



Navigating Narratives:

*a Discourse Analysis of EU's Migration Policy through Migrant
Framing and Discourse Legitimation*

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Abstract

The “New Pact on Migration and Asylum” that was introduced in 2020 by the Commission, can provide an insight into the construction of the narrative around certain migrant groups and the policies that aim them. In order to explore this narrative, this paper analyzed the documents of the “New Pact” by conducting discourse and frame analysis. The aim of this research was to understand how the different *migrant categories* that are introduced in the documents are socially constructed into *target populations* through various *migration frames*. Moreover, the paper unpacked the ways these processes are legitimized by the Commission. The analysis of the documents showed that for the category of “irregular migrants”, the Commission mainly employed the “threat frame” in order to construct them into “deviants”. This was done mainly through “authorization” and “moral evaluation”. For the category of “migrants in need of international protection”, the “human interest frame” was used in order to construct them into “dependents”, which was mainly done through the legitimation strategy of “rationalization”. For “migrants not in need of international protection” the “economic” as well as the “threat” frame were used to construct them into the target population of “deviants”. Moral legitimation and rationalization were mostly used to support this narrative. For the category of “vulnerable migrants” it was discovered that the “human interest” frame was used to present them as “dependents”. This was done mainly through “moral evaluation”. Lastly, for the “skilled and talented migrants” the “economic frame” was employed in order to present them as “advantaged” target populations. To achieved that, the Commission relied mostly on “rationalization” as a legitimation strategy. The analysis also revealed that migrant categories often intertwine as they are not objective or fixed but socially constructed based on what policy goals the EU is trying to achieve.

Introduction

Different migrant categories have been used in academia, politics, and everyday life in order to make a distinction between people on the move. Even though categories are important because they help us understand and make sense of complex societal processes, like migration, they also have very real consequences for the people involved (De Haas et al., 2020). Most importantly, categories are not neutral “empty vessels” where people can simply be placed. In the field of migration, categories serve political purposes and have the power to include or exclude depending on how they are constructed, by whom, and for what purpose (Crawley and Skleparis, 2017). This means that categories and migrants themselves are framed differently depending on the circumstances. In policymaking, for example, the frames that are used to describe each migrant category come together in order to socially construct the different target populations of the specific policies, depending on the policies’ aim. In order to better understand policymaking in the field of migration in Europe, and the discourse surrounding the migrant categories, we need to look into the policy documents of the European Union. The “New Pact on Migration and Asylum” is a collection of policy documents introduced by the European Commission in 2020, with the purpose of “*turning a new leaf*” and rethinking migration and asylum in the EU. However, the pact has received heavy criticism from scholars as well as civil society for being the opposite of “new” and for not dealing with any of the issues it had promised to (Nicolosi & Minderhoud, 2018). This context sparked my interest in studying migrant categorization in the “New Pact” and trying to answer the following question:

“How does the European Commission frame migrants as target populations of policies in the “New Pact on Migration and Asylum”, and how are these policies legitimized?”

First, this thesis will aim to study how different migrant categories are being framed and constructed in the documents of the “New Pact on Migration and Asylum” that the Commission introduced in 2020. By looking at the discourse surrounding the various categories, we will try to explore how they are framed and, most importantly, what the meaning-making process surrounding them is. Then, the research will try to explain the ways in which the Commission legitimizes the policies that it implements for migration and asylum, as well as the categories themselves. Practically, this means that the paper will analyse the different policy documents included in the “New Pact on Migration and Asylum” in order to try to understand how the framing of the migrant categories helps construct those categories in target populations. Then, the research will explore the different ways that these policies are

legitimized, especially in relation to migrant categorizations. The policy documents of the “New Pact on Migration and Asylum” are public and easily accessible, and therefore, feasibility will not be an issue.

The use of categorization in policymaking is not a neutral process but is influenced by power relations and ideological assumptions (Crawley & Skleparis, 2017). The societal relevance of this research lies in the fact that it can shed light on how the European Commission's categorization of migration is influenced by and reinforces dominant discourses and power structures in European society. Furthermore, exploring those discourses surrounding the construction of the policies' target populations as well as the frames used by the European Union can contribute to greater transparency and accountability in the policy-making process. By shedding light on how the framing of the different categories is used, policymakers and the public can better understand the rationale behind policy decisions and hold decision-makers accountable for their actions.

While there are studies that apply discourse analysis to migration policies, there are no papers that combine the theories of framing, construction of target populations, and discourse legitimation in the “New Pact” in order to explore the discourse of the EU's migration policies. By conducting a discourse analysis on the documents of the “New Pact on Migration and Asylum”, I will be able to unpack the various categories of target populations and how they are framed, as well as the discourse legitimation strategies employed by the Commission. The main focus of this research is timely and important given the ongoing debates over migration policy in Europe. The "New Pact on Migration and Asylum" represents a major shift in EU migration policy, and understanding how it is being justified and legitimized is critical for policymakers, scholars, and the public.

Theoretical Framework

The following chapter consists of the theoretical framework of this paper. It attempts to give a thorough review of the theoretical concepts, notions, and principles that guide the research. The theoretical framework serves as the basis for the research methodology, data analysis, and result interpretation.

Migrant Categorization

State-defined categories, expressed through eligibility requirements such as age, ethnicity, or gender, are critical in understanding how the state and laws manage individuals' lives. In policymaking, categorization can be described as the grouping of items based on a specific attribute (Harrits & Moller, 2011). According to Yanow (2003, 9), “*category making entails classifying a set of items according to qualities the classifier perceives in them as making them belong to one category rather than the other*”. In relation to this definition, a political category is based on a type of ‘membership’ that defines who is **included** and who is **excluded** from the category. The process of categorisation also includes establishing a viewpoint, labelling and suppressing some features. These elements showcase the importance of the “power of construction” which is a vital part of the process of categorization (Harrits & Moller, 2011).

Shanthi Robertson (2019) introduces an interesting concept in the study of categorization in migration. She explores migrant categorization as a process of “status-making”. To her, status-making is the process where “*legal, discursive and experiential or social modes of categorization*” interact with each other and are mutually reinforced. In other words, “status-making” refers to the complex processes by which multiple “categories” of migrants are socially, culturally, and politically classified in relation to one another: as refugees or (economic) migrants, skilled or unskilled, temporary or permanent, legal or illegal, minors or adults. In the field of migration, the study of categories and how they are constructed is a very important task because it can help decrease and untangle their power as mechanisms of division and exclusion. Furthermore, Robertson (2019) makes a very essential remark: that policies, more often than not, are the ones that create the very same categories that they promise to control and police. This means, in the words of Apostolova (2015), that migrant categories do not “*simply exist out there, as empty vessels into which people can be placed in some neutral ordering process...*”.

This last remark leads us to our next point: Categorization is a fundamental part of both social research and politics, since it helps us build the social reality, we live in. However, this is not an objective process; rather, it reflects diverse perspectives on how individuals should be positioned within the social order and the conditions under which they should interact with the larger community (Crawley and Skleparis, 2017). The rights established by migration regimes are hierarchical, as is the case with any other ordering system. As a result, policy and legal categories may give the impression of being unchanging, impartial, or even objective, but in reality, they are continuously being challenged in a variety of distinct national and regional settings (Crawley and Skleparis, 2017). Migration scholars are focusing a lot on fracturing dichotomous categories. The European literature pays particular emphasis to the opposition

between “migrant” and “refugee” (Robertson, 2019). Since the terms “migrant” and “refugee” are constructed, choosing to classify someone as a “refugee” or not is a strong and fundamentally political process that positions individuals as objects of policy in a certain way and establishes policy goals (Crawley and Skleparis, 2017). The conceptual distinction between those viewed as forced refugees, who should be welcomed, and those viewed as voluntary migrants, can be replicated and reinforced by international law and the immigration laws of most receiving states, especially the EU. While the establishment and maintenance of these categorical distinctions are fundamentally influenced by the law, these terms also have informal meanings and applications that differ intriguingly from their formal legal definitions and are closely related to ideas of legitimacy and deservingness (Abdelaaty & Hamlin, 2022). Existing structures that categorize people according to their "worthiness" are only partially reflective of the complicated realities that drive people to seek safety. In addition, while successfully maintaining its reputation as a “human rights champion” throughout the world, Europe is then able to swiftly carry out deportations and refuse requests for refuge because of the labels and the discourse of which they are a part (Sajjad, 2018). Labels and categories for migrants often hide the fact that they are the result of bureaucratic processes. These processes are shaped by two opposing tensions that exist at the same time, especially in Europe: first, the need to give asylum to an increasing number of people who are being forced to move, and second, the need to take more steps to make sure "outsiders" can't reach western shores (Sajjad, 2018).

The theory of labelling served as a tool to clarify and classify aspects of criminal and deviant conduct, with the ultimate objective of administering punishment and rehabilitative measures. Labels serve the dual purpose of establishing boundaries and categories while also fulfilling classificatory and regulatory roles. This means that the process of labelling and categorizing is itself a form of exercising power and control. Further clarification can be obtained by delving into the asylum process. The review procedures for asylum cases in certain EU nations demonstrate a deliberate effort to construct a particular narrative that prioritizes meeting policy-driven rejection quotas over a thorough examination of the unique life experiences of individual refugees (Sajjad, 2018).

