Euroscepticism, Budgetary Pressures and Labor Migration: Explaining Dissent in the Justice and Home Affairs Council

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Introduction

Of the topics high on the political agenda across the European Union, immigration is undoubtedly one of the most salient ones. One of the main drivers for British citizens to vote in favor of leaving the European Union were sentiments regarding migration (Dennison et al., 2020). In the world of electoral politics, Italy recently elected its most far right leaning prime minister since the Second World War who had the curbing of immigration as a key part of their agenda (BBC News, 2022). The government that was formed in Sweden last year gave clear indications of their plans to radically reduce the amount of asylum given (Duxbury, 2022). Meanwhile multiple crises near the European Union are causing an increasing amount of people to flee from conflict and poverty.

One of these crises is the invasion of Ukraine, which has cost the Ukrainian people dearly. More than 4 million people fled to the European Union due to this war (Council of the European Union, 2023b). Conflicts across the continent of Africa are also pertinent in understanding future migratory pressures the European Union might face. Sudan has been embroiled in a civil war (Sommerlad, 2023) and the situation in in the Democratic Republic of Congo is only worsening (Al Jazeera, 2023). Not only do geopolitical events such as the war in Ukraine have direct effects on the number of refugees but so does climate change. Recent research has shown that the likelihood of droughts in the Horn of Africa has been increased hundredfold due to climate change (World Weather Attribution, 2023). And this is just one of the regions where climate change will have a serious impact.

To regulate asylum application across the European Union, the Dublin III regulation came into effect in 2013. The large amount of asylum seekers in 2015 put a strain on and revealed weaknesses of this system (European Commission, n.d.-a). Because of this, the European Commission has tried to reform the Dublin 3 system since 2016 (European Parliament, 2020). The approval by both the European Parliament as the Council of the European Union, also referred to as the Council, was needed to pass these reforms. While the European Parliament gave its approval after one year, it took seven years of gridlock for it to pass the Justice and Home Affairs configuration of the Council of ministers (Dubois, 2023).

This gridlock is an example of how influential the Council can be for legislation within the European Union. It is the goal of my research to figure out what factors are of influence for voting behavior within the Council of Justice and Home Affairs. More specifically, the focus of this research lies on explaining dissent regarding proposals about migration and asylum.

By carrying out regression-based analysis of the behavior within the Council of Justice and Home Affairs, this research tries to bridge a gap in the literature about explaining dissent within the Council and issue-specific factors in the fields of migration and asylum.

To bridge this gap, I will attempt to answer the following research question: *Do sector-specific variables such as opinions on migration and openness to trade explain the rates of dissent in the Council of Ministers regarding the policy fields of migration and asylum? And if so, to what extent?*

The first step of my research is carrying out a literature review about the subject of dissent in the Council. The spatial theory of preferences will be introduced to explain the signaling function of dissent. This is followed by an exploration of the types of dissent in the Council and the variables that influence it. The literature review will lead into the hypotheses that will be tested. Afterwards the methodology will explain the sources of data, the operationalization of variables and the empirical model used to test the hypotheses. Next, the assumptions for the regressions will be tested and descriptive statistics will be covered. Then, the results of the regressions will be shown and discussed in further detail in the discussion. This is also the part of the research where policy implications of the results are discussed as well as the limitations of the research. Finally, the last part is a conclusion where my research and its results are shortly summarized.

1. Literature Review

1.1 The spatial theory of preferences

In order to research which underlying factors influence voting behavior, it is of importance to first establish a theoretical framework explaining voting behavior in general. The spatial theory of preferences is one such theory that has been explicitly used to analyze voting behavior in the Council (Hagemann & Hoyland, 2008) (Thomson et al., 2004). This framework is based on the writings of Black (1948). As Black (1948) argues, preferences of actors regarding a policy are on a spectrum. The spatial allocation of actors on this spectrum is key in explaining voting, hence the name of the theory.

