

One Wave of Reforms, Many Outputs: Differentiated Alignment with EU Asylum Policies in the European Neighbourhood

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Abstract. This paper seeks to explain why some states in the European Neighbourhood align their asylum policies more closely with the European Asylum Governance (EAG) model than others. Drawing on a new dataset measuring asylum policies in 15 states of the European Neighbourhood Programme (ENP), I identify the following pattern: Since the end of the 1990s every state in the EU's neighbourhood passed asylum policy reforms. Yet, the scope as well as the content of these reforms varies greatly across states. A wide array of potential explanatory factors has been already advanced in the literature. However, current explanations remain on a case specific level, and thus fall short of accounting for the broader variation of asylum policy reform in the EU's neighbourhood. Consequently, I seek to identify relevant drivers of alignment with the EAG model through a Qualitative Comparative Analysis (QCA) across 15 ENP countries. I find that only a combination of both, external and domestic conditions, accounts for the varying alignment of ENP states with the EAG model: an electoral democracy, moderate migratory pressure and the aspiration to become an EU member are the conditions that predict the outcome best.

Keywords: European Neighbourhood Programme (ENP), European Asylum Governance, policy diffusion, alignment, forced migration, asylum policy.

Introduction

Since the end of the 1990s a wave of migration policy reforms unfolded in states participating in the European Neighbourhood Programme (ENP): From Morocco to the Ukraine, every ENP state passed migration policy reforms. Yet, the scope as well as the content of these reforms varies greatly across states. In this paper I address the question why asylum policies in these states display such diverse patterns after the reform wave.

The ENP was launched by the EU in 2004 with the aim to achieve the closest possible political association between the EU and its southern and eastern neighbours, in the lack of actual EU membership.¹ Since then, scholars located within external EU governance research have conducted numerous small-n case studies analysing specific aspects of asylum and migration policy reforms in selected ENP states (Ademmer and Börzel 2013; Freyburg et al. 2011; Freyburg 2012). However, we still know very little about differences in asylum policy between ENP states. This paper addresses this gap by mapping cross-country variation. It relies on a newly developed measurement of asylum policies in ENP states.

Asylum policy appears to be an ‘easy case’ for the diffusion of European policies to ENP states. First, the governance of migration is one of the priorities of the EU. Hence one can expect the EU to employ particular efforts to have an impact in this policy field. Second, as most ENP states had no legislation or institutions to manage forced migration before the reform wave, the costs of introducing new policies are low. Nonetheless, even in this ‘easy case’ there is great variance between ENP states with regard to their degree of alignment. This variance does not seem to match known patterns of alignment among ENP states. Certain states, taking an EU perspective, are known as “good performers” regarding EU alignment, while others have built a reputation of “bad performers”. The variance between ENP states identified here does not entirely fit these presumptions. On the one hand the classic “good performers” are not the only states to align closely with the European Asylum Governance model. To find Morocco, Moldova or Georgia among the states aligning with the EAG model does fit prior expectations, but that Azerbaijan or Tunisia are among those states too is unexpected.

In order to explain alignment with EU regulations in non-member states scholars have so far suggested a multitude of different potential explanatory factors and demonstrated their relevance through various cases studies. Two main schools of thought prevail in contemporary debates: First, the “power-based” approach stresses the power of the EU to impose the adoption of its regulations on ENP states. Second, the “domestic” approach stresses the relevance of domestic characteristics of ENP states. The findings produced by these scholars are often disputed and contradictory. The aim of this paper is therefore to disentangle processes of EU diffusion and processes of domestic policy making that take place independently from European pressure. I therefore ask: *Which factors account for the varying degrees with which ENP states align their asylum policies with the European Asylum Governance model?*

¹Sixteen states are part of the ENP, of which twelve have agreed on ENP action plans (Armenia, Azerbaijan, Egypt, Georgia, Israel, Jordan, Lebanon, Moldova, Morocco, Palestine, Tunisia, Ukraine), one is currently negotiating an ENP action plan (Algeria) and three remain outside most of the structures of ENP (Belarus, Libya and Syria). In this paper Palestine is excluded from most parts of the analysis due to data availability reasons.

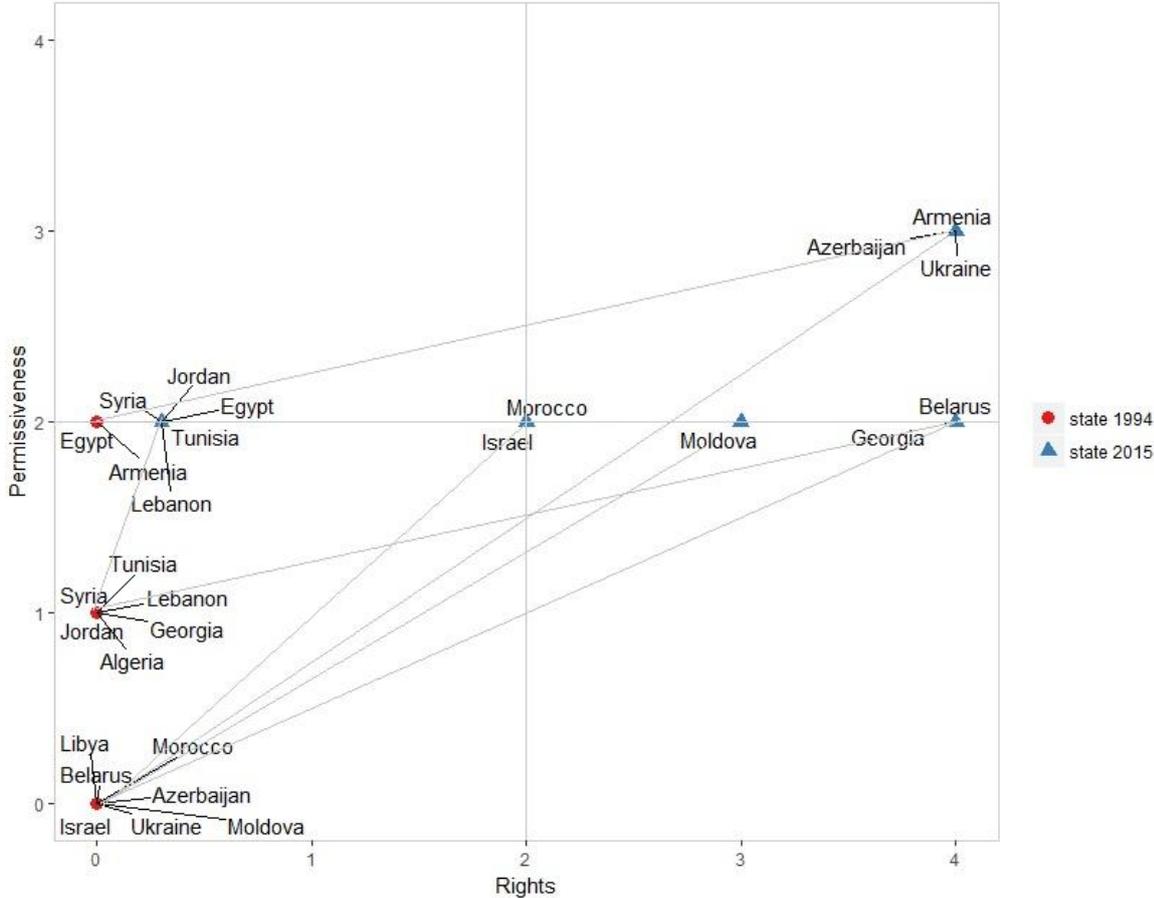
To answer this question, I test an explanatory model including four different conditions on conducting a Qualitative Comparative Analysis (QCA) across 15 ENP states. I find that only a combination of both, external and domestic conditions, accounts for the varying alignment of ENP states with the EAG model: an electoral democracy, moderate migratory pressure and the aspiration to become an EU member are the conditions that predict the outcome best.

This paper proceeds in three steps. First, I will present a new measurement of asylum policies in the ENP states that allows me to identify interesting variation between these cases. Second, I will present the theoretical framework on which this paper is based. The final section presents the results generated by a QCA analysis.

Differentiated alignment with the European Asylum Governance model

So far, asylum policy reforms in ENP states are investigated for selected cases and for specific dimensions only. The variation between ENP states thus tends to be overlooked. As a tool allowing for the cross-case comparison of asylum policies in ENP states is lacking, I developed a dataset allowing me to assess asylum policy changes in ENP states over time. To do so, I compare ENP states asylum policies during two different time periods, before and after 1995. The year 1995 marks a ‘turning point’ characterized by the generalized upsurge in migration policy reforms across almost all ENP states. I thus compare ENP states’ migration policy before and after the migration reform wave. For extensive information on the operationalization and the coding procedure see the Appendix.

Figure 1: Evolution of asylum policies in ENP states



Source: Own measurement.

The analysis of the data contained in my dataset produces two interesting findings. First, I observe a general trend towards juridification. With only few notable exceptions states had a similar position of departure prior to the year 1995 and had almost no formal regulations addressing forced migration. Since the mid-1990s all states underwent asylum policy reforms. In many cases these reforms represented the first attempt of asylum governance altogether, and in most countries the reforms considerably expanded the degree to which asylum is regulated by law.

Second, I detect two sets of states with differing outcomes of this asylum reform wave in terms of content. The first set encompasses those states that align with the EAG model, the second set encompasses those states that do not align with the EAG model. In a nutshell the EAG model implies a permissive and rights oriented approach to asylum. A permissive asylum system is a system in which refugees are granted the systematic opportunity to demand asylum. A rights oriented asylum system is a system that granted refugees rights during and after the asylum seeking process (for extensive information on the operationalization of the EAG model see Appendix).