Migration Frames

In order to explore specifically how migrant categories are constructed, what narrative surrounds each category, and why different policies target different categories, we need to explore the theory of framing.

According to Entman (1993, p. 52), *“to frame is to select some aspects of a perceived reality and make them more salient in a communicating text, in such a way as to promote a particular problem definition, causal interpretation, moral evaluation, and/or treatment recommendation [...]”*. In other words, framing is a process that highlights certain aspects of an issue or topic in order to present it in a particular way, by using specific language or discourse. Framing theory has been used quite often in migration studies, especially to explore migrant representation in the media (Greussing & Boomgaarden, 2017). Below, we will analyse some of the most prevalent migrant frames, also known as **“master frames”** (Dekker & Scholten, 2017).

The **“human interest” frame** is generally used in order to highlight the “human” aspect of a topic and evoke emotion. In the topic of migration, the human interest frame is used to emphasize the vulnerability of migrants, especially people in need of international protection. This is usually done by describing the migrants as “victims” who are defenceless and in need of assistance and support. This “human interest” frame is usually put against the **“threat” frame** in the media or in policy making (Bosilkov & Drakaki, 2018). According to Horsti (2017), there are different themes that help construct the “threat” frame for migrants. Some of them include the “flood theme” where migration is presented as a mass influx of people that is constant and uncontrolled and creates issues for the receiving country. The “fortress” theme is then presented as a solution to the “flooding of migrants” and includes introducing visa regulations or closing up the borders. Another theme is the “illegitimacy theme” where some migrants are presented as not “deserving” and not “in need” of international protection, in contrast to the ones who need the assistance and protection. (Horsti, 2017). The general idea of the “threat frame”, however, is that migrants pose a threat to the receiving countries and are portrayed in a negative manner (Dekker & Scholten, 2017). Lastly, there is the **“economic frame”** where migration is described based on the economic effect it will have on the receiving country. According to the “economic frame”, migrants can be framed in a positive or negative manner depending on whether they produce “gains or losses” for the host society, respectively (d’Haenens & de Lange, 2001).

Social Construction of Target Populations

Migrants are increasingly classed, measured, coded, and then put into hierarchies of categorization that are politically and socially decided and have tangible consequences for them. As it was previously mentioned, in Robertson’s (2019) work, such codification methods

are referred to as “status-making”. To explore this process of “status-making” we need to take a step back and explore “status-making” and “categorization processes” as processes of social construction. The work of Anne Schneider and Helen Ingram (1993) can help us understand how policies categorize the populations they target depending on the population’s power and deservingness, or, to put it differently, benefits and burdens. This concept contends that the process of determining target populations is not a neutral, objective activity but rather a social construction that is influenced by a number of variables, including institutional structures, political power, and cultural values (Schneider & Ingram, 1993). Target populations are not simply "discovered" based on their objective characteristics but rather are created through a complex process of social construction that involves the active participation of multiple actors, including policymakers. In the end, knowing how target populations are socially constructed and framed can help us uncover the power relations and social injustices that underpin social policy interventions and can help guide the development of more just and efficient policy responses (Schneider & Ingram, 1993). According to Schneider and Ingram (1993), target populations can be categorized into four groups. This categorization is based on how much power the groups have (weak or strong) and on how they are being constructed and depicted in society (positively or negatively).

FIGURE 1
Social Constructions and Political Power: Types of Target Populations

		Constructions	
		Positive	Negative
Power	Strong	Advantaged The elderly Business Veterans Scientists	Contenders The rich Big unions Minorities Cultural elites Moral majority
	Weak	Dependents Children Mothers Disabled	Deviants Criminals Drug addicts Communists Flag burners Gangs

Source: (Schneider & Ingram, 1993)

The **advantaged group** is a target population that is perceived as having power and privilege in society. This group is seen as having many resources and opportunities. As a result, they are not typically targeted for social policy interventions, and when they are, it is to maintain or reinforce their status and power. Schneider and Ingram place in this category the elderly, scientists, and veterans. **Dependents** are a target population that is seen as needing

assistance and support from the government or other institutions in order to survive. Dependents are often viewed as passive recipients of assistance rather than active agents who can shape policy outcomes, but at the same time, they are depicted in a positive manner. In the graph, they are placed at the bottom left corner because, even though they are positively depicted, they are viewed as having low power. Some examples of dependents in a society are children, women, and disabled persons. **Contenders** are target groups that are often negatively depicted in society but still hold a lot of political power. That's why they are seen as active agents who have the power to contribute to policy outcomes. They are placed in the top right corner of the graph because despite having a lot of power, they are viewed negatively in society. **Deviants** are a target population that is seen as deviating from social norms or values, and as such, they may be subject to stigmatization, discrimination, or punishment. They do not have power, which is why they are placed in the bottom-right corner of the graph. Deviants are often viewed as deserving of punishment or control, rather than assistance or support (Schneider & Ingram, 1993). The theoretical framework of Schneider and Ingram has been used to study policymaking and explore target populations in many research papers, however, it has not been used to specifically analyze migration and asylum policies. However, applying this framework to the New Pact of Migration and Asylum could be a way to unpack the migrant categories and populations that the policies target, as well as the ways those categories are constructed and framed by the Commission.

Discourse legitimation

To understand in what ways the European Commission legitimizes the migration and asylum policies within the “New Pact on Migration and Asylum”, we need to look into the “legitimation strategies” it employs. This means exploring certain strategies for utilizing different discursive resources to elicit feelings of legitimacy or illegitimacy (Vaara & Tienari, 2008). According to discourse legitimation, there are four general types of legitimation strategies: (a) **Authorization**, which is legitimation through reference to the authority of tradition, custom, and law, as well as of those who hold some sort of institutional authority. (b) **Moral evaluation**, which is justification by allusion to moral standards. (c) **Rationalization**, which is legitimation based on the purposes and outcomes of institutionalized social activity and the body of knowledge that society has created to provide these purposes and outcomes with cognitive validity. And lastly, (d) **mythopoesis**, which is legitimation communicated through stories whose conclusions praise righteous deeds and condemn wrongdoing (Van

Leeuwen, 2007). Those general types also have sub-categories of their own that also depend on the context of the legitimation strategy, and can be found in the Operationalization Table in Appendix A. It is also important to mention that those strategies are often used together or intertwined, which is why the most powerful type of legitimation is frequently “multiple legitimation” (Vaara & Tienari, 2008). The theoretical framework of discourse legitimation has been used before in migration studies (Van Leeuwen & Wodak, 1999) because it can analyse how certain narratives and discourses about migration are established and maintained as legitimate, and how these narratives shape policies and practices related to migration. However, it would be interesting to explore how the Commission legitimizes its policies within the “New Pact”, which has not yet been done.

Expectations

My expectations for this research stemmed from my previous knowledge on the topic of migrant framing and categorization as well as the theoretical framework of this study. Therefore, I expected that the social construction and framing of the different migrant categories will depend on the policy aims that relate to each category. For “irregular migrants” and “migrants not in need of international protection”, I expected the framing to be mostly negative and create a narrative that justifies the Commission’s choice to prevent these groups from staying in Europe. For “migrants in need of international protection” and “vulnerable migrants” I expected the framing to focus on the vulnerability and risks these people experience in order to justify the EU’s decision to provide them with protection and aid in an effort to maintain its role as a “human rights champion”. Lastly, for “skilled and talented migrants”, I expected the framing used to describe them to highlight their capacity to help and improve the EU and build a narrative that justifies the choice of attracting them in the Union. In terms of discourse legitimation, I expected “moral evaluation” to be the prevalent strategy in the New Pact because the “threat frame” and the “human interest frame” rely heavily on the evoking emotion.

Research design

Case selection

The case that was selected to be analyzed in this paper is the “New Pact on Migration and Asylum” which was introduced by the European Commission in 2020. The specific case was selected because it includes a number of different documents, including proposals and recommendations that summarize the EU’s agenda for migration and asylum in the upcoming years. According to the Commission *“the New Pact on Migration and Asylum is a set of regulations and policies to create a fairer, efficient, and more sustainable migration and asylum process for the European Union”* (European Commission, n.d.-b). The Commission’s legislative and executive functions make it an important institution to study, especially since it represents the interests of the EU as a whole. Therefore, analyzing the “New Pact” of 2020 can provide us with important information regarding the meaning-making processes and power dynamics that can often be “hidden” underneath the texts of the latest EU policies on migration.

Methodology

In order to answer the following research question: RQ: “How does the European Commission frame migrants as target populations of policies in the “New Pact on Migration and Asylum” and how are these policies legitimized?”, I decided to conduct discourse analysis as well as frame analysis. To make it clearer, the research question has been divided into three sub-questions:

Q1: How are the different categories of migration framed in the “New Pact on Migration and Asylum”?

Q2: How are those frames used to construct the policies’ target populations?

Q3: How does the Commission legitimize those policies within the New Pact?