To utilize the spatial model for the purpose of predictions, two key assumptions must be made. Firstly, actors will maximize utility (Shepsle, 2010: 29). Secondly, the preferences have a single point where utility is maximum and slope downwards from that point (Black, 1948). In other words, they have single-peaked preferences. This means that there is a certain action or option possible in a scenario and deviating from this point decreases utility for the actor. In a setting where majority rule decides the outcome, the eventual decision is that where the winset is 'empty' (Shepsle, 2010: 95). The winset is the range of alternatives possible that still have the support of the necessary majority to adopt the alternative. As long as a majority of voters has something to gain by moving the chosen outcome, they will decide to do so. To illustrate this, a small example will be given.

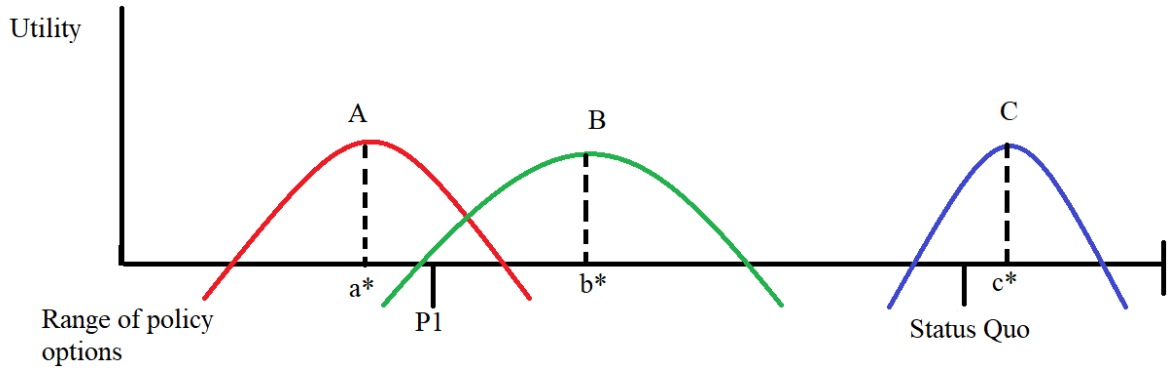

Figure 1. Theoretical example to illustrate voting behavior

Using the two previous assumptions, Figure 1 is constructed to show a hypothetical scenario. All possible policy options are located on a one-dimensional spectrum, shown as the range of options on the horizontal axis. Actors A, B and C all have a certain preference peak. These are a*, b* and c* respectively. The utility, portrayed by the colored arcs, sinks the further policy strays from these peaks. The situation as it is, the status quo, and alternative police P1 are two possible choices for policy in this scenario. Black (1948) argues that the policy proposed closest to the optimal point for median voters will be the one chosen. Figure 1 shows this as P1, the policy closest to b*, results in higher utility for both A and B. Following assumption 1, P1 will be the policy chosen.