Figure 1 shows that regarding asylum policies eight out of 15 ENP states align, at least to some extent, with the EAG model (Armenia, Azerbaijan, Belarus, Georgia, Israel, Moldova, Morocco, Ukraine). The remaining states did either not reform their asylum policies (Algeria, Libya) or concentrated on increasing the permissiveness of their asylum systems without increasing the level of rights granted to asylum seekers (Egypt, Jordan, Lebanon, Syria, Tunisia)

The (limits of the) transformative power of Europe beyond Europe

The key empirical puzzle of this paper is that ENP states' alignment with EU policies is differential across countries. According to some of the current literature, the alignment of ENP states policies with EU policies is supposed to be most likely in states on which EU exerts pressure towards alignment. In the case of accession candidates the reason why the EU may exert pressure towards alignment with EU policies is conditionality and a credible EU membership perspective (Sedelmeier 2011, 31). What does this imply for the ENP states, which lack a credible EU membership perspective and thus the strongest reward for alignment with EU regulations there is? A number of scholars suggest that the absence of a clear membership perspective impedes but does not prevent Europeanization in ENP states (Casier 2011). These scholars additionally claim that the variation in membership aspiration which some ENP states hold in spite of the EU's formal declaration that EU membership is not to be gained accounts for the variation in ENP states' alignment with EU policies (Freyburg et al. 2011). A second branch of scholars focusing on the EU as main driver of ENP states alignment with EU policies stress the importance of cooperation ties between the EU and third states. While some authors emphasize the importance of a formalized, issue-specific, cooperation between the EU and the third state (Ademmer and Börzel 2013; Freyburg 2012), other authors highlight institutional fora as an explanatory factor (Freyburg et al. 2011; 2015).

A number of scholars contest this focus on EU pressure as the main explanatory factor for differential alignment with EU policies across ENP states (Sedelmeier 2011). These scholars predominantly focus on the political institutions of ENP states such as democratic institutions (Börzel and Risse 2012a; Freyburg et al. 2015; Wunderlich 2012) or the number of veto players (Langbein and Börzel 2013) as explanatory factor. When it comes to democratic institutions, the majority of scholars find that democratic institutions favour the alignment with EU policies. Nonetheless Wetzel claims that the "unproductive political muddle" (Wetzel 2016) that characterizes the policy making of many semi-democracies is an impediment to the alignment with EU policies. On the other hand, scholars put

forward the importance of the characteristics of the policy field under investigation, such as the degree of functional pressure (Wunderlich 2012) or the policy heritage (Lavenex and Uçarer 2004; Wunderlich 2012) within a given field. Taking the case of irregular migration policies, Wunderlich finds that a strong functional pressure, defined as “incoming migration flows”, as well as a historical approach to migration which resembles the EU approach leads to the alignment of ENP states with EU policies regarding irregular migration.

Hence, four contrasting streams exist within the literature on alignment of third states with EU policies. They respectively highlight the EU dependence of the third state, sector specific EU-third state cooperation, political institutions of the third state and the characteristics of the policy field. So far, empirical findings sometimes point in one, sometimes in another direction. This is due to the fact that currently all empirical claims are based on single case studies or small-n comparative case studies. The range of studied ENP states is not only limited, it is also concentrated on cases, as is revealed by the dataset presented in this paper, that align with EU policies, such as Armenia (Ademmer and Börzel 2013), Moldova (Ademmer and Börzel 2013; Freyburg et al. 2011) and Morocco (Ademmer and Börzel 2013; Freyburg et al. 2011; Freyburg 2012; Wunderlich 2012). A concentration on “successful” (i.e. “easy”) cases makes sense when a research field is still young and knowledge on explanatory factor scarce. Currently the exclusive recourse to single case studies and easy cases, is cumbersome for the identification of generalizeable drivers of alignment with EU policies in the EU neighbourhood.

Policy reform in ENP states between external pressure and domestic incentives

These four contrasting arguments can be reconciled, however, by integrating them into one explanatory model, based on the assumption that the simultaneous presence of several of these factors is decisive for alignment with EU policies. I hereby assume that both external and domestic conditions, as well as state-level and sectoral conditions jointly matter when it comes to explaining differential alignment with EU policies. Therefore the explanatory model includes the aspiration of a third state to become an EU member state, the signature of cooperation agreement with the EU prior to policy reforms, a sufficient level of democratic quality and a moderate migratory pressure.

Table 1: Overview of conditions assumed to positively impact alignment with European regulations

	State-level conditions	Sectoral conditions
External conditions	Membership aspiration	Cooperation agreement
Domestic conditions	Electoral democracy	Moderate migratory pressure

Sources: Own compilation.

The explanatory model rests on the assumption that these four conditions best explain ENP states’ alignment with the EAG after the migration reform wave (without necessarily explaining what triggered the reform wave in the first place). It is important to note that alignment with the EAG might either occur deliberately (when governments reform their asylum policy with the intention of alignment with EU policies) or by coincidence (when governments reform their asylum policies without considering EU policies).

The Impact of external factors

I identify two main external factors that may have an impact on alignment with the EAG model. Studies are debating whether the aspiration of an ENP state to become an EU member state in the

future is needed in order for an ENP state to align with EU policies. For instance the ENP states' *membership aspiration* is based on their belief that the EU's reluctance to offer the biggest incentive – membership – lacks credibility. Therefore, ENP states which hold strong membership aspirations intend to appear as the 'good pupils' of the EU in order to prove that they are worth and able to (eventually) become an EU member (Sasse 2008). To achieve this goal ENP state government is willing to implement EU policies and thus progressively aligns with the EAG model (see table 2). I thus hypothesize that the presence of membership aspiration by ENP states is sufficient for the alignment of ENP states with the EAG model (H1).

Table 2: The effect of membership aspiration on alignment with the EAG

	Condition	→	Outcome
Causal mechanism	The ENP state government aspires to become an EU member in the future.	The ENP state government aims to prove worthy of an EU membership in the future .	The ENP state government aligns its policies with EU policies.

Source: Own compilation.

Moreover, studies have shown that EU-third state cooperation agreements can benefit the alignment of ENP states with EU policies, as these entail specific rewards for alignment. I posit that cooperation agreements only matter if they are policy field specific. This means that general cooperation agreements such as association agreements which contain neither specific provisions nor specific rewards are not relevant in this context. To the contrary, cooperation agreements which address specific policy issues on the one hand provide clear advice on future developments, and on the other hand, offer incentives ranging from financial assistance to special diplomatic relations. These specific rewards for compliance issued by the EU are believed to alter the costs-benefit analysis of third state governments and tip the balance in favour of alignment with EU policies (table 3). I therefore hypothesize that policy specific cooperation agreements between the ENP state and the EU are sufficient for the alignment of ENP states with the EAG model (H2).

Table 3: The effect of an EU-third state cooperation agreement on alignment with the EAG

	Condition	→	Outcome
Causal mechanism	The ENP state government signs a cooperation agreement with the EU containing provisions regarding a specific policy field.	The cooperation agreement provides credible rewards for alignment with EU policies, which alter the cost benefit analysis of the ENP state government.	The ENP state aligns its policies with EU policies in this specific policy field.

Source: Own compilation.

The Impact of domestic factors

I identify two domestic properties as relevant for alignment with the EAG model. First, studies have shown that a certain degree of political liberalization is needed in order for ENP states to be willing to align their policies on EU policies. This is the case because the ENP states that consider themselves to be part of the liberal community of democratic states intend to be accepted as such. Therefore, in order to prove that they effectively belong into this community, democratic ENP states align their policies to those of the democratic community in general and, due to the geographical proximity, the EU more specifically (table 4). Therefore, I hypothesize that the constitution of a state as electoral democracy is sufficient for the alignment of ENP states with the EAG model (H3).

Table 4: The effect of an (electoral) democratic regime on alignment with the EAG

	Condition	→	Outcome
Causal mechanism	The ENP state can be considered at least an electoral democracy.	The ENP state government aspires to be accepted as a member of the democratic community of states.	The ENP state government aligns its policies with EU policies.

Source: Own compilation.

Further, functional pressure, in this case conceptualized a migratory pressure, is believed to be crucial for alignment with the EAG model. In contrary to the current assumption in the literature which always posits that strong functional pressure is beneficial for alignment, I posit that a moderate migratory pressure is beneficial for alignment with the EAG model. ENP states that experience a moderate influx of refugees are, on the one hand, keen on managing this issue as unmanaged refugee inflows are likely to trigger the discontent of the national population. On the other hand, granting the systematic possibility for refugees to demand asylum and granting asylum seekers rights comes at moderate costs as the number of potential asylum seekers is only moderate. Therefore I hypothesize that a moderate level of migratory pressure is sufficient for the alignment of ENP states with the EAG model (H4).

Table 5: The effect of a moderate migratory pressure on alignment with the EAG

	Condition	→	Outcome
Causal mechanism	The ENP faces moderate migratory pressure.	The benefits of a proper asylum management are extensive while the costs are low.	The ENP state government aligns its policies with EU policies.

Source: Own compilation.

Research design & method

This paper relies on a QCA analysis, which is based on the work of Charles Ragin (Ragin 1987; 2000; Ragin, Charles, C. 2008). QCA is a case oriented comparative approach. It is useful to analyse several cases at a time, without losing sight of specificity of the cases under investigation. Moreover, it allows for the possibility that the effects of individual factors may depend on the presence or absence of other conditions (causal combination) and the possibility that there may be multiple paths to the same outcome (equifinality). In other words, QCA recognizes and seeks to analyse causal complexity. To identify and compare causal combinations leading to a particular outcome it relies on the basic principles of Boolean algebra, developed in mathematics to analyse set-theoretic relationship.

Fuzzy-set analysis

While early versions of QCA could only handle dichotomously operationalized conditions (crisp-set QCA or csQCA), there are now techniques that allow for more fine grained operationalization (fuzzy set QCA or fsQCA). Such a fuzzy set QCA is conducted here. A fuzzy set is a “continuous measure that has been carefully calibrated using substantive and theoretical knowledge relevant to set membership” (Ragin 2000):7). The result is an explanation of causal combinations that accounts for multiple causal paths and establishes (partial) necessary and sufficient conditions (Ragin 1987).