Analyzing concepts like migration categorization, framing, and construction of target populations through the lens of discourse analysis enabled me to explore the meaning-making process of the European Commission when it comes to migration and asylum policies. Furthermore, it allowed me to explore these topics on a deeper level by looking not only at the text but also at the context of the “New Pact” as well as the power relations that have led to the categorizations made by the Commission (Montessori et al., 2019). In this research, I first employed a frame analysis in order to explore the framing of the migrant categories that are introduced in the “New Pact”, and also to see how those frames contribute to the construction of the policies’ target populations. Frame analysis is considered to be a sub-category of discourse analysis. Within the realm of discourse analysis, the objective of frame analysis is to

reveal the implicit frames or interpretive frameworks that impact the ways in which individuals construct meaning in their communication. The frame analysis allowed me to identify the specific frames that the Commission uses in order to construct the target populations of its policies. I employed a discourse analysis to examine the language used by the Commission, as a performative or constitutive “dimension of reality”. This is crucial because the actions taken by policy actors, like the Commission, are a result of how they define the circumstances in which they are required to behave. Therefore, it is essential to concentrate on the meaning-making processes of institutional actors (van Ostaijen, 2020). Furthermore, with the help of existing literature, discourse analysis was used to study the different “legitimation strategies” that are used by the Commission to create feelings of legitimacy or illegitimacy for the different migrant populations and the policies that target them (Vaara & Tienari, 2008).

When it comes to the sample, I examined all documents included in the “New Pact on Migration and Asylum” since there are 11 of them in total (approximately 450 pages of documents). It is important to mention that although there were 11 policy documents, the “New Pact on Migration and Asylum” still constitutes only one case. However, I believe that the length and versatility of these documents provided me with enough information to be able to carry out the research and draw conclusions regarding the framing of target populations and policy legitimization. Moreover, the documents of the “New Pact” touch on many different subjects which can give us a relatively holistic idea regarding the Commission’s views on migrants. Lastly, the “New Pact” is a direct insight into the narratives that the European Union is promoting since it constitutes the biggest and latest effort to create a common policy for Migration and Asylum procedures.

Documents of “New Pact on Migration and Asylum”	
Name of Document	Page count
Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a New Pact on Migration and Asylum	29
Commission Staff Working Document Accompanying the document PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on asylum and migration management and amending Council Directive	107

(EC)2003/109 and the proposed Regulation (EU)XXX/XXX [Asylum and Migration Fund]	
Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on asylum and migration management and amending Council Directive (EC) 2003/109 and the proposed Regulation (EU) XXX/XXX [Asylum and Migration Fund]	111
Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL introducing a screening of third country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817	53
Amended proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU	33
Amended proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the establishment of 'Eurodac' for the comparison of biometric data for the effective application of Regulation (EU) XXX/XXX [Regulation on Asylum and Migration Management] and of Regulation (EU) XXX/XXX [Resettlement Regulation], for identifying an illegally staying third-country national or stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes and amending Regulations (EU) 2018/1240 and (EU) 2019/818	61
Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL addressing situations of crisis and force majeure in the field of migration and asylum	34
COMMISSION RECOMMENDATION (EU) 2020/1366 of 23 September 2020 on an EU mechanism for preparedness and management of crises related to migration (Migration Preparedness and Crisis Blueprint)	13
COMMISSION RECOMMENDATION (EU) 2020/1364 of 23 September 2020 on legal pathways to protection in the EU: promoting resettlement, humanitarian admission and other complementary pathways	10

COMMISSION RECOMMENDATION (EU) 2020/1365 of 23 September 2020 on cooperation among Member States concerning operations carried out by vessels owned or operated by private entities for the purpose of search and rescue activities	3
COMMUNICATION FROM THE COMMISSION Commission Guidance on the implementation of EU rules on definition and prevention of the facilitation of unauthorised entry, transit and residence	6

The analysis of the policy documents was conducted in the following way: First, I read thoroughly all 11 documents of the “New Pact” in order to familiarize myself with the texts and have a good understanding of the language used and the different policies it introduced. Then, on the second reading of the texts, I started identifying some key themes that matched the theory and the main concepts I was looking to explore. Then I created a code book that included all my main codes that I was looking for within my texts, like the different migrant categories that are mentioned, the different migrant frames that are implemented, the various legitimation strategies that are employed, etc. The codes were based on the Operationalization Table (which can be found in Appendix A) that was created during the research of the theoretical framework of the study, but it became more refined and enriched in the process as more codes and details were added. After the coding was done, I started identifying patterns and making connections between the codes. For example, when identifying that a sentence was talking about “irregular migrants” it was coded as such. Then by examining the different adjectives, the tone, and the surrounding elements of each migrant category, I identified whether a specific frame was used to describe this category. If so, the frame was also coded as such. Then, for each frame identified, I looked into the legitimation strategy that the Commission employes to describe that frame. After I went through all the texts, I noticed that certain frames were used to describe certain migrant categorizations which showcased the existence of a pattern. This allowed me to understand, for example, what frames were used to describe certain migrant categories and how they were used in order to construct specific target populations for the policies.

Limitations

The two most important limitations of the specific methodology are its limited generalizability (analysis of only one “case”) as well as the risk or subjectivity that is embedded in the nature

of discourse analysis. Therefore, it is important to remain transparent throughout the research, to ensure that if anyone chooses to replicate it, they are able to do so. Another limitation of this paper is that it only analyses documents produced by the Commission. To get a better understanding of the issues of framing and migrant categorization it would be interesting to interview members of the Commission, which is something that future research could delve into.

Ethical Considerations

When doing a research project, but especially when conducting critical discourse analysis, there are two very important things to keep in mind. The first one is the effort to remain objective, and the second one is transparency. In order to effectively depict the content and context of the conversation being examined, discourse analysis requires objectivity and impartiality. Personal prejudices or opinions should not be allowed to impact the analysis. In terms of transparency, it is important to be transparent about the methods and techniques used in the analysis, including any software or tools used to support the analysis. This allows others to replicate the study and verify the findings.

Analysis

In the following part, the key findings of the analysis will be presented. First, we will explore how the different migrant categories are depicted in the “New Pact”. This will be done by exploring how the “master frames” of migration contribute to the social construction of the policies’ target populations. Then we will unpack the different discourse legitimization strategies that are employed by the Commission throughout the policy documents.

Migrant categorization and framing

In the New Pact, the Commission categorizes migrants in multiple ways. The main categorizations that it makes, however, are the following: a) irregular migrants, b) migrants in need of international protection, c) migrants not in need of international protection, d) vulnerable migrants, and e) skilled and talented migrants. To better understand how the Commission constructs the target populations that are the object of its policies, the eleven

documents of the New Pact were analyzed. In the following part, the five categories of migrants that are found within the New Pact will be introduced and analyzed.

Irregular migrants

The biggest and most intensely described category in the documents was the category of “irregular migrants”. Irregular migrants are both the persons who have entered and/or reside in a Member State *irregularly*. A synonym widely used by the Commission to describe this category, in the documents, instead of irregular is “unauthorized”. In some instances, the word “illegal” is also used to describe this type of migration and movement, despite the fact that there have been efforts by the EU to replace the word with “irregular” due to its criminal connotations (European Commission, n.d.-a). Although the EU recognizes that within this category of “irregular migrants” there are people who are in need of international protection, the category is mainly depicted in a negative manner. In the New Pact, irregular migration is presented first of all as a “potential threat”. This indicates that in order to describe this category of migrants, the Commission uses the “threat” frame. This means that for the Commission every person irregularly arriving at the EU border is potentially dangerous for the national security of the Union and should be subjected to a pre-entry screening in order to establish their security status. In order to tackle the “security” aspect of irregular migration the Commission also introduces in the New Pact an amended Eurodac Regulation that will allow biometric data of immigrants to be collected and exchanged by Member States and “control irregular migration” (European Commission, 2020f, p. 6). In many instances, the new security measures introduced in the New Pact are presented as a way to “fight international criminality” and prevent terrorists from entering the Union” (European Commission, 2020f, p. 43). This further supports the narrative that the Commission is trying to reinforce that “irregular immigrants” are a security threat for the Member States. It is also important to mention that the New Pact was introduced in 2020, during a time when the world was experiencing a global pandemic. This allowed the Commission to describe “irregular migrants” not only as a potential security threat but as a potential health issue as well and therefore, the introduction of the pre-entry screening is presented as a solution to make sure that “irregular immigrants” do not pose a health risk for the Union (European Commission, 2020d). Furthermore, irregular migrants are often described in the New Pact as a “burden” for the Union. Especially when there is a large number of immigrants arriving at the border, the situation is described as a “crisis” that will

negatively affect the border management but also the Member States themselves. This description of the arrivals as a constant and extremely large flow of people arriving at the borders also indicates that the Commission is using the “threat” frame and more specifically by employing the “flood theme” (Horsti, 2017). Other wording used in the New Pact documents to describe this situation is: “heavy burden”, “puts a strain on the Schengen area”, “extreme pressure”, “administrative burden” (European Commission, 2020b, p. 5). The way the Commission has decided to portray “irregular migration” contradicts the fact the irregular migration had already dropped by 92%, from where it was in 2015, when the New Pact was introduced in 2020 (European Commission, 2020b, p. 18). Therefore, the depiction of irregular migration as a situation of “extreme pressure” does not reflect reality as much as it supports the narrative on the Commission. The overall negative portrayal of “irregular” migrants in the New Pact can also be seen in the selection of verbs that the Commission uses. Some examples of the most frequently used verbs that describe the Commission’s approach when it comes to “irregular migration” are that it needs to be “tackled”, “fought against”, “diminished”, “combated”, “controlled”. The choice of words highlights the effort made by the European Union to portray irregular migration as a “problem” that needs to be dealt with. Furthermore, wording such as “fight against” and “combat” helps create this image of irregular migrants being the “enemy”. When reading the New Pact, it is obvious that “irregular migration” is one of the main focuses of the Commission. To make it clearer, the word “irregular” appears in total 332 times in the documents of the New Pact, while the word “unauthorized” appears 175 times. Those numbers help us understand that the category of “irregular migrants” is the most important target population of the New Pact of Migration and Asylum. The biggest and most intensely described category in the documents was the category of “irregular migrants”. Irregular migrants are both persons who have entered and/or resided in a Member State irregularly. A synonym widely used by the Commission to describe this category in the documents instead of “irregular” is “unauthorized”. In some instances, the word “illegal” is also used to describe this type of migration and movement, despite the fact that there have been efforts by the EU to replace the word with “irregular” due to its criminal connotations (European Commission, n.d.-a). Although the EU recognizes that within this category of “irregular migrants” there are people who are in need of international protection, the category is mainly depicted in a negative manner. In the New Pact, irregular migration is presented first of all as a “potential threat”. This indicates that in order to describe this category of migrants, the Commission uses the “threat” frame. This means that for the Commission, every person irregularly arriving at the EU border is potentially dangerous for the national security of the