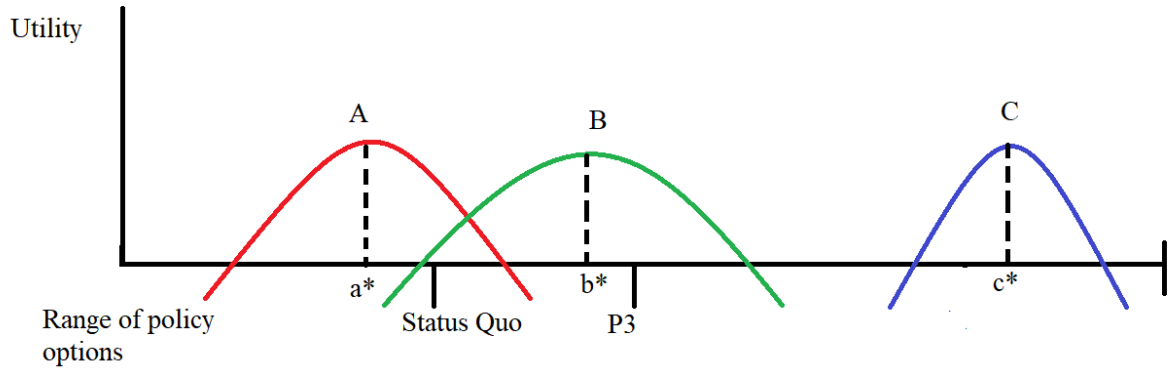

Figure 2. Theoretical example to illustrate voting behavior continued

The situation continuing from Figure 1 is portrayed in Figure 2. The policy chosen in Figure 1 became the new status quo. However, this option still leaves alternatives available such as P3 that can count on a majority as its closer to both b* and c*. The point where the winset is 'empty' and a winning coalition can not be formed is b*. Eventually the preference of the median voter is, B in this example, is what decides what policy gets accepted. This example illustrates the median voter theory of Black (1948).

If this framework resembles reality, governments in power should take heed of the views of the median voter. These governments risk losing elections if they stray too far from the preferences of these voters. This poses a problem with policy on the supranational level. National governments could be faced with policy on the level of the European Union that is seen negatively by the median voter yet is supported by a qualified majority of Member States. A possible response to this situation is signaling discontent with the policy to the domestic voters through different means such as voting against the proposal.

Empirical evidence that supports the existence of this signaling function to domestic parliaments, and by extent domestic voters, has been found in multiple studies (Hagemann et al., 2019) (Arregui and Thomson, 2014). By analyzing voting patterns and the salience of votes in the Council of the European Union, Arregui and Thomson (2014) found that the likelihood of dissent rose with the extent that states disagreed about the decision outcomes. This effect is notable, as it did not seem to blur or disappear despite the conflicting preferences of other large and important Member States. Despite strategic considerations, the signaling function was still clear. In addition to this, Hagemann et al. (2019) researched the correlation between dissent and various factors in the Council of the European Union. A finding of great interest in researching the signaling function is the correlation between time until the next election and chance for dissent. Hagemann et al. (2019) found that as the days before an election decreased, the chance for dissent grew. This supports the hypothesis that dissent can be used in order to avoid blame from the domestic electorate.

To summarize, the median voter theory of Black (1948) and by extent the spatial theory of preferences lies at the core of explaining why governments are beholden on the views of the median voter. In cases of supranational legislation, dissent can be utilized to avoid blame from domestic voters. This signaling function has been empirically supported by multiple studies (Hagemann et al., 2019) (Arregui and Thomson, 2014).

Having covered this theoretical framework to base the research of dissent on, it is now prudent to cover how the Council of the European Union works in general and what the forms of dissent available to Member States are. The potential factors that influence the domestic voters and increase dissent in general will be covered afterwards.

1.2 The Council of the European Union

The Council of the European Union, also referred to as simply the Council, is one of the three main legislative bodies of the European Union (Council of the European Union, n.d.). Together with the European Commission and European Parliament it fulfills the legislative function of the European Union (European Parliament, n.d.). The Council consists out of ten so-called configurations. These configurations consist of the ministers and state secretaries of the Member States that are responsible for the ten respective policy fields (Council of the European Union, 2023a). Additionally, the Council has higher and lower working parties that are preparatory bodies for the meeting of ministers**.** The general rule for passing legislation in the European Union is the so-called Ordinary Legislative Procedure, otherwise known as the OLP (European Parliament, n.d.).

In fields where the European Union has either shared or exclusive competence, the European Commission can provide policy proposals. Both the Council and the European Parliament must approve proposals posed by the European Commission in the OLP process for those to pass. Therefore, this is called codecision (European Parliament, n.d.). As one of the gatekeepers for European Union legislation, it is of great interest to figure out why Member States in the Council would be incentivized to vote against passing legislation.

To analyze the voting behavior within the Council, additional context is required. Legislation proposed by the European Commission is divided into A-items and B-items by the Council. A-items are legislative items that are both seen as uncontroversial and are expected to pass without debate. After passing through the working groups, these items automatically get voted through in the meeting of ministers. The distinction with B-items is that, due to political sensitivity, these are not handled by the lower working parties and are not automatically passed through the meeting of ministers. The votes regarding these items are where dissent is possible. The importance of decision making by ministers within the Council in general, as opposed to working groups or Coreper has been underestimated, especially so for important legislation (Häge, 2008). The analysis of Häge (2008) shows that ministers were directly involved in more than a third of the proposals.