To evaluate the quality of the results produced by the analysis of necessity and sufficiency, I rely on different parameters of fit such as consistency and coverage scores (Ragin 1987; 2006): Consistency

assesses the degree to which the empirical information at hand is in line with the statement of necessity or sufficiency. The consistency measure takes into account how many cases deviate and how strongly these cases deviate. Coverage assesses how much of the outcome is covered (explained) by the condition in question. Coverage should not be interpreted for inconsistent results (Schneider and Wagemann 2012, 119–50).

Necessary and sufficient conditions

For a condition to be necessary for the outcome, each case's membership in the condition must be equal to or greater than its membership in the outcome. For a condition to be sufficient for the outcome, each case's membership in the condition must be equal to or smaller than its membership in the outcome. The analysis of sufficiency is performed on the basis of a truth table, which displays all logical combinations of all conditions and links these combinations to the presence of the outcome. All combinations of conditions that are linked to the outcome to be explained are considered sufficient. On this basis, a Boolean expression of all truth table rows that are connected to the outcome to be explained is created. This Boolean expression is then logically minimized according to the laws of Boolean algebra (Schneider and Wagemann 2012).

Conservative, parsimonious and intermediate solution

All QCA studies face the problem of limited diversity when carrying out logical minimization. This means that not all logically possible combination of conditions exists in the real world (Ragin 1987: 104-113). If no case displays a specific combination of conditions, it is called a logical remainder. In my analysis of asylum policies, the truth table of model 1, for example, is based on four conditions and includes 16 truth table rows. Of these 16 logical combinations, the 14 states in the dataset represent only eight possible logical combinations. Therefore, in this analysis there is seven rows considered as logical remainders. Depending on how these logical remainders are treated, QCA produces different types of solution: (1) the conservative solution which does not make any assumptions about the logical remainders but is often too complex to be interpreted in a theoretically meaningful manner, (2) the parsimonious solutions which provides the least complex solution but risks resting on assumptions about logical remainders that contradict theoretical expectations and/or common sense, and (3) the intermediate solution which incorporates only those counterfactuals that are in line with the theoretical expectation and common sense (easy counterfactuals) (Schneider and Wagemann 2012).

Data and calibration

In the following section I will outline the core decisions I took during the data collection process with regard to the explanatory conditions. The ENP encompasses 16 cases, but due to data issues I excluded Palestine from the analysis. Even if most of the remaining 15 ENP states reformed their asylum policy between 1995 and 2015, they did so at very different points in time: While for example Armenia reformed its asylum policies in 1999, Israel did so only in 2011. The data for the explanatory conditions is always collected for the year in which the relevant asylum policy reform took place (for extensive information on the timing of the asylum policy reforms see Appendix).

I calibrated the data by transforming the available 'raw' data (which is mostly quantitative but in some cases also qualitative) into fuzzy-set membership scores. These scores necessarily lie between 0 and 1. Calibration of data in a set-theoretic perspective always requires the definition of three qualitative anchor points ("0" – "0.5" – "1"). These anchor points are defined by the researcher and determine, when a case is considered to have a full membership in a specific set (anchor point "1"), when a case is considered to have full non-membership in a specific set (anchor point "0") and most importantly

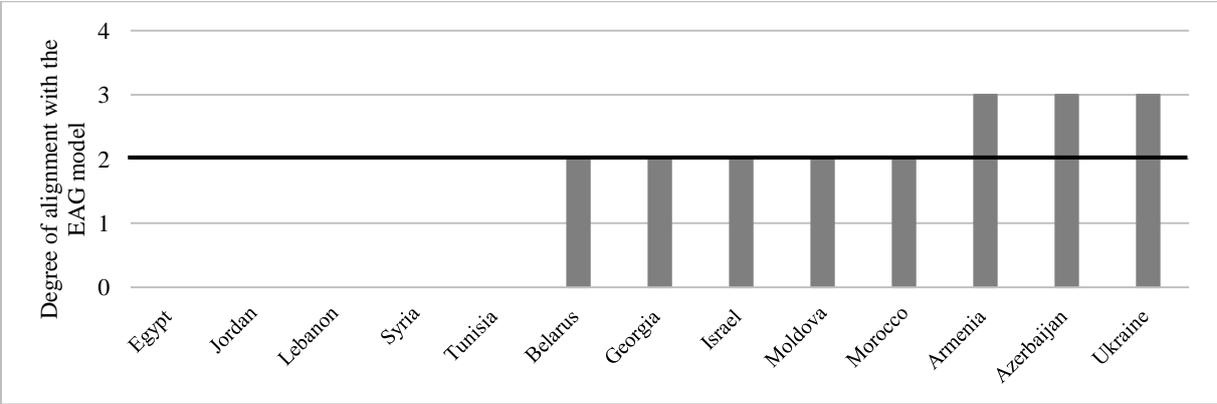
where the threshold that differentiates between full members and full non-members is set (anchor point “0.5”).

To calibrate scores for my outcome and my conditions, I rely on the theory guided method of calibration (Emmenegger 2010). I use case knowledge to identify and justify meaningful qualitative anchors. In this paper, all values have either been calibrated as dichotomous scores (as for example in the case of the conditions ‘membership aspiration’) or as four point fuzzy sets (as for example in the case of the outcome ‘alignment on the EAG model’ or the condition ‘electoral democracy’). The four point fuzzy sets are all based on ordinal or quasi interval-scale data. For a summary of all raw data values and assigned fuzzy set scores for all conditions see table 10.

Alignment with the EAG model

The calibration of the outcome is based on the original EAG dataset. A state is considered to align with the EAG model if it simultaneously shows high values on both asylum policy dimensions (rights orientation and permissiveness). Extensive rights granting and high permissiveness are therefore individually necessary and jointly sufficient elements of a EAG approach. To define whether ENP states align their asylum policies with the EAG, I rely on set-theoretic logic. According to this logic the overall membership of a state in a set composed of two dimensions can only be as high as its score in the dimension where it has the lowest score (Schneider and Wagemann 2012). The consequence of this logic is, that if a state does not score high on one of the dimensions, it is automatically attributed a low value and hence defined as being external to the set. If a state scores high on both dimensions it is defined as part of the set (see table 8).

Figure 2: Alignment with the EAG model: Distribution of raw data



Source: Own measurement
Notes: The bold horizontal line indicated the 0.5 anchor point, i.e. the threshold differentiating between states that are in the set and those that are not.

Of the 14 cases analysed, eight are more in than out of the *set alignment with the EAG model* that is they have a fuzzy set membership score higher than 0.5. To qualify for a set membership of higher than 0.5, a country must reach an EAG score of at least 2. States that reach an EAG score of 2 (Belarus, Georgia, Israel, Moldova, Morocco) are attributed the fuzzy set value of 0.7, states that reach an EAG score of 3 (Azerbaijan, Armenia, Ukraine) are attributed a fuzzy set value of 1.0 (see figure 2).

Cooperation agreement

The calibration for the condition cooperation agreement is binary and answers the question whether the ENP state had signed an ENP Action Plan before the year in which it reformed its asylum policies for the first time. If the answer to this question is yes, the state gets a fuzzy set score of 1.0, if the answer to this question is no, the state gets a fuzzy set score of 0.0. The presence or absence of an ENP Action plan was selected as the only indicator for membership in the *set cooperation agreement* because it is the only cooperation agreements with the EU that specifically addresses asylum issues and goes beyond informal and discursive exchange. The more general association agreements that all ENP states signed are not a suitable indicator as they contain only very general provisions on EU-third state cooperation and do not address asylum issues specifically.

Membership aspiration

The calibration for the condition membership aspiration is based on an original analysis of primary and secondary data. Currently most scholars consider that membership aspirations is high in all Eastern ENP states and low in all Southern ENP states (Freyburg et al. 2011). I find that this assessment lacks differentiation as I believe that membership aspiration varies over time. The membership aspiration of ENP states should not be considered historically constant. Therefore, I have developed an original operationalization of membership aspirations based on whether governments voice the wish to become EU members or not (see table 6). I find that most ENP states, in the year in which they carried out policy reforms, remain silent on the topic of EU membership in general or voice only the desire to cooperate with the EU, without stating their will to become an EU member. Among the states that get assigned the fuzzy set score of 0.0, one can find almost all Southern ENP states as well as Azerbaijan, Belarus, and Moldova. To qualify for a set membership of higher than 0.5 a country must clearly voice the desire to become an EU member.

According to this definition, Armenia, Georgia, Ukraine and Israel are considered members of the *set membership aspiration* as in all three cases government members have officially declared their will to join the EU at the time these states reformed their asylum policies. In 1999 the President of the Republic of Armenia, Robert Kocharian, expresses his wish to see Armenia become an EU member at the Plenary Meeting of the Council of the European Union: “We look forward for broader cooperation [with the EU], hoping that at some point in the future, a new Strategy Paper for Europe will recognize the Caucasus as a legitimate applicant area for EU expansion” (Kocharian 1999). Similarly, a close EU association eventually leading to EU membership was part of Georgia’s national narrative and articulated in its foreign policy agenda as early as the 1990s. The Georgian Prime minister, Zurab Zhvania, declared upon his country’s accession to the Council of Europe in February 1999: “I am Georgian, therefore I am European”. This statement is believed to underline the aspirations of the Georgian government to achieve full-fledged integration into European political institutions (Kakachia and Cecire 2013). In 1998 Ukrainian President Leonid Kuchma issued a presidential decree on the Strategy of Ukraine’s Integration to the European Union (Decree no. 615/98) which states “The national interests of Ukraine require identification of Ukraine as an influential European country, full-fledged EU-member” (Light, White, and Löwenhardt 2000, 85).

Table 6: Membership aspiration: Distribution of raw data

Membership aspiration	Operationalization	Cases
Yes	The government explicitly expresses the wish to join the EU in official documents and public speeches.	Armenia (1999), Georgia (1998), Israel (2011), Ukraine (2001).
No	The government remains silent on wish to join the EU or not, or the government does explicitly express the wish to not join the EU in official documents and public speeches.	Azerbaijan (1999), Belarus (2003), Egypt (2005), Jordan (2009), Lebanon (1999), Libya (2004), Moldova (2002), Morocco (2003), Syria (2011), Tunisia (2011).