Union and should be subjected to a pre-entry screening in order to establish their security status. In order to tackle the “security” aspect of irregular migration, the Commission also introduces in the New Pact an amended Eurodac Regulation that will allow biometric data of immigrants to be collected and exchanged by Member States and “control irregular migration” (European Commission, 2020f, p. 6). In many instances, the new security measures introduced in the New Pact are presented as a way to “fight international criminality” and prevent terrorists from entering the Union” (European Commission, 2020f, p. 43). This further supports the narrative that the Commission is trying to reinforce that “irregular immigrants” are a security threat for the Member States. It is also important to mention that the New Pact was introduced in 2020, during a time when the world was experiencing a global pandemic. This allowed the Commission to describe “irregular migrants” not only as a potential security threat but as a potential health issue as well, and therefore, the introduction of the pre-entry screening is presented as a solution to make sure that “irregular immigrants” do not pose a health risk for the Union (European Commission, 2020d). Furthermore, irregular migrants are often described in the New Pact as a “burden” for the Union. Especially when there is a large number of immigrants arriving at the border, the situation is described as a “crisis” that will negatively affect not only the border management but also the Member States themselves. This description of the arrivals as a constant and extremely large flow of people arriving at the borders also indicates that the Commission is using the “threat” frame and, more specifically, employing the “flood theme” (Horsti, 2017). Other wording used in the New Pact documents to describe this situation is: “heavy burden”, “puts a strain on the Schengen area”, “extreme pressure”, “administrative burden” (European Commission, 2020b, p. 5). The way the Commission has decided to portray “irregular migration” contradicts the fact that irregular migration had already dropped by 92% from where it was in 2015 when the New Pact was introduced in 2020 (European Commission, 2020b, p. 18). Therefore, the depiction of irregular migration as a situation of “extreme pressure” does not reflect reality as much as it supports the narrative of the Commission. The overall negative portrayal of “irregular” migrants in the New Pact can also be seen in the selection of verbs that the Commission uses. Some examples of the most frequently used verbs that describe the Commission's approach when it comes to “irregular migration” are that it needs to be “tackled”, “fought against”, “diminished”, “combated”, “controlled”. The choice of words highlights the effort made by the European Union to portray irregular migration as a “problem” that needs to be dealt with. Furthermore, wording such as “fight against” and “combat” helps create this image of irregular migrants being the “enemy”. When reading the New Pact, it is obvious that “irregular migration” is one of the main focuses

of the Commission. To make it clearer, the word “irregular” appears a total of 332 times in the documents of the New Pact, while the word “unauthorized” appears 175 times. Those numbers help us understand that the category of “irregular migrants” is the most important target population of the New Pact of Migration and Asylum.

Based on the theoretical framework of Schneider and Ingram, the “irregular migrant” category that the Commission constructs and the narrative that surrounds this category can be considered a target population of deviants (Schneider & Ingram, 1993). This is because the target group of “irregular migrants” is constructed in a very negative way, focusing on the depiction of the group as a security and health threat, that burdens the European Union. The way that the Commission constructs this particular group is by implementing the “threat” frame (Horsti, 2017). Furthermore, when examining the policies that target the group and the wording used to describe the Commission approach, it is apparent that the aim of the policies is not to provide assistance and support but rather to control the group and penalize it, which also relates to Schneider and Ingram’s description of the target population of deviants (Schneider & Ingram, 1993). However, since this category includes migrants in need of international protection, there is a possibility for some of them to move from this category to another one, as we are going to see below.

Migrants in need of international protection

Although the depiction of “irregular migrants” in the New Pact is negative, as we previously examined, the Commission recognizes that amongst these irregular arrivals, there are people who arrive at the EU borders and are in need of international protection. The way these people are described within the New Pact differs immensely from that of “irregular migrants” even though those categories often overlap. First of all, this category is described as people with “genuine” or “well-founded” claims of international protection, which implies that there are also people who do not need international protection and whose claims are “bogus”. Furthermore, they are described as being “high risk” and therefore their access to the asylum system procedures needs to be fast (European Commission, 2020g, p. 10). The description of the category is based on the “human interest” frame that is employed by the Commission (Bosilkov & Drakaki, 2018). This is done by highlighting the “genuine need” that these people have for the EU’s protection because of their “high risk” situation. Since, all of the rights and conditions that come with receiving international protection from the European Union are analysed in the Qualification Directive, in the New Pact, what is highlighted about this category

is that their access to the asylum procedures needs to be effective, fair, and quick. The last aspect is the one highlighted the most in the New Pact since the words “quick” and “immediate” are the most frequently used. What is also interesting to mention is that the category of “migrants in need of international protection” is constantly put in contrast with “migrants not in need of international protection”. In other words, this dichotomy is presented as the ones “in need” of protection versus the ones with “no right to stay” (European Commission, 2020e, p. 4). This dichotomy also matches the dichotomy between the “threat” frame and the “human interest” frame, the most commonly employed frames when talking about migration (Bosilkov & Drakaki, 2018). Based on the theoretical framework of Schneider and Ingram regarding target populations, migrants “in need of international protection” are considered to be dependent. Both dependents and advantaged are portrayed in a positive manner, which is the case for migrants in need of international protection in the New Pact, but dependents are clearly portrayed as needing support and help, which is exactly how migrants “in need of international protection” are depicted (Schneider & Ingram, 1993). The fact that these individuals have “genuine claims” means that they have a real reason for seeking help and protection from the Union. As it was mentioned above, this is done by implementing the “human interest frame” when describing this particular group (Bosilkov & Drakaki, 2018). This means that the EU is required to provide them with protection and create policies that intend to support them. Therefore, their positive construction but low power puts this category of migrants in the position of “dependents” as a target population (Schneider & Ingram, 1993).

Migrants not in need of international protection

As it was previously mentioned, the category of migrants “in need of international protection” is constantly put in contrast to the ones who “don’t need” international protection. The latter will be analysed in this paragraph. This category consists of migrants who have most likely arrived at the EU borders “irregularly” and it has been established that they are not in “need of international protection”. According to the Commission, these migrants need to be returned immediately. One of the main narratives used by the Commission to describe this category of migrants is that they are a “burden” to the asylum systems of the Union. More specifically, it is highlighted in the New Pact that it is very expensive and burdensome for the Union and the Member States to process the asylum applications of migrants who end up having to be returned. Furthermore, the return procedure itself is described as an expensive and burdensome process as well. As stated in the documents, “*Processing the asylum claims and finalising the*

return procedure of irregular migrants from third countries with a low recognition rate create a significant burden for national authorities” (European Commission, 2020b, p. 31). This relates back to the use of the “economic” frame by the Commission. In this case, it was used to showcase the economic losses that this group of migrants is causing, and therefore the framing of the group is negative (d’Haenens & de Lange, 2001). It is also mentioned that processing the asylum applications of those unlikely to receive international protection leads to delays in offering protection to those “who are in genuine need” (European Commission, 2020c, p. 11). By making this comment, the Commission is putting some of the blame for the delays in granting protection on the migrants themselves instead of the European Union or the Member States responsible for processing the applications. Moreover, the category is also depicted as trying to “mislead the authorities” and take advantage of the asylum and return systems. This category is also described as “unfounded, inadmissible, fraudulent asylum applicants” who try to find loopholes in the asylum system of the Union in order to prevent their return (European Commission, 2020b, p. 43). According to the New Pact, these migrants often refuse to cooperate with the Member State’s authorities and “tend to abscond”. The use of the word “abscond” is very interesting because it is used to describe the act of escaping after committing some sort of criminal activity like theft (Cambridge Dictionary, n.d.). “AVRR shopping” is also another way that migrants with “no right to stay” take advantage of the asylum and return systems, according to the Commission. They do that by “unrightfully” claiming return funds, without actually going through with their return (European Commission, 2020b, p. 47). It is clear that all these descriptions create a very negative narrative that surrounds the migrants who are “not in need of international protection”, within the New Pact. All these depictions indicate that the Commission uses a “threat” frame in order to describe this group of migrants. For this group, the “threat” frame is used by implementing the “illegitimacy” theme, where the “unfounded claims” of the migrants are presented against the ones who are legitimate and deserve the protection of the EU (Horsti, 2017). When it comes to the types of measures and policies that are aimed at this group, it is clear that the aim is to penalize and control it. The need to quickly return these individuals is highlighted multiple times in the New Pact. The need to quickly identify who is and who is not in need of international protection aims to “swiftly return those with no right to stay” (European Commission, 2020b, p. 72). In an effort to prevent these migrants from entering EU territory, the Commission proposes the possibility of keeping them detained at the border, something that also relates to the “fortress theme” that is part of the “threat” frame (Horsti, 2017). Considering that the overall depiction of this migrant group is very negative and the policies

that target them have as their main goal to control and punish this group, we would argue that according to Schneider and Ingram (1993), migrants not in need of international protection are constructed as deviants. Unlike the “irregular migrant” category that was analyzed above, migrants that “have no right to stay” in the Union are unlikely to move from the deviant category because their status has already been established. Furthermore, the construction of the group is achieved by applying the “threat” as well as the “economic” frame throughout the New Pact.