1.3 Types of dissent in the Council

Dissent in the Council is separated in the literature into three different groups. Firstly, there is the possibility of a ‘no’ vote. This removes the possibility of trading this vote with another. The trading of votes in such a manner is also called ‘logrolling’. This process is covered in depth by Aksoy (2012). Aksoy (2012) demonstrates that changing of positions, eventually ending up as a ‘yes’ vote, is correlated with negotiation success and especially so in regard to multidimensional policy. It is argued that multidimensional policy gives negotiators ample space to compromise on dimensions they find less salient in order to get changes through elsewhere. If a Member State ends up as a ‘no’ vote, it can not engage in this process. The next form of dissent is abstaining from voting all together. Such a vote is neither a supportive ‘yes’ vote nor a ‘no’ vote but is still seen as dissent as in qualitative majority votes it has the same effect as a ‘no’ vote (Hagemann and Hoyland, 2008: 1210). Lastly, there is the opportunity for Member States to vote ‘yes’ but express discontent using official statements. This is seen as the least severe form of dissent as this option is still a supportive vote for the proposals.

As will be explained later, the focus of my research will be on explaining dissent in B-items in specifically the Justice and Home Affairs Council configuration. Because the Justice and Home Affairs Council encompasses a multitude of topics, the decision was made to focus this research to the topics of migration and asylum. Due to this decision, factors that might increase dissent in other topics covered

by Justice and Home Affairs such as international judicial cooperation are not covered. This is to limit the scale of the research and to avoid the problem of aggregation bias. As will be covered in more detail in the upcoming section, inspired by Bailer et al. (2015), a limited scope of policy fields will be chosen so field-specific effects are detectable even if they lack effect in other fields. This does limit the generalizability of the research, which will be covered in the discussion.

Due to the way the Council functions, only passing votes are reported (Hagemann and Hoyland, 2008). This limits the research to proposals where a blocking minority could not be formed. In other words, only proposals where a large, qualified majority could be formed are reported on. Hagemann and Hoyland (2008) argue that because of this, the voting data that is presented does not give information on what distinguishes the dissent of moderate Member States from each other.

Some Member States still decide to show dissent, even as a blocking minority is not even close to forming and political capital is lost in the form of logrolling. As Hayes-Renshaw et al. (2006) conclude based on empirical tests on voting data, Member States use these forms of dissent to signal their discontent to each other and outside audiences. This does point to a signaling function, but not necessarily the signaling to the domestic electorate. To find out more about what factors Member States are sensitive to when showing dissent, the next segment will dive into the literature regarding dissent in specifically the Council.

1.4 Factors causing dissent in the Council

Dissent in the Council has been a widely researched topic. Since the Lisbon Treaty, Justice and Home Affairs (JHA) has become a policy field where the voting rule changed from unanimity to qualified majority (Roos, 2019). This has lowered the bar for showing dissent in the Council of JHA as a Member State could vote ‘no’ without immediately blocking the proposal. To research which factors are central in pushing dissent, analyzing the paper of Bailer et al. (2015) is a good start.

In this paper Bailer et al. (2015) try to ascertain the factors behind either abstaining or voting against Council proposals. Using logistic regression, the authors try to explain both abstentions and ‘no’ votes. A multitude of possible factors from previous research were incorporated. These include factors such as partisanship and employment in certain sectors. Additionally, Bailer et al. (2015) used the insights of Zimmer et al. (2005), which describe the clash between net-contributors and net-receivers of EU subsidies, to hypothesize about the effect of economic factors for dissent in the Council. Zimmer et al. (2005), combining voting data with information from interviews, find that net-receivers are in general in favor of regulation. Likewise, the findings supported the idea that net-contributors of EU subsidies are in general less supportive of regulation posed by the Council.