Source: Own measurement.

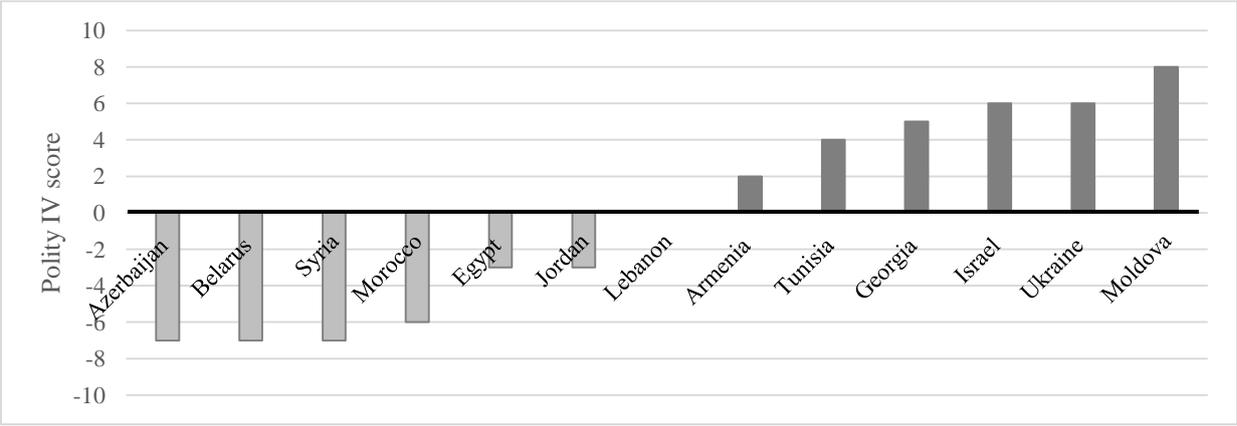
Israel, as only Southern ENP state, has voiced similar aspirations to become an EU member. It was reported that in November 2010 Avigdor Liberman, deputy prime minister and minister of foreign affairs of Israel clearly stated that Israel should become a member of the EU: “As regards economics, cultural affairs, tourism and human values, we [Israelis] feel part of united Europe, and Israel should become a member of the EU” (Pardo 2016).

Electoral democracy

The calibration for the condition electoral democracy is based on data provided by the Polity IV Project (Marshall, Gurr, and Jaggers 2016). The Polity IV Project assesses the level of institutionalized democracy as well as the level of institutionalized autocracy. Democracy is defined as the joint appearance of three essential, interdependent elements: First, the presence of institutions and procedures through which citizens can express effective preferences about alternative policies and leaders. Second, the existence of institutionalized constraints on the exercise of power by the executive. Third, the guarantee of civil liberties to all citizens in their daily lives and in acts of political participation (Marshall, Gurr, and Jaggers 2016, 13). In this paper I more specifically use the “polity2” indicator, a combined polity score, which ranges from -10 to 10 and is computed by subtracting the score a state receives on the institutionalized autocracy scale to the score a state receives on the institutionalized democracy scale ².

² Lebanon is assigned the special score of “-66” in the original dataset as 1999 is identified as a year of “foreign interruption”. If a country is occupied by foreign powers during war, terminating the old polity, POLITY IV codes the intervening years as an interruption until an independent polity is re-established. Here this case is converted to a “neutral” polity score of “0.”

Figure 3: Electoral democracy: Distribution of raw data



Source: Polity IV.

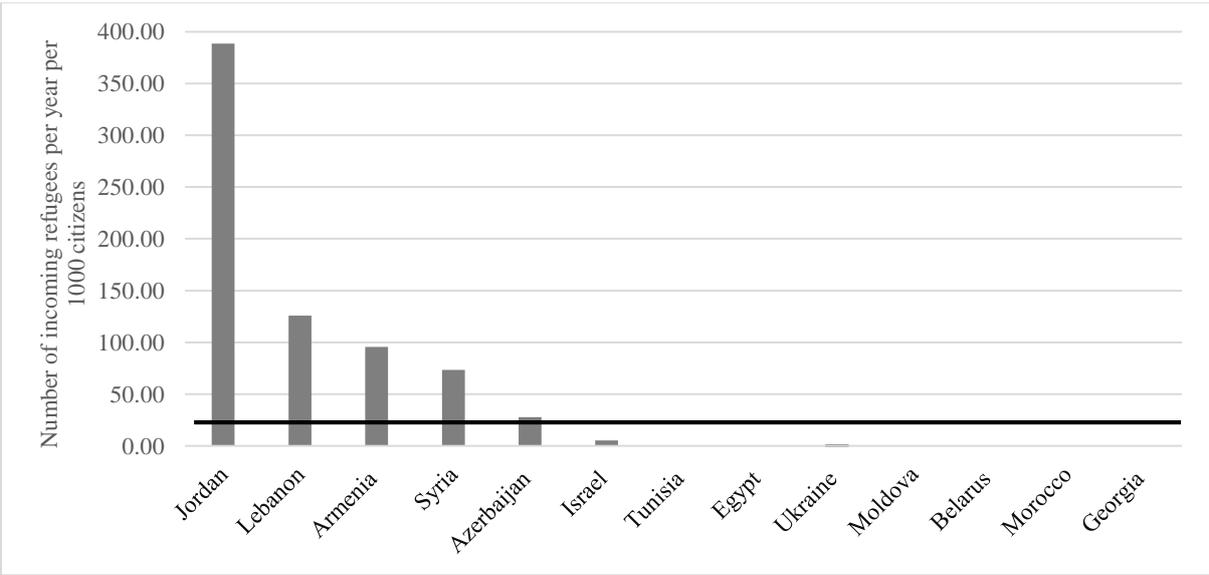
Notes: The bold horizontal line indicated the 0.5 anchor point, i.e. the threshold differentiating between states that are in the set and those that are not.

Of the 14 cases analysed, 6 are more in than out of the set electoral democracy, which means that they have a fuzzy set membership score higher than 0.5. To qualify for a set membership of higher than 0.5 a country must reach a polity2 score of at least 1.0 (see figure 3).

Moderate migratory pressure

The calibration for the condition moderate migratory pressure is based on data provided by the World Bank which assesses the number of refugees and refugee-like persons’ stock on the basis of UNHCR criteria. For a less biased assessment of migratory pressure the number of refugees is weighted by a country’s overall population size. Hence the raw data presents the number of refugees in a country per 1000 citizens (see figure 3).

Figure 4: Moderate migratory pressure: Distribution of raw data



Source: World Bank.

Notes: The bold horizontal line indicated the 0.5 anchor point, i.e. the threshold differentiating between states that are in the set and those that are not.

Of the 13 cases analysed, 8 are more in than out of the set moderate migratory pressure, which means that they have a fuzzy set membership score higher than 0.5. To qualify for a set membership of higher than 0.5 a country must host less than 20 refugees per 1000 citizens. In the case of this set the technique relying on ‘natural gaps’ in the data is adequate, as I find indeed a gap between states that approach 0 refugees per 1000 citizens and those that have significantly more.

Table 7: Asylum policies: Summary table of all raw and fs.QCA membership scores

	Year of policy reform	Alignment with the EAG model		Membership aspiration		Cooperation agreement		Electoral democracy		Moderate migratory pressure	
		RD	FSV	RD	FSV	RD	FSV	RD	FSV	RD	FSV
Armenia	1999	3	1	Yes	1	No	0	2	0.7	95.74	0.3
Azerbaijan	1999	3	1	No	0	No	0	-7	0	27.77	0.3
Belarus	2003	2	0.7	No	0	No	0	-7	0	0.03	1
Egypt	1996	0	0	No	0	No	0	-3	0.3	0.09	1
Georgia	1998	2	0.7	Yes	1	No	0	5	0.7	0.00	1
Israel	2011	2	0.7	Yes	1	Yes	1	6	1	5.31	0.7
Jordan	1998	0	0	No	0	Yes	1	-3	0.3	388.47	0
Lebanon	2003	0	0	No	0	No	0	-66	0	125.78	0
Moldova	2002	2	0.7	No	0	No	0	8	1	0.05	1
Morocco	2008	2	0.7	Yes	1	No	0	-6	0	0.01	1
Syria	2010	0	0	No	0	No	0	-7	0	73.24	0.3
Tunisia	2011	0	0	No	0	Yes	1	4	0.7	0.38	1
Ukraine	2001	3	1	Yes	1	No	0	6	1	0.06	1

Source: Own compilation.

Notes: Abbreviations: RD (raw data); FSV (fuzzy set value).

Identifying patterns of alignment with the EAG model

In line with the accepted standard in fuzzy-set methodology (Ragin 2009, Schneider and Wagemann 2012), the analysis is performed in two steps I first, I analyse necessary conditions and then I analyse sufficient conditions. For a complete list of abbreviations of state labels and condition labels see appendix.

In short, the analysis produces two results: First, none of the selected conditions appears to be necessary for the outcome. Second, three different conditions appear to explain the outcome best: a strong EU membership aspiration, a political regime type corresponding to an electoral democracy, as well as (moderate) migratory pressures.

Necessary conditions for alignment with the EAG model

For a condition to be necessary for the outcome, each case’s membership in the condition must be equal to or greater than its membership the outcome. With a standard minimum consistency threshold of 0.90 (Ragin 2006; Schneider and Wagemann 2012), I find no necessary condition for the alignment of ENP state’s asylum policies with the EAG model. Hence none of the conditions alone is necessary for asylum policies being in line with the EAG model.

Table 8: Necessary conditions for alignment with the EAG model

	Consistency	Coverage	Relevance of necessity
Membership aspiration	0.523	0.850	0.938
No membership aspiration	0.477	0.344	0.404
Signature of a cooperation agreement	0.215	0.467	0.862
No signature of a cooperation agreement	0.785	0.510	0.380
Electoral democracy	0.585	0.667	0.793
No electoral democracy	0.462	0.411	0.570
Moderate of migratory pressure	0.785	0.637	0.633
No moderate level of migratory pressure	0.308	0.400	0.727

Source: Own measurement.