Vulnerable migrants

Another category that has been very prominent in the New Pact is that of “vulnerable migrants.” The protection of vulnerable individuals, especially unaccompanied minors and children under the age of twelve, is greatly emphasized within the New Pact. The way that this particular group is being depicted in the New Pact is mainly positive, but with a big focus on their vulnerability. Besides minors, this group also includes “pregnant women, elderly persons, single parent families, persons with an immediately identifiable physical or mental disability, and persons visibly having suffered psychological or physical trauma” (European Commission, 2020c, p. 71). According to the Commission, women, children, and girls are especially vulnerable due to the fact that they could more easily become victims of trafficking or be sexually exploited. However, children and unaccompanied minors in particular are a priority for the Commission because they are considered to be especially vulnerable. As mentioned multiple times within the Pact, the “best interests of the child are the primary consideration” for the EU (European Commission, 2020a, p. 7). As a result, they are to be cleared from border procedures and detention. According to the New Pact, the main focus of Member States should always be to promote and advocate for the rights of migrant children and always consider their “well-being and social development” (European Commission, 2020c, p. 34). Furthermore, the Commission aims to provide Member States with a higher financial incentive in order to prioritise the relocation of minors and increase the total number of vulnerable persons in need of international protection admitted to their territory (European Commission, 2020c, p. 82). By constantly highlighting the vulnerability of this group, the European Commission is implementing a “human interest” frame in order to describe it. As it was mentioned in the theoretical part, an important aspect of the “human interest” frame is the emphasis on the vulnerability of the group as well as on their dependency on assistance and support (Bosilkov & Drakaki, 2018). Considering all of the above, it is apparent that the narrative the Commission

chooses to reinforce is that vulnerable migrants, and especially children, need to be prioritized in terms of assistance and support. This highlights the vulnerability of the group and showcases how important the policies that target them are for their survival and well-being. At the same time, they are portrayed in a positive manner. Because of their low power and their dependency on the assistance provided by the EU, this target group belongs to the category of “dependents” within the theoretical framework of Schneider and Ingram (1993).

Skilled and talented migrants

Another category of migrants that is described in the New Pact is that of “skilled and talented migrants”. This category is different from all the others because it is the most desired by the Commission. The reason is that by attracting “skilled and talented migrants” the European Union is hoping to win the “global race for talent” that it is currently losing due to its aging population (European Commission, 2020a, p. 25). This migrant group is therefore favoured because of the general benefits that it will bring to the EU economy. According to the New Pact they are expected to fill the current skill and labour gaps in the EU’s market and assist with the “green and digital transition of the EU” (European Commission, 2020a, p. 25). This group includes “highly skilled” individuals as well as students and researchers. It is important to note that this category of migrants does not include all labour migrants but only the ones that are “able to match labour and skills needs” in the Union (European Commission, 2020a, p. 23). The way this group is constructed by the Commission is based on the “economic frame” that showcases the economic benefits a group like that has for the Union (d’Haenens & de Lange, 2001). By showcasing this aspect of “skilled and talented migrants”, the Commission justifies all the policies that it implements in order to attract them. A number of different policies aim to attract these types of migrants to the EU, including reforming the Blue Card Directive. However, the Commission also highlights the need to “leverage skills, qualifications and the motivation of individuals in need of international protection” (European Commission, 2020i, para. 32). This includes recognizing the foreign diplomas and acknowledging and identifying the advanced professional skills and extensive experience of migrants (European Commission, 2020i, para. 32). Although this category of migrants is very positively constructed, it is important to mention that it is also very narrow. It only includes people who would benefit the EU economy and labour market. These people are already highly skilled and educated, which means that it wouldn’t cost the EU any more money and resources to train them. Therefore, the “economic” frame that is used to describe this group contributes to its positive representation.

Considering the positive depiction of this group and the fact that they are already described as having the skills and opportunities, they belong to the target population of the “advantaged group” according to Schneider and Ingram’s theoretical framework (1993). This is reinforced by the fact that the EU policies that target this specific category are mainly trying to attract it to the European Union rather than provide assistance and support.

Discourse legitimation in the New Pact of Migration and Asylum

In this part of the analysis, we will explore the “legitimation strategies” of the New Pact. When it comes to “legitimation strategies,” we mean the discourse methods that the Commission uses in the New Pact in order to bring out feelings of legitimacy in the reader regarding the contents of documents and more specifically regarding the new policies it introduces (Vaara & Tienari, 2008). However, this part will not analyze the policies themselves but rather the legitimation strategies employed in the documents. Although all four legitimation strategies were used in the New Pact, some are more common than others. The most commonly used ones are rationalization and moral evaluation, which are followed by authorization and lastly, mythopoesis, which is the one used more rarely. In the following paragraphs, those legitimation strategies will be analyzed.

Rationalization

Rationalization is the most prevalent legitimation method in the New Pact. In rationalization, the discourse that is used to legitimize the actions is based on logic and reason. More specifically, it can be based on the action’s effectiveness or success, or it can be based on whether the action is established on an “accepted” truth (Van Leeuwen, 2007). Most of the legitimation strategies employed by the Commission are based on the presumed effectiveness of the policies that are introduced. We can see that in the documents, the words “effective” and “effectiveness,” as well as “efficiency,” are used many times to describe the potential outcomes of the new policies. Moreover, the “efficiency” of the new policies is also presented in terms of improving the “quickness” of the current processes. This is highlighted by the use of adverbs and adjectives such as “timely,” “quicker,” “faster,” and “swift” to talk about “access,” “processes,” and “decisions.” Furthermore, the “effectiveness” aspect is also presented in terms of improving the general quality. For example, it is mentioned in the new Pact that “the new Asylum Procedures Regulation will increase the overall efficiency and coherence of the asylum

and migration management systems” (European Commission, 2020g, p. 1). Some other words used throughout the documents are "better," "more credible," "proportionate and reasonable," and "stable" to describe the potential outcomes of the New Pact. Moreover, rationalization is implemented through the use of "evidence" as a legitimation strategy. The Commission is very adamant that all the policies introduced in the New Pact are "evidence-based." In fact, it is mentioned in five different documents that the Commission is doing "evidence-based policy making [...] based on an analysis." This is a way to invoke feelings of legitimacy based on the idea that the New Pact is backed by data and statistics. Furthermore, rationalization, and more specifically theoretical rationalization, is also employed when describing the migrants that are "in need of international protection." This is done by describing their claims as "genuine" and "well-founded," meaning that their actions in seeking asylum are legitimized because they are based on the truth (Van Leeuwen, 2007). By justifying the movement of the migrants, the Commission also justifies its choice to provide help and assistance to these people as well. "Instrumental rationalization" is also employed when describing the category of "skilled and talented migrants." This category is described as useful and beneficial for the EU and its economy, and therefore, the Commission is trying to legitimize the choice to attract this category of migrants because of their capability to fill the labor gaps in the market and in order to "leverage skills [and] qualifications" (European Commission, 2020a, p. 25). In the same way, the Commission uses "instrumental rationalization" in order to evoke feelings of illegitimacy for "migrants not in need of international protection" by describing how they are an economic burden for the EU. This is then used to justify why the main policies that target this group are return policies.

Moral Evaluation

Moral evaluation is a legitimation strategy that tries to evoke legitimacy by appealing to moral values and norms. In the New Pact, there are some instances where moral evaluation is used. For example, the Commission tries to evoke legitimation by arguing that the New Pact is creating a "fair" system that is based on solidarity and human rights standards. Another example of moral legitimation is the effort to present the EU as having a "moral duty" and a "commitment to providing life-saving support to millions of refugees and displaced people" (European Commission, 2020a, p. 19). Furthermore, the New Pact is presented as a way to fight criminal networks of smugglers, who risk the lives of migrants and also risk the security of the EU (European Commission, 2020k, p. 1). Some other instances of the implementation

of moral evaluation are when it comes to the depiction of irregular migrants. The use of words such as “irregular” and “unauthorized” could be considered an evaluation strategy employed to invoke feelings of illegitimacy by implying that the movements of these people are not “normal” or “legit.” The framing of irregular migrants, as well as “migrants not in need of international protection,” as a “threat” for the receiving societies is also a moral evaluation strategy in the form of abstraction. These strategies aim to highlight certain aspects of irregular migrants in order to simultaneously present their actions as illegitimate and justify the policies of the EU. On the other hand, when describing the category of “vulnerable migrants,” by employing the “human interest frame” and highlighting the emotional aspect and vulnerability of this specific group, the Commission is also using moral evaluation, and more specifically abstraction, to legitimize its actions of providing support and aid to this group.