The findings of Zimmer et al. (2005) draw additional salience from the fact that it nuances previous results from Mattila and Lane (2001) and Thomson et al. (2004). Thomson et al. (2004) analyzed 70 controversial proposals of the European Commission between 1996 and 2000. Having analyzed the results, they found that Northern Member States had a more supportive view on the usage of market-based regulatory solutions than Southern Member States. This in turn had an effect in voting. Mattila and Lane (2001) utilized roll-call data to find the underlying reason for the prevalence of unanimity in the Council. While it was not the focus of the research, their data did back up the notion of a division in voting between Northern and Southern Member States. Both the analysis of structured interviews and factor analysis were used by Zimmer et al. (2005) to argue that these results can be explained by an underlying dichotomy of net-contributors and net-receivers of EU subsidies.

Having incorporated these insights from Zimmer et al. (2005), Bailer et al. (2015) manage to find multiple determinants for dissent in policy sectors such as agriculture, fisheries, environmental and economic policy. Examples of which are value added per agriculture worker and national amount of fishery production. By focusing on the effects of these determinants on proposals within the policy fields, it is possible to find correlations which otherwise would go unnoticed. Bailer et al. (2015) describe this problem as aggregation bias. An analysis of proposals from all fields simultaneously could have the effects cancel out due to the inclusion of policies from other fields.

Bailer et al. (2015) has interesting implications for other policy fields. It raises questions as for policy specific factors for dissent in other policy fields. Regarding the field of Justice and Home Affairs (JHA), a study focusing on the factors to explain dissent like that of Bailer et al. (2015) is partly covered by Roos (2019). Roos (2019) has tried to explain both why votes against policy happen in this field and why they have increased over the years. In the research of Roos (2019), no regression-based tests were carried out to figure out the effects of various variables on dissent. This leaves a gap in the literature for an empirically based exploration of the factors that influence dissent in the JHA Council.

In addition to this, some effects might be overshadowed by analyzing JHA in general. As stated on the official site of the Council, the topics categorized under the justice label are digital justice, fundamental rights, data protection and judicial cooperation in civil and criminal law (Council of the European Union, 2022b). The topics listed under the Home Affairs section are migration and asylum, border management, police cooperation, the fight against terrorism and crime and civil protection (Council of the European Union, 2022a). In the same way that analyzing all policy proposals across policy fields could cause aggregation bias (Bailter et al., 2015), analyzing all proposals covered by the JHA Council could do the same. Roos (2019) did not take into account the potential factors to explain dissent regarding the specific fields within JHA. In order to fill this hole in the literature, my research will analyze potential factors regarding specifically migration and asylum.

The literature is divided regarding the level of dissent that negative comments represent and their treatment within the analysis. Roos (2019) did consider the effect of statements. He uses statements to identify reasons for opposition, however he leaves out how negative statements in yes votes could also itself signal opposition. Other research surrounding the topic of dissent in the Council takes a different approach, where negative statements are seen as a form of dissent that is not as politically costly as a 'no' vote (Arregui and Thomson, 2014) (Hagemann and Hoyland, 2008) (Hagemann et al., 2019). To mend this gap left by Roos (2019), negative statements will be taken into account in my research as a different way of showing dissent surrounding JHA.

1.5 General variables

The first general variable that will be analyzed to explain dissent will be Euroscepticism. The effect of Euroscepticism, and by extent sovereignty concerns, of Member States on dissent has been researched by Hagemann et al. (2017). They show that dissent in the Council rises with Euroscepticism within Member States. The logic follows that a Eurosceptic electorate opposes increasing the authority of the European Union and that governments follow the incentive structure to appease their voters. The research by Hagemann et al. (2017) is useful for forming a hypothesis, however it does suffer from the over-aggregation problem that Bailer et al. (2015) describe. The results of Hagemann (2017) are backed up, as Roos (2019) finds that Eurosceptic parties in power do correspond with higher dissent in the field of JHA.