Sufficient conditions for alignment with the EAG model

For a condition to be sufficient for the outcome, each case's membership in the condition must be equal to or smaller than its membership the outcome. The analysis of sufficiency is performed on the basis of a truth table, which displays all logical combinations of all conditions and links these combinations to the presence of the outcome. All combinations of conditions that are linked to the outcome to be explained are considered sufficient. On this basis, a Boolean expression of all truth table rows that are connected to the outcome to be explained is created. This Boolean expression is then logically minimized according to the laws of Boolean algebra (Schneider and Wagemann 2012).

Including all four conditions of the explanatory model in my QCA analysis I identified three causal configurations that can be seen as sufficient conditions for an alignment of asylum policies with the EAG model. Table 10 shows the intermediate solution which suggests that ENP states align with the EAG model (1) if they have an EU membership aspiration and are at least electoral democracies, (2) if they face moderate migratory pressures, can be considered electoral democracies and have not signed a cooperation agreement with the EU before their migration policy reform (3) if they do not qualify as electoral democracy, face moderate migratory pressures and have signed a cooperation agreement with the EU prior to the policy reform leading to alignment with the EU.

Within the set-theoretic terminology where “*” signifies a ‘logical and’ and “+” signifies a ‘logical or’ this reads as, follows:

$$\begin{aligned}
 & \text{MEMBERSHIP ASPIRATION*ELECTORAL DEMOCRACY} \\
 & \quad + \\
 & \text{ELECTORAL DEMOCRACY*MODERATE MIGRATORY PRESSURE*cooperation} \\
 & \quad \text{agreement} \\
 & \quad + \\
 & \text{electoral democracy* MODERATE MIGRATORY PRESSURE *COOPERATION} \\
 & \quad \text{AGREEMENT} \\
 & \quad \rightarrow \\
 & \text{EUALIGN}
 \end{aligned}$$

Table 9: Truth table

Confi- guration	Conditions				Outcome	Consistency	Cases
	Membership aspiration	Cooperation agreement	Electoral democracy	High migratory pressure			
1	1	1	1	0	1	1.000	Georgia, Ukraine
2	1	1	0	0	1	1.000	Armenia
3	1	1	1	1	1	1.000	Israel
4	1	0	1	1	1	1.000	Armenia
5	0	0	1	1	1	0.538	Morocco
6	0	0	1	0	1	0.538	Moldova
7	0	0	1	0	0	0.500	Belarus, Egypt
8	0	0	0	0	0	0.294	Azerbaijan, Jordan, Lebanon, Syria
9	0	1	1	1	0	0.000	Belarus, Egypt, Libya, Tunisia
10-16							-

Source: Own measurement.

Note: In truth tables each row presents information about one of the logically possible combination of conditions. '1' indicates the presence of the condition, and '0' denotes its absence. The rows 5 and 6 were assigned the outcome "1" despite relatively low consistency scores because they don't contain contradictory cases.

In the following I will refer to the first causal path "MEMBERSHIP ASPIRATION*ELECTORAL DEMOCRACY" as the *state level stimuli path*, because the causal path includes both state-level conditions specified in the explanatory model. Similarly, I will refer to the second causal path "ELECTORAL DEMOCRACY*MODERATE MIGRATORY PRESSURE*cooperation agreement" as the *domestic stimuli path*, because both conditions that must be present in the context of this path are domestic explanatory factors. This path moreover includes the absence of a cooperation agreement signed prior to the reform. This finding is hard to interpret theoretically and is thus considered as an data artefact.

I will, furthermore, refer to the third causal path "electoral democracy*MODERATE MIGRATORY PRESSURE*COOPERATION AGREEMENT" as the *sectoral stimuli path* because both conditions that must be present in the context of this path are sectoral. This path furthermore includes the absence of the condition electoral democracy. This triggers the question why the absence of a democratic system could lead to alignment with EU policies.

Table 10: Intermediate solution: Sufficient conditions for the outcome alignment with the EAG model

Solution	MEMBERSHIP ASPIRATION*ELECTORAL DEMOCRACY	*ELECTORAL DEMOCRACY*MODERATE MIGRATORY PRESSURE*cooperation agreement	electoral democracy* MODERATE MIGRATORY PRESSURE *COOPERATION AGREEMENT
Cases with mb.ship > 0.5	Armenia, Georgia, Israel, Ukraine	Georgia, Moldova, Ukraine	Morocco
Consistency	0.912	0.818	0.538
PRI	0.893	0.778	0.400
Coverage (raw)	0.477	0.415	0.108
Coverage (unique)	0.169	0.108	0.108
Consistency cut-off	0.52		
Solution consistency	0.750		
PRI	0.688		
Solution coverage	0.692		

Source: Own measurement.

Note: The intermediate solution was produced using the Enhanced Standard Analysis (ESA) which relies on non-contradictory easy counterfactuals only. The directional expectations were specified as following: membership aspiration = 1; cooperation agreement = 1; electoral democracy = 1; moderate migratory pressure = 1.

Unfortunately social scientists most often do not face clear patterns. Therefore, strategies to cope with the discrepancies between neat set theoretic assumptions and noisy data are needed. In QCA several parameters of fit, most importantly consistency and coverage, help in dealing with less-than perfect subset relations. In the case of model 1 (see table 11) the overall consistency (0,750) of the solution is reasonable, indicating that few cases contradict the subset relational statement of sufficiency. The overall coverage (0,692) is satisfying too, indicating that a substantial share of the outcome is covered (explained) by the conditions in question.

An electoral democracy appears as an INUS condition in two of the causal paths identified in the QCA analysis. An INUS condition is insufficient in itself, but nonetheless a necessary part of an unnecessary yet sufficient combination of conditions. This finding seems to indicate that ENP states need to be at least ‘partly free’ in order to be permissive towards asylum seekers and be willing to grant them rights, at least on the paper. This finding is largely in line with my explanatory model that argues that democracy positively affects the transfer of EU policies to its neighbourhood.

Nonetheless, the QCA reveals that the condition ‘electoral democracy’ does not lead to the outcome by itself, but needs to be paired with other factors. In the first causal path states need to be member in the *set electoral democracy* and in the *set moderate migratory pressure* to display the outcome.

Figure 5: The domestic stimuli path

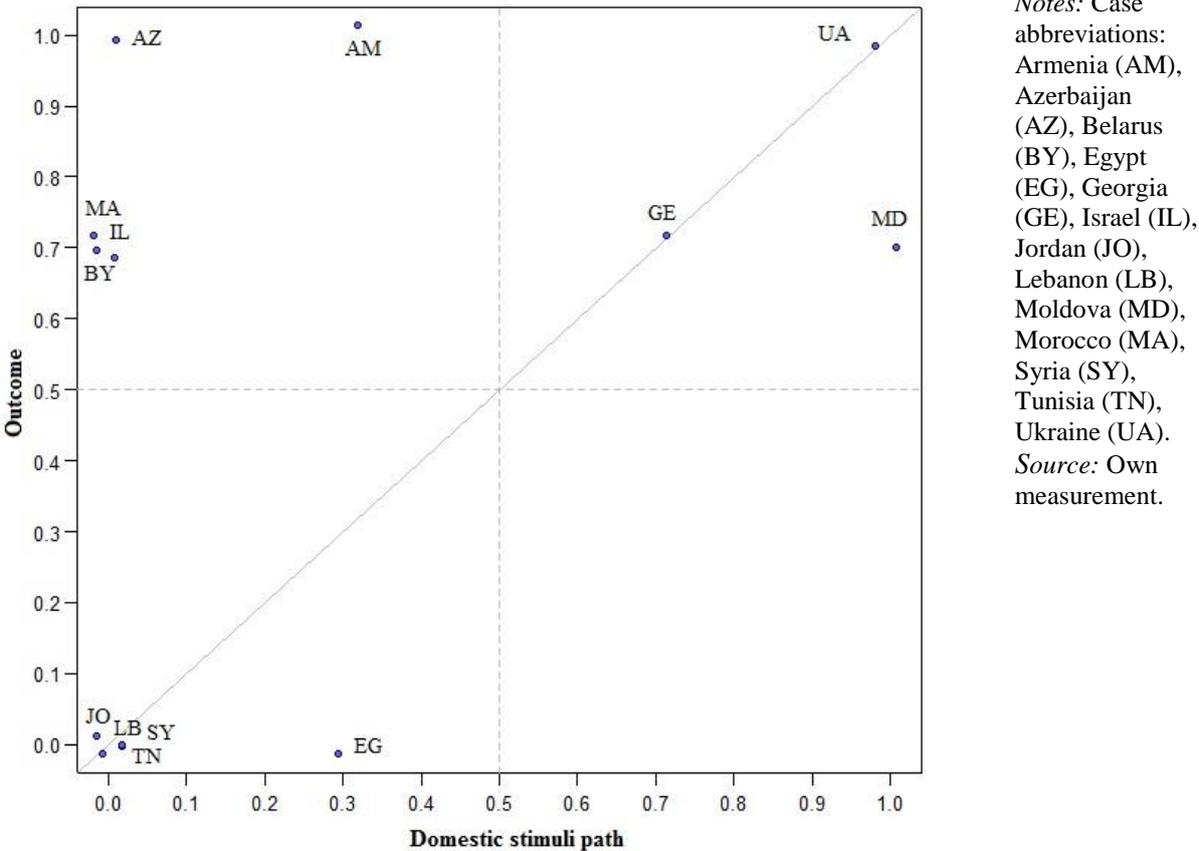
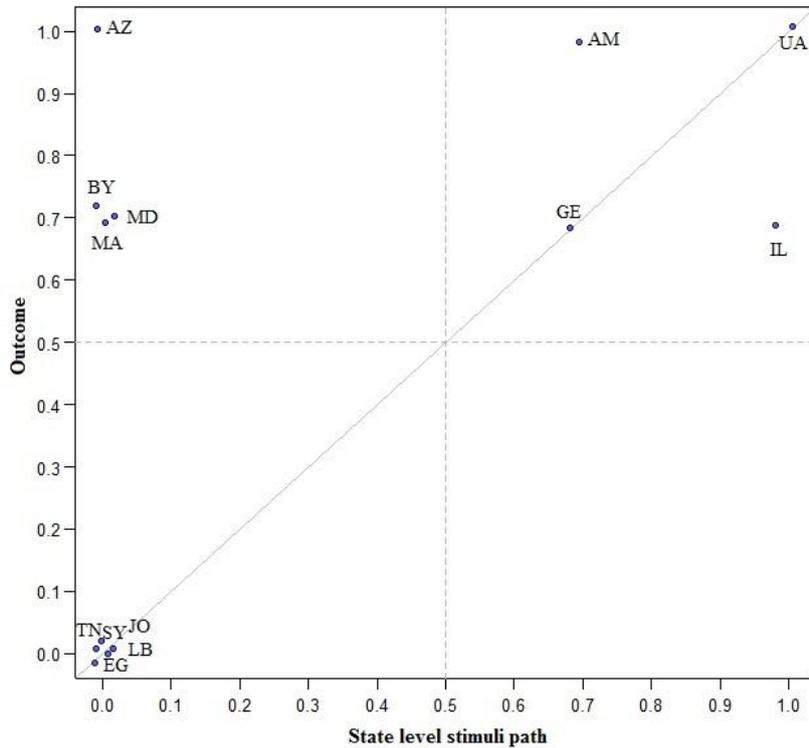