Authorization

The third most commonly used legitimation strategy that we find in the New Pact is authorization. Authorization is a discourse strategy that tries to evoke feelings of legitimacy by arguing that the actions are based on some sort of authority. This authority can either be based on an individual (i.e., because of a person’s status as an expert, role model, or authority figure) or it can be more impersonal (i.e., based on laws, tradition, or conformity) (Van Leeuwen, 2007). In the New Pact, the Commission uses multiple of these forms of authorization in order to legitimize their new policies and the New Pact. The most frequently used authorization method is “expert authority.” For example, in all the documents of the New Pact that propose a new policy, we see that the Commission explicitly mentions that it is “based on recommendations made by national and local authorities, non-governmental and international organizations, such as UNHCR and IOM, as well as think tanks and academia.” This phrase is repeated in four different documents throughout the New Pact. Also, it is mentioned that the New Pact is based on studies by the European Migration Network, which is an expertise organization that produces specialized knowledge. Moreover, it is highlighted by the Commission that the New Pact is based on human rights and international law, which is a form of “impersonal authorization.” Another form of “impersonal authorization” is the frequent use of “irregular” and “unauthorized” to describe people on the move. These adjectives are used in an effort to de-legitimize the movement of these migrants and their presence in the Union, and they are a form of “impersonal authority” legitimation strategy. They are used to evoke feelings

of illegitimacy for this specific category of people on the move and justify the policies that aim to punish and control them.

Mythopoesis

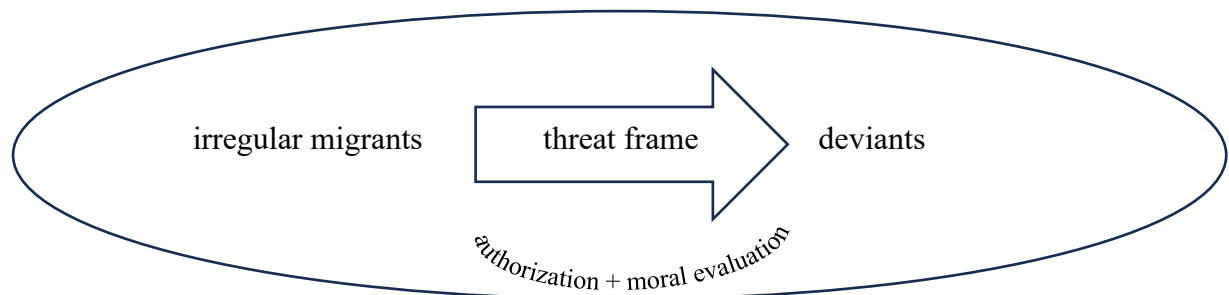
Although mythopoesis is rarely applied in the New Pact, there is an instance where it is clearly used. This is when the Commission is describing the consequences of migrants choosing the “irregular” route to arrive in the EU. The “irregular” route is described as dangerous for the migrants and poses a risk of becoming victims of trafficking. It is also connected with “migrant smuggling,” which “is increasingly associated with serious human rights violations and loss of lives, in particular when it occurs at sea” (European Commission, 2020k, p. 3). The general idea is to elicit feelings of illegitimacy regarding the “irregular” arrivals and present the New Pact as a solution to that "issue."

Conclusions and discussion

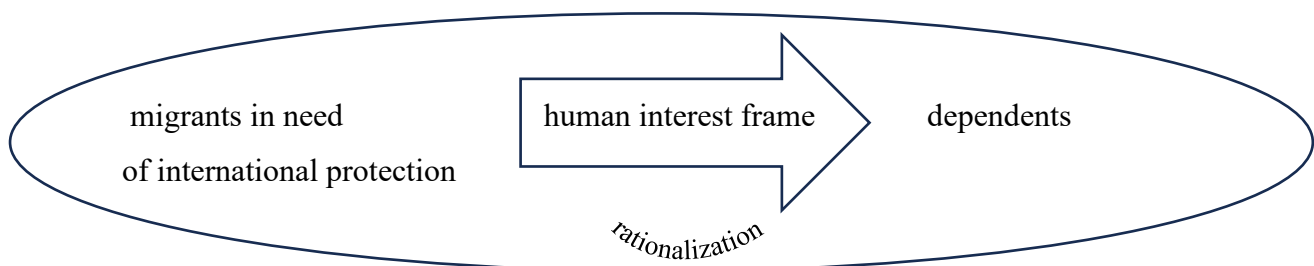
In order to answer the research question “*How does the European Commission frame migrants as target populations of policies in the “New Pact on Migration and Asylum”, and how are these policies legitimized?*”, we divided the analysis into two parts. The first part of the analysis of this paper dealt with the depiction of the migrant groups in the “New Pact” and tried to unpack how the “master frames” of migration are used in order to construct the policies' target populations. In the second part of the analysis, I discussed the legitimation strategies that were employed by the Commission in order to legitimize the policies that target specific migrant categories.

First of all, for the category of “**irregular migrants**”, it was discovered that the Commission mainly employs the “**threat**” frame in order to create the narrative of an uncontrollable flow of people who need to be managed and stopped from entering the Union. “Irregular migrants” are described as a “health threat,” a “security threat,” and a threat to the functioning of the asylum systems. As a result, “irregular migrants” are depicted as “deviants,” according to Schneider and Ingram (1993), because of their negative framing and policies that aim to control them. In order to legitimize the policies that target “irregular migrants,” the Commission applied “authorization” and “moral evaluation” as legitimation strategies. The heavy use of adjectives such as “irregular” and “**unauthorized**” contributed to the delegitimization of the migrants’ movements and provided a justification for the policies that

target them. On the other hand, the implementation of the “threat frame” to describe “irregular migrants” was used to evoke feelings of illegitimacy and fear for the group and at the same time justify the Commission’s policies.

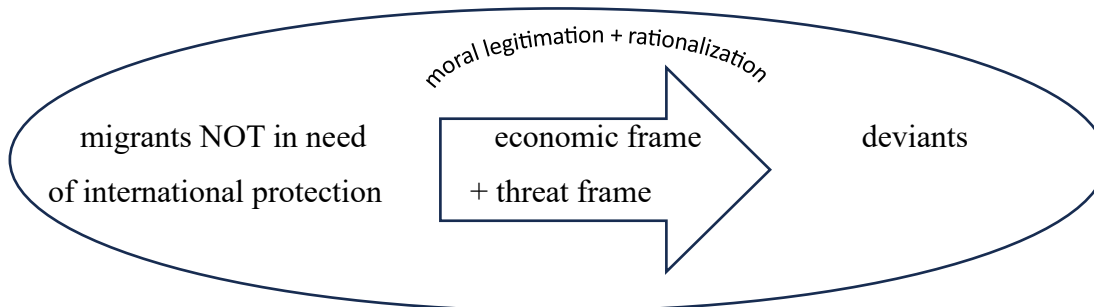


For the category of “**migrants in need of international protection**,” the most commonly used “master frame” implemented by the Commission was the “human interest” one. These migrants were described as being in “high-risk” situations, “in genuine need” of protection, and therefore **deserving** of the assistance of the EU. For these reasons, they are categorized as “dependents” according to the theoretical framework of the construction of the target population by Schneider and Ingram (1993). The genuineness and truthfulness of their claims are highlighted repeatedly throughout the documents in order to validate the policies that target them, which constitutes “rationalization” as the primary legitimation strategy employed for this group.

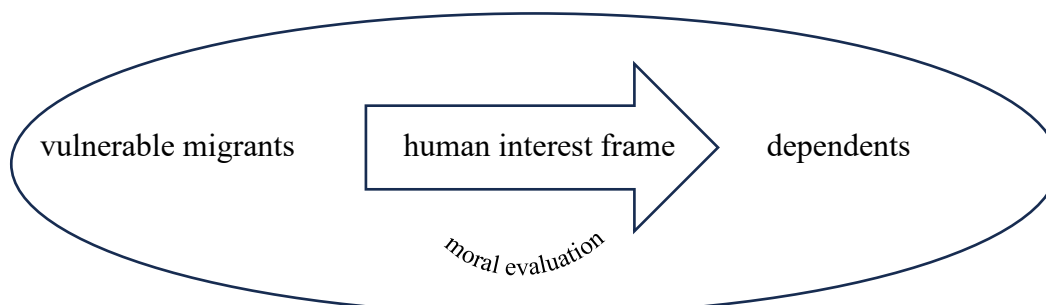


To describe “**migrants not in need of international protection**,” the Commission mainly uses the “economic frame” as well as the “threat frame.” This is done by highlighting how much of an **economic burden** these migrants are to the EU by applying for asylum when they don’t have genuine claims for international protection and by “unrightfully” claiming return funds. The “threat frame” is used through the implementation of the “illegitimacy” theme and is heavily implemented throughout the “New Pact.” Because of the negative depiction of this category and policies that target them and mainly focus on return, “migrants not in need of international protection” fall into the category of “deviants,” according to Schneider and

Ingram (1993). As for the legitimation strategies that the Commission employs, “moral legitimation” is used to support the narrative of migrants as a "threat," and “rationalization” is used to support the narrative of migrants as an “economic burden” for the Union.