Another general variable is the state of the budget. As previously mentioned, Zimmer et al. (2005) propose a dichotomy of net-contributors and net-receivers. Net receivers are less likely to contend as legislation is seen as redistributive. However, the logic of Zimmer et al. (2005) might have limited generalizability to the field of JHA. By extending the logic of Zimmer et al. (2005), the expectation would be that net-receiver Member States would be less inclined to dissent in the Council. Unlike the fields researched by Zimmer et al. (2005) and Bailer et al. (2015), JHA has less of a direct redistributive function. The costs are clear, but the benefits might not immediately be economically relevant. Net-receiver countries, due to their higher budgetary pressures, might actually be more inclined to dissent.

Partisanship is an additional interesting variable to include. Bailer et al. (2015) claim that it is structural economic variables that decide Council outcomes rather than partisan conflict. Contrarily, Mattila **(**2004**)** claims that right-wing governments show dissent in the Council more often than their left-wing counterparts. Roos (2019) nuances this relationship. They show that in the field of JHA, partisanship matters for certain countries and less for others. This was done by comparing the amount of abstaining and 'no' votes that leftist, neoliberal and rightist governments in the Council of JHA. Hosli et al. (2011) back up this differentiation, with partisanship mattering more for older Member States. Hosli et al. (2011) also show that the relative distance to the average left-right position in the Council matters for dissent. The expectation therefore is that, while partisanship might not be as big of a factor as other structural characteristics, the relative political position of countries does have an effect on dissent in the field of JHA.

1.6 Sector specific variables

As was discussed earlier, the focus of my research lies in explaining dissent specifically around proposals that deal with migration and asylum in the JHA Council. It is possible for various sector specific variables to be predictors of dissent within the Council, as was proven by Bailer et al. (2015). Hobolt and Wratil (2020) concur with this conclusion, in their research regarding the Economic and Financial Affairs Council they found that governments were responsive to issue-specific public opinion. This fits within our framework of signaling by the Council. Following this logic, it is prudent to find these issue-specific factors in order to test if they in fact do influence dissent.

The first variables that will be included are the general size of scale of both the phenomena of migration and asylum. Migration can be split up in both the amount of migrant workers as net migration in general. Hagemann et al. (2017) described how Eurosceptic electorates could incentivize their governments to vote in a certain way in the Council. In the same way anti-migrant electorates could incentivize their governments in another way. Hence the inclusion of sentiments on both migration as on refugees. Partisanship does seem to play a role in shaping the views regarding migrants. By analyzing the attitudes of citizens in Israel to foreign workers, Raijman and Semonov (2004) find a link between right-wing attitudes and anti-migrant sentiments.

O'Rourke and Sinnott (2006) find three main variables explaining anti-migrant sentiment: nationalism, level of occupational skill, which has an interaction effect with both inequality and wealth of the nation, and openness to trade. It is not a big leap from Colantone and Stanig (2018), that found both lacking economic opportunities in the region and inequality to be important variables for pro-Brexit votes, to say that these variables could also be responsible for dissent in the Council. Dustmann and Preston (2007), using British survey data, find that concerns regarding the welfare state play a bigger role than economic factors. In addition to this, racial and cultural prejudice play a role in determining anti-migrant sentiment. Another variable that could be of interest is age. Raijman et al. (2003) found that by analyzing surveys in both Israel and Germany that the opinions on the rights of migrants decreased with age.

Research on specifically the determinants of refugee sentiments in the European Union are few and far between. This is partly due to the overlap that the topics of migration and asylum have. In the same way that right-wing attitudes are a predictor for anti-migration sentiments (Raijman and Semonov, 2004), it could also be the case for anti-refugee sentiments. However, Leykin and Gorodzeisky (2023) found that by analyzing migration sentiments within Europe this same conclusion could not be made. Especially due to the influence of post-socialist Europe and the prevalence of conservative views in left-wing thought, this relationship was not as clear as previous research might have assumed. The research does however seem to point to the conclusion that right-wingers have a higher chance of seeing refugees as threats (Canetti et al, 2016).

The relationship between economic opportunities, education and anti-refugee sentiments does seem to mimic those posed by O'Rourke and Sinnot (2006) and Contalone and Stanig (2018). Having conducted interviews about attitudes regarding asylum seekers in Australia, Mckay (2012) finds that poor, less educated Australians tend to have less favorable views of refugees.