Figure 4-6 present the results graphically. Note that for a condition or a combination of conditions to be sufficient, all cases should be located around or above the bisecting line (Ragin 2000). The analysis of these scatter plots allows to differentiate between irrelevant cases, typical cases and deviant cases. In accordance with set-theoretic logic the most important cases are those where the outcome is present. Cases where the outcome is absent but which do not contradict the sufficiency assumption (such as Syria and Libya) are considered as individually irrelevant. Cases where the outcome is absent

and which contradict the sufficiency outcome (such as Egypt in the domestic stimuli path) are considered as irrelevant. The QCA analysis posits that all cases are located in the upper right corner of the scatter plot, i.e. where the outcome and the condition are present (such as Armenia in the state level stimuli path) can be considered as typical.

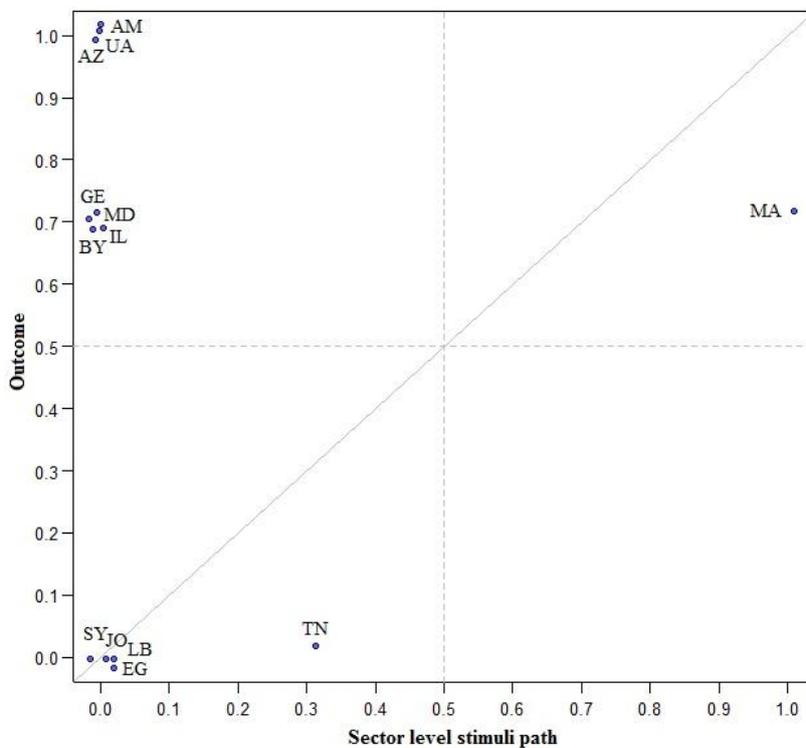
Furthermore, we observe two types of deviant cases: First, cases that contradict the statement of sufficiency (such as Israel in the state level stimuli path). Second, cases that are in line with the statement of sufficiency, but are nonetheless qualified as deviant as, qualitatively seen, they are member of the outcome and non-members of the solution term (such as Armenia in the domestic stimuli path).

Figure 6: The state level stimuli path



Notes: Case abbreviations: Armenia (AM), Azerbaijan (AZ), Belarus (BY), Egypt (EG), Georgia (GE), Israel (IL), Jordan (JO), Lebanon (LB), Moldova (MD), Morocco (MA), Syria (SY), Tunisia (TN), Ukraine (UA).
Source: Own measurement.

Figure 7: The sector level stimuli path



Notes: Case abbreviations: Armenia (AM), Azerbaijan (AZ), Belarus (BY), Egypt (EG), Georgia (GE), Israel (IL), Jordan (JO), Lebanon (LB), Moldova (MD), Morocco (MA), Syria (SY), Tunisia (TN), Ukraine (UA).
Source: Own measurement.

Conclusion

The explanatory model containing the four core conditions membership aspiration, cooperation agreement, electoral democracy and moderate migratory pressure is able to explain alignment with EU asylum policies in several cases. The analysis clearly identified three causal paths that are sufficient

for the outcome: On the one hand, the domestic stimuli path essentially based on the simultaneous membership in the *sets electoral democracy* and *moderate migratory pressures*. On the other hand, the state-level stimuli path based on the simultaneous membership in the *set electoral democracy* and in the *set membership aspiration* and the sectoral stimuli path based on the simultaneous membership in the *sets moderate migratory pressure*, in the *set cooperation agreements*, and in the *set no electoral democracy*.

What are the theoretical implications of this set-theoretic analysis? While the results shed light on the complex interplay of conditions that influence alignment with EU policies, three conclusions can be derived from the analysis.

First, in line with a great share of the literature, the conditions electoral democracy and membership aspiration, while not being individually decisive, are both important contributing factors for alignment with EU asylum policies. The conditions electoral democracy and membership aspiration play an important role in the literature and are heavily contested in current debates at the same time. Therefore, this paper, which compares alignment on EU policies across all 15 ENP states for the first time, makes an important contribution in settling this ongoing debate: Neither a democratic political regime nor a membership aspiration are present in all explanatory paths, which means that alignment with EU policies might take place in the absence of both conditions. At the same time both conditions are part of at least one explanatory path, which implies that they are relevant drivers of alignment with EU policies.

Second, contrary to the general expectations in the literature, the condition moderate migratory pressure appears to be an important factor for alignment with EU asylum policies. While functional pressure is sometimes mentioned in the literature, the cases at hand show for the first time that *moderate* functional pressure can be a driver of alignment. Moreover, the results indicate that the condition cooperation agreement yields the expected effect only under specific circumstances. The signature of a cooperation agreement with the EU is considered as one of the most important predictors of alignment in the literature. The QCA analysis of this paper posits that formal cooperation with the EU affects alignment only in the case of Morocco, i.e. an authoritarian state with moderate migratory pressure which had already comprehensively reformed its asylum policies in 2003 prior to the reform that led to alignment with the EAG in 2008.

Third, the analysis also brings to light that two important cases of alignment with the EAG model cannot be explained by the conditions currently brought forward in the literature and included in this analysis. The QCA analysis includes eight cases that display the outcome. Out of these eight cases, six are explained by the theoretical model at hand. The two cases that align with the EAG model but are not explained by it (Azerbaijan, Belarus), are authoritarian states and located in the Eastern neighbourhood. This indicates the presence of a specific (Eastern European) “authoritarian pathway” towards alignment.

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APPENDIX

1. Operationalization

Step 1: Identification of relevant categories

Bjerre et al. (Bjerre et al. 2014) differentiate between different *modi operandi* which determine how a law operates, which can either be through regulation or through control of these regulations. Therefore, one could investigate whether a policy regulates, for example, the stay of migrants (e.g. access to work permits) or whether a policy addresses issues of control of these regulations (e.g. controls by state administrations or the police to detect illicit work). The here present measurement is entirely focused on regulatory policies.

I differentiate between regulations which determine how difficult it is for a certain migrant type to enter and/or stay in the country (i.e. the level of permissions) and regulations which determine how many substantial and/or procedural rights a specific migrant type is granted (i.e. the level of rights). The differentiation between permissions and rights lies at the core of most democratic migrant receiving states as it allows national democracies to focus on national territory (permissions) and on the democratic quality of their regime (rights) at the same time. It is based on the idea that the level of rights granted to asylum seekers during or after their admission procedure can be high regardless of how permissive a states' immigration policy is.

Step 2: Identification of relevant items

I intend to measure to which degree the ENP states comply with the "European Migration Modell (EAG)". This model implies a permissive and rights oriented approach to asylum policies. Therefore, I do not present a measurement of the degree of implementation of the EU *acquis* in the field of migration policy. Rather I assess if ENP states conceive of asylum management in similar terms as the European Union, without necessarily aiming at copying the EU *acquis communautaire* in every detail. Consequently the items have not been deduced from a comprehensive operationalization of the European Union *acquis communautaire*. Existing measurements of migration policies rely on a very different amount of items, ranging from approximately 150 in the case of the MIPEX-Dataset to 9 in the case of Thielemann's deterrence index (Thielemann 2014). This reflects the struggle between precision and parsimony a researcher necessarily undergoes when selecting items. Even if a large variety of migration policy indicators are conceivable in the present case, this measurement only encompasses four items for every dimension. The aim of this measurement is not to provide a full assessment of migration policies per state, but rather to create an indicator that allows us to grasp similarities and difference among states of the EU neighbourhood.

