council establishing an European Asylum Support Office”	2009	92
EC	“Proposal for a Regulation of the European Parliament and of the Council establishing a European Asylum Support Office”	2009	53
EC	“Accompanying document to the Proposal for a Regulation of the European Parliament and of the Council establishing an European Asylum Support Office”	2009	92

EC	“Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010”	2016	75
EC	“Amended proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010”	2018	38
EC	“Proposal for a COUNCIL DECISION on the signing, on behalf of the European Union, of the Arrangement with the Swiss Confederation on the modalities of its participation in the European Asylum Support Office”	2013	20
EC	“Proposal for a COUNCIL DECISION on the signing, on behalf of the European Union, of the Arrangement with the Principality of Liechtenstein on the modalities of its participation in the European Asylum Support Office”	2013	13
EC	“Proposal for a COUNCIL DECISION on the conclusion of the Arrangement with the Swiss Confederation on the modalities of its participation in the European Asylum Support Office”	2013	20
EC	“Proposal for a COUNCIL DECISION on the conclusion of the Arrangement with the Kingdom of Norway on the modalities of its participation in the European Asylum Support Office”	2013	10
EC	“Proposal for a COUNCIL DECISION on the signing, on behalf of the European Union, of the Arrangement with the Kingdom of Norway on the modalities of its participation in the European Asylum Support Office”	2013	10

EC	“Proposal for a COUNCIL DECISION on the signing, on behalf of the European Union, of the Arrangement with the Republic of Iceland on the modalities of its participation in the European Asylum Support Office”	2013	10
EC	“Proposal for a COUNCIL DECISION on the conclusion of the Arrangement with the Republic of Iceland on the modalities of its participation in the European Asylum Support Office”	2013	10
EC	“Proposal for a COUNCIL DECISION on the conclusion of the Arrangement with the Principality of Liechtenstein on the modalities of its participation in the European Asylum Support Office”	2013	13
EASO	EASO Annual General Report 2019	2020	54
EASO	EASO Annual General Report 2018	2019	44
EASO	EASO Annual General Report 2017	2018	64
EASO	EASO Annual General Report 2016	2017	38
EASO	EASO Annual General Report 2015	2016	40
EASO	EASO Annual General Report 2014	2015	40
EASO	EASO Annual Activity Report 2013	2014	100
EASO	EASO Annual Activity Report Part II	2013	18
EASO	EASO Annual Activity Report Part I	2013	34