Another study tried to uncover if characteristics of the refugees themselves were of importance, found that European citizens had a bias against Muslim asylum seekers and one in favor of Christian ones (Bansak et al. 2016).

1.7 Hypotheses

The literature that covers dissent in the Council is quite extensive, however there are still gaps to be filled. Using the literature on both the general variables and the sector specific variables enables the analysis of dissent within specifically the topics of migration and refugees in the Council of JHA. The research about the signaling function of the Council would lead to the expectation that this signaling role is also being fulfilled during votes on migration and asylum in the JHA Council. Thus, the aim of this research is to analyze the potential link between sector-specific variables and dissent within the Council surrounding these policy topics. To test these relationships, the following hypotheses are formed from the literature review:

H1: *The negative opinions on refugees have a statistically significant positive effect on the rate of dissent in the Justice and Home Affair Council for proposals on the topics of migration and asylum specifically.*

H2: *The negative opinions on migration have a statistically significant positive effect on the rate of dissent in the Justice and Home Affair Council for proposals on the topics of migration and asylum specifically.*

H3 *The level of education has a statistically significant negative effect on the rate of dissent in the Justice and Home Affair Council for proposals on the topics of migration and asylum specifically.*

H4: The openness to trade has a statistically significant negative effect on the rate of dissent in the Justice and Home Affair Council for proposals on the topics of migration and asylum specifically.

H5: *The level of inequality has a statistically significant positive effect on the rate of dissent in the Justice and Home Affair Council for proposals on the topics of migration and asylum specifically.*

H6: The risk of poverty has a statistically significant positive effect on the rate of dissent in the Justice and Home Affair Council for proposals on the topics of migration and asylum specifically.

H7: There is a statistically significant interaction effect between the level of occupational skill and inequality in the relationship to the rate of dissent in the Justice and Home Affair Council for proposals on the topics of migration and asylum specifically.

H8: The old age dependency ratio has a statistically significant positive effect on the rate of dissent in the Justice and Home Affair Council for proposals on the topics of migration and asylum specifically.

2. Methodology

2.1 Sources

In this section of methodology, the sources of the data used will be covered. Firstly, regarding the actual voting patterns of Member States, the Council site will be used to gather voting data of Member States in the last 12 years. On this site, consilium.europa.eu, the votes can be filtered for the field of JHA and those pertaining to the Ordinary Legislative Procedure. Eurlex, an official source for European Union law and public documents, will be used to make the dichotomy of votes about migration and refugees and votes that are not. Because this research takes into account different forms of dissent, inspired by Van Gruisen and Crombez (2019), the monthly executive summaries of the council will be utilized. In addition to this, Council minutes will also be a source for finding comments of Member States regarding votes. During the interpretation, some of the statements could be interpreted in multiple ways. The choice was made to not include these statements as negative statements.

The various forms of dissent will be given different values, from merely a negative comment coded as 1 all the way up to a negative vote that is given the value 3. For this analysis, a negative statement in combination with abstention or a vote against will not be differentiated from merely abstaining or voting against. The do-file that was used in Stata, which entails explanations at each step of the process, will be available alongside this research.

Another dataset used will be the European Social Survey (ESS) to monitor the levels of different political views such as views on migration and asylum seekers. A limitation of the ESS is that its waves only occur every 2 years and the most recent wave was in 2020. Therefore, the data of the odd years are missing as well as those after the year 2020. For the sake of this research, the data of the years after a wave will be linked to the nearest wave. This is in line with previous research (Meuleman et al, 2009). However, the ESS data of the years 2022 and 2023 is still missing. This is a limitation of the research and will be further covered in the discussion. In addition to the ESS, this research will also utilize data from Eurobarometer. This survey covers a wide range of both political as more general views. The Eurobarometer does not suffer from the same problems as the ESS does, because it is carried out every year.

Eurostat shall be used to complete the dataset with both data about spending deficits and number of migrants per country. Merging these variables with the larger dataset will allow the analysis of the voting record surrounding policy questions of JHA.