Step 3: Aggregation of dimensions according to set-theoretic logic

States that align with the European Asylum Governance (EAG) model have to simultaneously show high values on both migration policy dimensions (rights orientation and permissiveness). Extensive rights granting and high permissiveness are therefore individually necessary and jointly sufficient elements of an EAG approach. Put differently if states align with the EAG approach they should be located in the upper right corner of a scatter plot contrasting the level of permissiveness and the level of rights granted to migrants.

To define the degree of membership of states in this quadrant I rely on set-theoretic logic. Set-theory is based on a „Boolean“, rather than an “algebraic” mathematical logic. Therefore, it studies cases' membership scores in sets and the relation between different sets (in terms of sufficiency and

necessity) rather than linear correlations between different variables (Schneider and Wagemann 2012). According to this logic the overall membership of a state in a set composed of two dimensions can only be as high as its score in the dimension where it has the lowest score. The consequence of this logic is, that if a state does not score high on one of the dimensions, it is automatically attributed a low value and hence defined as being external to the set. If a state scores high on both dimension it is defined as part of the set.

2. Coding guidelines

The coding of the outcome was conducted by the author itself in accordance with the following guidelines:

Step 1: Identification of relevant legal documents

Relevant policy documents were identified using the CARIM databases provided by the Migration Policy Centre (MPC) at the EUI and the REFWORLD database provided by the UNHCR. On this basis all policy documents including the word “refugee” or “asylum” were selected, leading to the selection of constitutions, migration laws, decrees and regulations as well as memorandums of agreement. For a list of all policy documents used see Table A. In some cases the original documents and/ or English translation of these were not available. In these cases secondary sources reporting on the contents of these policy documents were used. To avoid coding errors wherever two or more secondary sources were available, those were used for data triangulation.

Table A: Overview over all policy documents used for the coding

Algeria	Constitution (1989) Secondary source: http://confinder.richmond.edu/admin/docs/local_algeria.pdf
Armenia	<p>Law on the Legal Status of Aliens (1994) http://www.legislationline.org/documents/id/6595</p> <p>Constitution (1995) http://www.parliament.am/legislation.php?sel=show&ID=2425&lang=eng</p> <p>Government Decision on State Refugee Institutions (1999) http://www.legislationline.org/documents/id/6597</p> <p>Law on Refugees (1999) http://www.parliament.am/legislation.php?sel=show&ID=1482&lang=eng</p> <p>The Law on Amendments in the Refugees Law of the RA (2001) http://www.parliament.am/legislation.php?sel=show&ID=1950&lang=eng</p> <p>Law on Political Asylum (2001, amended 2011) http://www.legislationline.org/documents/id/6603</p> <p>Government Decision on the Determining of Refugee Status (2001) http://www.legislationline.org/documents/id/65997</p> <p>The Law on Amendments in the Refugees Law of the RA (2002) http://www.parliament.am/legislation.php?sel=show&ID=1951&lang=eng</p> <p>Government Decision on the Procedure for Granting Temporary Asylum to Foreign Citizens and Stateless Persons (2003) http://www.legislationline.org/documents/id/6636</p> <p>Government Decision on the Procedure for Issuance of the ID for Temporary Asylum Status and Approval of its Description (2003) http://www.legislationline.org/documents/id/6637</p> <p>Law on Foreigners (2006) http://www.legislationline.org/documents/id/19159</p>

Azerbaijan	<p>Law on the Legal Status of Aliens (1996) http://www.legislationline.org/documents/id/6444</p> <p>Law on Refugees and Forcibly Displaced Persons (1999) http://www.legislationline.org/documents/id/6528</p>
Belarus	<p>Presidential Decree No. 229 on the Approval of Regulations of the Procedure of Granting Asylum to Foreign Citizens and Stateless Persons (1994): Secondary source: http://www.refworld.org/docid/3ae6b33210.html</p> <p>Law on Refugees (1995) http://naviny.org/1995/02/22/by72838.htm (in Russian)</p> <p>Law on Immigration (1998) http://www.legislationline.org/documents/id/6387</p> <p>Resolution 1653 of the Council of Ministers on Deportation of Foreign Citizens and Persons Without Citizenship (1998) http://www.legislationline.org/documents/id/6385</p> <p>Resolution 1654 of the Council of Ministers on Stay of Foreign Citizens and Persons Without Law on Immigration (1998) http://www.legislationline.org/documents/id/6384</p> <p>Law on Refugees (1999) Secondary source:</p> <p>Law on External Labour Migration (1999 as amended 2006) http://www.legislationline.org/documents/id/6422</p> <p>Resolution 1660 of the Council of Ministers on Types of Residence Permits of Foreign Citizens and Persons Without Citizenship in the Republic of Belarus (1999) http://www.legislationline.org/documents/id/6388</p> <p>Law on Refugees (2003) http://www.legislationline.org/documents/id/6431</p> <p>Law on Granting Refugee Status, Complementary and Temporary Protection to Foreign Citizens and Stateless Persons in the Republic of Belarus (2008) http://www.refworld.org/pdfid/493541fd2.pdf</p>
Egypt	<p>Memorandum of understanding with UNHCR (1954) Secondary source: http://schools.aucegypt.edu/GAPP/cmrs/reports/Documents/RSDReport.pdf</p> <p>Constitution (1971) http://www.wipo.int/edocs/lexdocs/laws/en/eg/eg002en.pdf</p> <p>Presidential decree established a permanent committee in the Ministry of Foreign Affairs to review asylum applications and grant refugee status.[8] Secondary source: https://www.loc.gov/law/help/refugees/legal-status-refugees.php#egypt</p> <p>Ministerial Decree No. 24 (1992) Secondary source: https://www.loc.gov/law/help/refugees/legal-status-refugees.php#egypt</p> <p>Ministerial Decree No. 8180 (1996) Secondary source: https://www.loc.gov/law/help/refugees/legal-status-refugees.php#egypt</p> <p>Constitution (2014) Secondary source:</p>
Georgia	<p>Presidential Decree on Granting Financial Aid and Travel Benefits to Refugees and People who have been Internally Displaced (1993) http://www.legislationline.org/documents/id/5535</p> <p>Law on Immigration (1993 amended 1998) http://www.legislationline.org/documents/id/5521</p>

	<p>Constitution (1995) http://www.parliament.ge/files/68_1944_951190_CONSTIT_27_12.06.pdf</p> <p>Law on Legal Status of Foreigners (1993, amended 1998) http://www.legislationline.org/documents/id/5523</p> <p>Law on Refugees (1998) http://www.legislationline.org/documents/id/5533</p> <p>Law on Inspection of Migrants (1998) http://www.legislationline.org/documents/id/5527</p> <p>Law on Migrants Inspection Fee (2002) http://www.legislationline.org/documents/id/5528</p> <p>Law on Internally Displaced Persons-Persecuted (1996, updated 2001) http://www.legislationline.org/documents/id/5531</p> <p>Order on Approval of the Rule of Annual Registration (Issuance of Card) of Internally Displaced Persons-Persecuted (2002) http://www.legislationline.org/documents/id/5532</p> <p>Law on Refugee and Humanitarian Status (2011) http://mra.gov.ge/res/docs/2014022416564743748.pdf</p> <p>Decree on the approval of issuance and alteration of Asylum-Seeker's Certificate (2012) http://www.legislationline.org/documents/id/18229</p> <p>Law on the Legal Status of Aliens and Stateless Persons (2014) http://www.legislationline.org/documents/id/19240</p>
Israel	<p>Procedure for Handling Political Asylum Seeker (2011) http://www.refworld.org/pdfid/551130f34.pdf</p>
Jordan	<p>Constitution 1952 http://www.med-media.eu/wp-content/uploads/2015/08/wcms_125862.pdf</p> <p>Law on Nationality (1954, amended 1984) http://www.refworld.org/docid/3ae6b4ea13.html</p> <p>Law on Residence and Foreigners' Affairs (1973) Secondary source: https://www.loc.gov/law/help/refugees/legal-status-refugees.php#lebanon</p> <p>Memorandum of understanding with UNHCR (1998) http://www.unhcr.org/4ec231020.pdf</p>
Lebanon	<p>Law on Entry and Exit of foreigners (1962) http://www.refworld.org/pdfid/4c3c630f2.pdf</p> <p>Decree No. 4082 (2000) Secondary source: https://www.loc.gov/law/help/refugees/legal-status-refugees.php#lebanon</p> <p>Memorandum of understanding with UNHCR (2003) Secondary source: http://www.globaldetentionproject.org/countries/middle-east/lebanon.</p> <p>Resolution No. 1/19 (2013) Secondary source: https://www.loc.gov/law/help/refugees/legal-status-refugees.php#lebanon</p>
Moldova	<p>Law on Migration (1990, amended 1999) http://www.legislationline.org/documents/id/4815</p> <p>Law on the Status of Refugees (2002) http://www.legislationline.org/documents/id/4820</p> <p>Law on State Dactyloscopic Registration (2003) http://www.legislationline.org/documents/id/4819</p> <p>Law on Asylum (2008)</p>