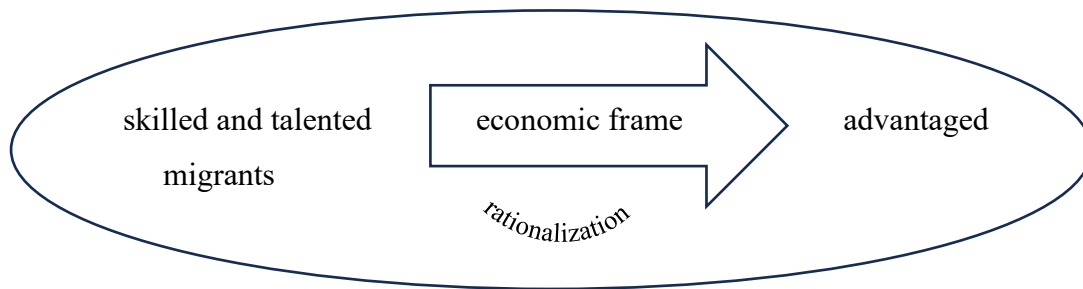


For the “**vulnerable migrants**,” the “human interest frame” is used through the “New Pact.” To achieve that, the Commission highlighted the **fragility and vulnerability** of the group and their **dependency** on the assistance of the EU. For this reason, the group falls under the “dependents” category of the Schneider and Ingram (1993) framework. Because the description of this group and the policies that target it rely heavily on evoking emotions through the “human interest frame,” the main legitimation strategy employed here by the Commission is that of “moral evaluation.”



Lastly, the depiction of the “**skilled and talented migrants**” category is mostly based on the “economic” master frame of migration. Unlike “the economic frame” that was employed in order to describe the migrants “not in need of international protection” as a burden, this time the “economic frame” is used to create a narrative where these migrants have **economic advantages** in the EU. “Skilled and talented migrants” are framed positively and are very **desired** for the Union, which makes them fall under the “advantaged” group in the theory of target populations. For that reason, they are the only migrant group within the “New Pact” that is described as having high power. In terms of legitimation strategies that are used to support the narrative of this category and the policies that target them, the Commission mainly applies

“instrumental rationalization” by arguing that “skilled and talented migrants” are beneficial for the receiving societies, and that’s why policies are focused on attracting them.



In terms of the framing that is used to depict each migrant category, the expectations that I had at the beginning of this paper were verified. For “irregular migrants” and “migrants not in need of international protection” the framing was negative and resulted in them being constructed as “deviants”. For “vulnerable migrants” and “migrants in need of international protection” the expectation that they would be described as fragile and vulnerable and deserving of the assistance of the EU was also confirmed. Although I expected that “skilled and talented” migrants would be described as having “more power” and would be desired by the EU, it surprised me that it was the only “high power” category in the New Pact. It is important to mention that there was no migrant group that could be viewed as “contenders” either, in the New Pact. This could potentially mean that the Commission does not perceive migrants as much as “competition” as it does as a “threat”. The difference between the two lies within the amount of power they are perceived to have.

However, my expectation that the most commonly used discourse legitimation strategy would be moral evaluation was not verified. As it was mentioned in the Analysis, rationalization was the most used strategy, especially for evoking feelings of legitimacy for the new policies. Appealing both to logic and to emotion could be a conscious choice made by the Commission in order to create a policy that is stronger and more concrete.

After presenting and analyzing all the narratives that are used to describe the different migrant categories, it is important to mention that those categorizations are not completely distinct from one another. “Irregular migrants” include all immigrants who arrive or reside in a Member State in an irregular way. However, irregular arrivals potentially include asylum seekers and both “migrants in need of international protection” and “migrants not in need of international protection.” In the same way, within the category of “migrants in need of international protection,” there are some migrants that are considered vulnerable. Therefore, we see that the categories introduced by the Commission **intertwine**, meaning that a person

can, at the same time, belong to a few different categories and therefore be perceived in a number of different ways. Since all those categorizations are constructed differently in the New Pact, some of the depictions might seem contradictory to one another. For example, how can the same person be perceived as a “threat” to the Union and, at the same time, deserving of the protection of the EU? This relates back to the theory introduced by Crawley and Skleparis (2017), which discusses the fact that those categories are not objective but group people in order to make them objects of specific policy goals. In the same way, the Commission can categorize a person either as an irregular migrant or as someone in need of international protection, depending on what policy goal it wants to achieve. As Sajjad (2018) highlighted, in Europe, those policy goals are centered around a) either providing international protection to a growing number of people who need it, to maintain Europe’s position as a “human rights champion” and b) keeping the “outsiders” out of the EU. By depicting individuals as “irregular migrants”, the Commission aims for the second policy goal, while by depicting an individual as in need of the EU’s protection, it is aiming for the first policy goal. In the same way, the “human interest” frame is usually employed in order to achieve that first aim, while the “threat frame” is employed in order to achieve the second aim.

Furthermore, the fact that “irregular migrants” are the most prominent category in the New Pact suggests that it is a key topic for the Union, although “irregular migration” has dropped by 92% since 2015. This could indicate that the EU is choosing to prioritize tackling “irregular migration” rather than putting those resources into providing better assistance and help to people arriving in the Union. This could mean that from the two opposing tendencies that Sajjad (2018) introduced, the EU is choosing to focus on “keeping the outsiders out”.

Recommendations

In regard to policy recommendations to the Commission, there are a few things to mention. First of all, it is important to be aware of the language that is used in policy documents. Language is an essential part of discourse, and it has great power in meaning-making processes. This means that it has real implications for the people involved, and we must recognize that it has the power to socially construct the reality of these individuals. The language that is used in the “New Pact” is not neutral. It has specific purposes and policy goals that it tries to achieve, and it does not depict migrants in an objective way. For example, describing “irregular migrants” as a “threat” to host societies can generate feelings of xenophobia and hatred to the

public. Therefore, there needs to be more transparency and accountability from the Commission regarding their policy goals and the impact those goals have on the lives of migrants. Although categories are often necessary for policy making, the Commission can avoid problematising entire groups of people by using more neutral language and framing in its documents. This approach has the potential to mitigate adverse stereotypes and cultivate a policy discourse that is more inclusive.

Furthermore, it is recommended that the European Commission embraces more flexible policies that reflect the reality of mixed migration especially when it comes to categorizing individuals. As this paper showcased, categories are socially constructed and often intertwine with one another. It is important that the Commission recognizes this process and takes it into consideration when placing people in categories.

Lastly, it is important for the European Union to take a proactive approach in addressing public fears and misconceptions pertaining to migration. This could be accomplished by implementing educational campaigns that offer accurate information and dispel misconceptions. It is recommended that the European Union actively involve itself with media outlets, schools and universities, and civil society groups in order to create a more comprehensive awareness of migration and its societal ramifications.

Bibliography

- Abdelaaty, L., & Hamlin, R. (2022). Introduction: the politics of the migrant/refugee binary. *Journal of Immigrant & Refugee Studies*, 20(2), 233–239. <https://doi.org/10.1080/15562948.2022.2056669>
- Apostolova, R. (2015). Of Refugees and Migrants: Stigma, Politics, and Boundary Work at the Borders of Europe. *American Sociological Association Newsletter*, September 14. <https://asaculturesection.org/2015/09/14/of-refugees-and-migrants-stigma-politics-and-boundary-work-at-the-borders-of-europe/>
- Bosilkov, & Drakaki. (2018). Victims or Intruders? Framing the Migrant Crisis in Greece and Macedonia. *Journal of Identity and Migration Studies*, 12(1), 26–45.
- Crawley, H., & Skleparis, D. (2017, July 6). Refugees, migrants, neither, both: categorical fetishism and the politics of bounding in Europe’s ‘migration crisis.’ *Journal of Ethnic and Migration Studies*, 44(1), 48–64. <https://doi.org/10.1080/1369183x.2017.1348224>
- Cambridge Dictionary. (n.d.). abscond. In *Cambridge Dictionary*. Retrieved June 5, 2023, from <https://dictionary.cambridge.org/dictionary/english/abscond>
- Dekker, R., & Scholten, P. (2017). Framing the immigration policy agenda: a qualitative comparative analysis of media effects on Dutch immigration policies. *The International Journal of Press/Politics*, 22(2), 202–222. <https://doi.org/10.1177/1940161216688323>
- De Haas H., Castles, S. & M. Miller (2020), ‘Categories of migration’ in De Haas H., Castles, S. & M. Miller, *The Age of Migration. International population movements in the modern world*. Basingstoke: Palgrave Macmillan, pp. 21-41.
- d'Haenens, L., & de Lange, M. (2001). Framing of asylum seekers in dutch regional newspapers. *Media, Culture & Society*, 23(6), 847–860. <https://doi.org/10.1177/016344301023006009>
- Entman, R. (1993). Framing: Toward Clarification of a Fractured Paradigm. *Journal of Communications*, 43(4), 51-58
- European Commission. (n.d.-a). *Irregular Migrant*. Retrieved June 5, 2023, from: https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-asylum-and-migration-glossary/glossary/irregular-migrant_en
- European Commission. (n.d.-b). *What is the New Pact on Migration and Asylum of the EU?*.