	http://www.refworld.org/pdfid/4a27c07b2.pdf
Morocco	<p>Ordinance to establish the Bureau of Refugees and Stateless Persons (BRA) (1957) Secondary source : http://repository.forcedmigration.org/pdf/?pid=fmo:3570</p> <p>Law relative to the entry and stay of foreigners in Morocco and to irregular emigration and immigration (2003) https://www.unodc.org/res/cld/document/mar/loi-entree-sejour-etrangers-maroc-2003-fr_html/Loi_Entree_Sejour_Etrangers_Maroc_2003-FR.PDF</p> <p>Country agreement with UNHCR (2008) Secondary source: www.migrationpolicycentre.eu/docs/migration_profiles/Morocco.pdf</p>
Syria	<p>Cooperation agreement with UNHCR (2010) Secondary source: http://www.unhcr.org/4dfdbf50b.pdf,</p>
Tunisia	<p>Constitution (1959) http://confinder.richmond.edu/admin/docs/Tunisiaconstitution.pdf</p> <p>Decree n°1968-198 regulating entry and stay of foreign nationals in Tunisia (1968) Secondary source: http://www.carim.org/public/legaltexts/LE3TUN1032_802_FR.pdf</p> <p>Cooperation agreement with UNHCR (2011) Secondary source: http://www.unhcr.org/4fc880ad0.pdf</p> <p>Constitution 2014 https://issafrica.org/ctafrika/uploads/TunisiaConstitution2014Eng.pdf</p>
Ukraine	<p>Regulation on approval of temporary regulation on procedure of identification of the status of refugees from the Republic of Moldova and assistance to them (1992) Secondary source:</p> <p>Law on Refugees (1993, amended 2002 and 2005) Secondary source: http://www.carim-east.eu/media/exno/Explanatory%20Notes_2013-99.pdf, http://www.refworld.org/docid/3b31e16a1c.html</p> <p>Law on Legal Status of Aliens (1994) http://www.legislationline.org/documents/id/7176</p> <p>Constitution (1996) https://www.constituteproject.org/constitution/Ukraine_2004.pdf</p> <p>Rules of Entry of Foreigners to Ukraine, their Departure from Ukraine and Transit Travel via the Territory of the Country (1995 as amended 2000) http://www.legislationline.org/documents/id/7178</p> <p>Law on Refugees (2001) http://www.legislationline.org/documents/id/7175</p> <p>Law on Immigration (2001) http://www.legislationline.org/documents/id/7180</p> <p>Presidential Decree on Additional Measures for Materialisation of Human Rights for Free Movements and Free Selection of Places of Residence (2001) http://www.legislationline.org/documents/id/7173</p> <p>The Law on refugees and persons in need of complementary or temporary protection (2011) http://unhcr.org.ua/img/uploads/docs/Refugee%20law%202011%20ENG_final.pdf</p>

Step 2: Coding rules

The coding of the single items is binary. This means that for every item selected the coder could potentially attribute a “1” for the case such regulation existed or “0” for the case such regulation does not exist. This type of binary coding automatically comes with a certain degree of complexity loss. It is nonetheless suitable for this measurement as it allows for cross-case comparison of migration policies. Moreover, one difficulty occurred during the coding: coders were always in doubt if in the case of items coded “0” regulation indeed did not exist or if these were simply missed out by the

coder. To solve this problem, the coder heavily relied on secondary sources addressing those issues of absence of regulations in specific aspects of migration policy in a certain state. Tables B and C present for all items of all dimensions contributing to the measurement of migration policies the description of the item, the coding rule as well as an example of a cases that has been coded “1”.

Table B: Overview over operationalization of the dimension “permissiveness” of asylum policies

Item	Description of item	Coding rule	Coding example
<i>Recognition of the non-extradition principle for political refugees</i>	The non-extradition principle is recognised.	If the non-extradition principle is recognised code “1”.	Egypt: The right of political asylum is guaranteed (Constitution 1971, Art 57).
<i>Recognition of UNHCR/UNRWA</i>	UNHCR/UNRW are officially recognised and accepted as cooperation partner on the national territory.	If UNHCR/UNRW are officially recognised and accepted as cooperation partner on the national territory, code “1”.	Ukraine: Cooperation with other countries, the Office of the United Nations HCR and other international (Law on Refugees 2001, Art. 23).
<i>National asylum procedure</i>	A national asylum procedure exists.	If a national asylum procedure exists, code “1”.	Israel: Transmission of refugee status determination from UNHC to the Ministry of the Interior (Procedure for Handling Political Asylum Seeker 2011).
<i>Additional protection status</i>	If a migrant does not qualify for asylum status, an additional protection status (such as a humanitarian; subsidiary or temporary asylum status) might be granted.	If an additional protection status can be granted code “1”. Variance in conditions migrants must fulfil to be eligible is not taken into account.	Belarus: Humanitarian protection status granted in specific cases (Law n° 354-3 on Granting Foreign Nationals and Stateless Persons in the Republic of Belarus with Refugee Status, Subsidiary and Temporary Protection as of 3 July 2009).

Source: Own conceptualization.

Table C: Overview over operationalization of the dimension “rights” of asylum policies

Item	Description of item	Coding rule	Coding example
<i>Right to be informed on procedures</i>	Procedural right that guarantees an asylum seeker the right to be informed on every step of their expulsion procedure.	If the right to be informed on procedures is granted, code “1”. If the procedures are transparently defined in the legal text, but the migrant is not specifically notified during the procedure the code “0” is attributed.	Azerbaijan: A person, whose claim for refugee status has been rejected, shall receive a written notification of the decision with indication of reasons of rejection and procedures of appeal to the Court within 5 days after the decision officially taken by the competent body (Law on the status of refugees and forcibly displaced (persons displaced within the country) persons 1999, Art. 13.)
<i>Right to appeal the decision</i>	Procedural right that guarantees an asylum seeker the right to appeal the decision in case her/his asylum demand is rejected.	If the right to appeal the decision is granted, code “1”. If the right to appeal the decision is granted during a few days only the code “1” is still attributed.	Armenia: Except for special residence status, a foreigner may appeal - through judicial procedure - against a refusal of an application filed for obtaining or extending a residence status (Law on Foreigners 2006, Art. 20).
<i>Right to work for refugees granted asylum</i>	Substantive right that guarantees a migrant granted asylum the right to work.	If the right to work is granted, code “1”. If the right to work is granted only under specific conditions (e.g. no nationals to fill the position), the code “1” is still attributed.	Moldova: Refugee status confers on its beneficiary the rights provided by the law on legal status of foreign citizens and stateless persons, as well as the following special rights: c) to be employed by natural or juridical persons, follow liberal professions, perform trade acts and other juridical acts (Law on the Status of Refugees 2002, Art. 23).
<i>Right to equal access to public services for refugees granted asylum</i>	Substantive right that guarantees a migrant granted asylum the right to access public services such as healthcare or education.	If the right to access public services is granted, code “1”. If only the right to access one type of public service is granted (e.g. only education), the code “1” is still attributed. If the right to access public services is only granted to a very specific subgroup of refugees (e.g. only refugees originating from a specific state/ with a specific nationality), the code “0” is attributed.	Ukraine: Persons granted refugee status shall enjoy the same rights as Ukrainian citizens, including the following: [...] To health care, medical treatment and medical insurance; [...] To education (Law on Refugees 2001, Art. 20).

Source: Own conceptualization.

Step 3: Aggregation rules

The final measurement is composed of two dimensions which encompass four items each. The four items are aggregated using an additive index. This produces ordinal scales ranging from “0” to “4”. More specifically thus means that a case which scored “1” on one item and “0” on all other items will be attributed the overall score of “1” on that dimension, a case which scored “1” on two items and “0” on the two other items it will be attributed the overall score of “2”, etc. The items are all equally weighted.

Step 4: Timing

The EAG score was determined for every state for every year in which a policy reform occurred. For an overview over the evolution of the EAG score over time see table D. Some states had only one policy document until 1994 and reformed their asylum policies only once after 1995, in these case the comparison between “past” and “actual” asylum policies is easy. But most cases have a history of several policy reforms prior to and after 1995. To be able to compare these states policies before and after 1995, one ‘crucial’ policy reform was selected for every time period according to the following rules.

For the period prior to 1995: If an ENP state issued more than one policy document regarding asylum policies prior to 1995, the benchmark to evaluate the position of the ENP state under its “past” policies is always the most recent policy document. This means that if, for example, Egypt issued an asylum policy in 1954, in 1971 and 1984, the state of asylum policies in Egypt in 1984 are considered to be Egypt’s position regarding “past” migration policies. In Table D all years that were selected as benchmarks for “past” asylum policies are highlighted in grey.

For the period after 1995: If an ENP state issued more than one policy document regarding asylum policies after 1995, two benchmarks exist: First, if the ENP states aligned with the EAG model some point after 1995, the year in which the ENP first aligned with the EAG model is selected as benchmark. This means that if, for example, Moldova reformed its asylum policies in 2002, 2003 and 2008, the state of asylum policies in Moldova in 2002 is considered to be Moldova’s position regarding “actual” migration policies because already in 2002 Moldova reached an EAG score of 2. Second, if the ENP state did not align with the EAG so far, the year of the latest policy reform is selected as benchmark. In Table D all years that were selected as benchmarks for “actual” asylum policies are highlighted in grey hatching.

Table D: Overview over timing of policy reforms

State	Year of policy reform	Permissiveness	Rights	EAG score
Algeria	1989	1	0	0
Armenia	1994	2	0	0
	1999	3	4	3
	2001	4	4	4
	2002	4	4	4
	2003	4	4	4
	2006	4	4	4
Azerbaijan	1996	0	0	0
	1999	3	4	3
Belarus	1995	<i>unknown</i>	<i>unknown</i>	<i>unknown</i>
	1998	0	0	0
	1999	<i>unknown</i>	<i>unknown</i>	<i>unknown</i>

	2003	2	4	2
	2008	3	3	3
Egypt	1954	1	0	0
	1971	2	0	0
	1984	2	0	0
	1992	2	0	0
	1996	2	0	0
Georgia	1993	1	0	0
	1998	2	4	2
	2002	2	4	2
	2011	4	4	4
Israel	2011	2	2	2
Jordan	1952	1	0	0
	1954	1	0	0
	1973	1	0	0
	1998	2	0	1
Lebanon	1962	1	0	0
	2000	1	0	0
	2003	2	0	0
	2013	2	0	0
Moldova	1990	0	0	0
	2002	2	3	2
	2003	2	3	2
	2008	4	4	4
Morocco	2003	1	2	1
	2008	2	2	2
Syria	1973	1	0	0
	2010	2	0	0
Tunisia	1959	1	0	0
	1968	1	0	0
	2011	2	0	0
Ukraine	1992	0	0	0
	1993	<i>unknown</i>	<i>unknown</i>	<i>unknown</i>
	1994	0	0	0
	1995	0	0	0
	1996	1	0	1
	2001	3	4	3
	2011	4	4	4

Source: Own compilation