Retrieved June 22, 2023, from: https://home-affairs.ec.europa.eu/policies/migration-and-asylum/new-pact-migration-and-asylum_en

European Commission. (2020a, September 23). Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a New Pact on Migration and Asylum. *COM/2020/609 final*. Brussels, Belgium. Retrieved from <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020DC0609>

European Commission. (2020b, September 23). Commission staff working document accompanying the document on asylum and migration management and amending Council Directive (EC)2003/109 and the proposed Regulation (EU)XXX/XXX [Asylum and Migration Fund]. *SWD/2020/207 final*. Brussels, Belgium. Retrieved from <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A52020SC0207>

European Commission. (2020c, September 23). Proposal for a regulation of the European Parliament and of the Council on asylum and migration management and amending Council Directive (EC) 2003/109 and the proposed Regulation (EU) XXX/XXX 52|55 [Asylum and Migration Fund]. *COM/2020/610 final*. Brussels, Belgium. Retrieved from <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A52020PC0610>

European Commission. (2020d, September 23). Proposal for a Regulation of the European Parliament and of the Council introducing a screening of third country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817. *COM/2020/612 final*. Brussels, Belgium. Retrieved from <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A52020PC0612>

European Commission. (2020e, September 23). Amended proposal for a Regulation of the European Parliament and of the Council establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU. *COM/2020/611 final*. Brussels, Belgium. Retrieved from <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A52020PC0611>

European Commission. (2020f, September 23). Amended proposal for a Regulation of the European Parliament and of the Council on the establishment of 'Eurodac' for the comparison of biometric data for the effective application of Regulation (EU) XXX/XXX [Regulation on Asylum and Migration]. *COM/2020/614 final*. Brussels, Belgium. Retrieved from <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A52020PC0614>

- European Commission. (2020g, September 23). Proposal for a Regulation of the European Parliament and of the Council addressing situations of crisis and force majeure in the field of migration and asylum. *COM/2020/613 final*. Brussels, Belgium. Retrieved from <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:52020PC0613>
- European Commission. (2020i, September 23). Commission Recommendation (EU) 2020/1364 of 23 September 2020 on legal pathways to protection in the EU: promoting resettlement, humanitarian admission and other complementary pathways. Retrieved from <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32020H1364>
- European Commission. (2020k, September 23). Communication from the Commission: Commission Guidance on the implementation of EU rules on definition and prevention of the facilitation of unauthorised entry, transit and residence. Retrieved from: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020XC1001%2801%29>
- Greussing, E., & Boomgaarden, H. G. (2017). Shifting the refugee narrative? an automated frame analysis of europe's 2015 refugee crisis. *Journal of Ethnic and Migration Studies*, 43(11), 1749–1774. <https://doi.org/10.1080/1369183X.2017.1282813>
- Harrits, G. T., & Møller, M. O. (2011) Categories and categorization: towards a comprehensive sociological framework, *Distinktion: Journal of Social Theory*, 12:2, 229-247, DOI: [10.1080/1600910X.2011.579450](https://doi.org/10.1080/1600910X.2011.579450)
- Horsti, K. (2017). Global mobility and the media: presenting asylum seekers as a threat. *Nordicom Review*, 24(1), 41–54. <https://doi.org/10.1515/nor-2017-0296>
- Montessori, N. M., Farrelly, M., & Mulderrig, J. (Eds.). (2019). *Critical policy discourse analysis* (Ser. Advances in critical policy studies series). Edward Elgar Publishing. Retrieved March 6, 2023
- Nicolosi, S., & Minderhoud, P. (2018). “The New Pact on Migration and Asylum: a paradigm shift in regulation and enforcement?,” *Renforce Blog - Utrecht Center for Regulation and Enforcement in Europe* . Renforce. Available at: <http://blog.renforce.eu/index.php/nl/2021/01/18/the-new-pact-on-migration-and-asylum-a-paradigm-shift-in-regulation-and-enforcement-2/>.
- Robertson, S. (2019). Status-making: rethinking migrant categorization. *Journal of Sociology*, 55(2), 219–233.
- Sajjad, T. (2018). What's in a name? ‘refugees’, ‘migrants’ and the politics of labelling. *Race & Class*, 60(2), 40–62. <https://doi.org/10.1177/0306396818793582>
- Schneider, A., & Ingram, H. (1993). Social construction of target populations: implications

- for politics and policy. *American Political Science Review*, 87(2), 334–347.
<https://doi.org/10.2307/2939044>
- Vaara, E., & Tienari, J. (2008). A discursive perspective on legitimation strategies in multinational corporations. *The Academy of Management Review*, 33(4), 985–993.
- Van Leeuwen, T. (2007). Legitimation in discourse and communication. *Discourse & Communication*, 1(1), 91–112.
- Van Leeuwen, T., & Wodak, R. (1999). Legitimizing immigration control: a discourse-historical analysis. *Discourse Studies*, 1(1), 83–118.
- Van Ostaijen, M. A. C. (2020). Legitimizing intra-European movement discourses understanding mobility and migration. *Comparative European Politics*, 18(1), 1-20.
<https://doi.org/10.1057/s41295-019-00152-x>
- Yanow, D. (2003). *Constructing race and ethnicity in America: Category-making in public policy and administration*. New York: M.E. Sharpe

Appendix

Operationalization Table

Concept/Theory	Dimension	Operational Definition	Subdimension/Indicator
<p style="text-align: center;">Discourse Legitimation: (Vaara & Tienari, 2008) (Van Leeuwen, 2007)</p>		<p>The ways in which language is used to justify and legitimize particular actions, ideas, policies or institutions in society.</p>	
	<p style="text-align: center;">Authorization (Vaara & Tienari, 2008)</p>	<p>The use of language and discourse to legitimize policies or actions by invoking rules, laws, or other sources of authority.</p>	<ol style="list-style-type: none"> 1. Personal authority: because of a person's status. 2. Expert authority: because of a person's expertise. 3. Role model authority: because of a person's position as a role model or "opinion leader." 4. Impersonal authority: impersonal authority of law, regulations etc. 5. Authority of tradition: authority based on traditions, customs, habits etc. 6. Authority of conformity: because this is what everyone is doing. <p style="text-align: right;">(Van Leeuwen, 2007)</p>

	<p>Moral Evaluation (Vaara & Tienari, 2008)</p>	<p>The use of language and discourse to legitimize policies or actions by invoking moral values, beliefs, or norms.</p>	<ol style="list-style-type: none"> 1. Evaluation: legitimacy based on whether actions are “normal,” “natural” etc. 2. Abstraction: moral evaluation of practises in an abstract manner 3. Analogies: legitimacy based on comparing actions as <ol style="list-style-type: none"> a. Positive b. Negative to similar actions (Van Leeuwen, 2007)
	<p>Rationalization (Vaara & Tienari, 2008)</p>	<p>The use of language and discourse to legitimize policies or actions by providing reasons or justifications that appeal to reason, logic, or expertise.</p>	<ol style="list-style-type: none"> 1. Instrumental: based on the action’s effectiveness, purpose 2. Theoretical: based on whether the action is established on a “truth” (Van Leeuwen, 2007)
	<p>Mythopoesis (Vaara & Tienari, 2008)</p>	<p>The use of language and discourse to legitimize policies or actions by invoking myths, stories, or cultural narratives.</p>	<ol style="list-style-type: none"> 1. Moral Tales: stories of people rewarded for doing the “right” thing. 2. Cautionary Tales: stories of people being penalized for doing the “wrong” thing.

			(Van Leeuwen, 2007)
Social Construction of Target Populations (Schneider & Ingram, 1993)		The social construction of groups affects how public policies are created and impact those groups. The social creation of target populations is organized by along two dimensions: power and construction (meaning depiction). (Schneider & Ingram, 1993)	
	Advantaged		Positive representation – high power (Schneider & Ingram, 1993)
	Dependents		Positive representation – low power (Schneider & Ingram, 1993)
	Contenders		Negative representation – high power (Schneider & Ingram, 1993)
	Deviants		Negative representation - low power (Schneider & Ingram, 1993)
Migrant framing: “Master-frames of migration” (Dekker & Scholten, 2017).		Framing is a process that highlights certain aspects of an issue or topic in order to present it in a particular way, by using specific language or discourses. (Greussing & Boomgaarden, 2017)	
	Human interest frame	The human interest frame is used to emphasize the vulnerability of migrants and	Migrants as victims who are in need of help and assistance. (Bosilkov & Drakaki, 2018)

		especially people in need of international protection. (Bosilkov & Drakaki, 2018)	
	Threat frame	Migrants are portrayed as posing a threat to the receiving society and are negatively depicted. (Dekker & Scholten, 2017)	The different themes that help construct the “threat” frame: <ul style="list-style-type: none"> a. “flood” theme b. “fortress” theme c. “illegitimacy” theme (Horsti, 2017)
	Economic frame	With the “economic frame” migration is described based on the economic effect it will have for the receiving country. (d’Haenens & de Lange, 2001)	According to the “economic frame” migrants can either be framed in a: <ul style="list-style-type: none"> a. Positive way (they offer economic gains to receiving country) b. Negative way (they cause economic losses to receiving society) (d’Haenens & de Lange, 2001).