2.2 Operationalization

In the following table both the variable, how it will be operationalized, and the data source used will be shown.

Table 1. Operationalization of Researched Variables

Variable	**Operationalization**	**Source**
Euroscepticism	Image of the European Union	Eurobarometer
State of the budget (ratio GDP/debt)	Government deficit/surplus, debt and associated data	Variable gov_10dd_edpt1, Eurostat
Partisanship	Placement on left/right scale	Eurobarometer
Number of migrants	Immigration by age and sex	Variable MIGR_IMM8, Eurostat
Number of migrants in the workforce	All valid permits by reason, length of validity and citizenship on 31 December of each year.	Variable MIGR_RESVALID, Eurostat
Amount of refugees	Asylum applicants by type of applicant, citizenship, age and sex.	Eurostat
Nationalism	-	-
Level of occupational skills	Percentage of population that has finished tertiary education.	Variable EDAT_LFSE_03, Eurostat
Openness to trade	Thoughts on free trade	Eurobarometer
Concerns about the welfare state	-	-
Public opinion on immigration	Opinions on whether immigrants make the country a worse place to live.	Variable imwbcnt – ESS wave 5 through 10
Size of aging population	Old age dependency ratio	Variable DEMO_PJANIND, Eurostat
Income inequality	Distribution of income by top quintile	Variable ILC_DI01, Eurostat
Risk of poverty	Percentage of people at risk of poverty or social exclusion by age and sex	Variable ILC_PEPS01N, Eurostat
Public opinion regarding asylum seekers	Opinions on allowing poor migrants from outside Europe	Variable impcntr – ESS wave 5 through 10
Religion of refugees	-	-

The first thing to catch the eye is the missing data. The ESS questionnaire is the most extensive questionnaire about general and political opinions that is repeated over several waves in the last twenty years. Despite this fact, there are still some topics such as nationalism that do not get covered at all. For some topics such as Euroscepticism, it was possible to find an alternative that closely resembles the original variable.

Variables such as nationalism and concerns of the welfare state do not get covered by comparable alternatives. Other one-off questionnaires could have been utilized if it were not prudent to possess panel

data. Especially due to the nature of fixed-effects regressions, the number of observations with no variables missing becomes especially important. The religiosity of refugees inside of the European Union in the researched timespan was also a variable for which no suitable data source existed.

One variable that does deviate from its operationalization is public opinion regarding asylum seekers. It is entirely possible that a person could be against migrants from poor countries yet still support refugees seeking asylum. However, when looking at where asylum seekers come from in Europe (European Council, 2023), the main points of origin are Syria and Afghanistan that each account for more than triple the runner up, namely Iraq. All these countries could be qualified as poor from a European perspective. In addition to this, this variable was used as a central indicator on views about refugees in the research of Hatton (2017). Nevertheless, limitations regarding the various variables will be covered in the discussion.

Education is used as a stand in for level of occupational skill in this research. This is in accordance with previous research on the effects of skill level on various outcomes (Goldin and Katz, 1998).

2.3 Empirical model

Inspired by Bailer et al. (2015), the empirical model used will be an ordered logistic regression. As the dependent variable is the different forms of dissent, it can not be analyzed using merely regular linear regression models. This form of regression will be used to analyze the effects of both the general variables and those that specifically are focused on migration and refugees. This model will also be a country-based fixed effects model.

The analysis will be split into four parts. With each new part, the complexity of the analysis will increase. The first part will merely take into account votes that were either a ‘yes’ or a ‘no’. Because of this binary interpretation, ‘yes’ votes with negative statements will be considered as merely a ‘yes’ vote. Abstaining votes will be left out of consideration. Following this, the next part adds the abstaining votes into the analysis. Part 3 will take into account the ‘yes’ votes with negative statements as the least severe form of dissent. Finally, part 4 will take into account all forms of dissent covered in part 3. The additional complexity comes from analyzing the effects of the independent variables on proposals that specifically revolve around migration and asylum.

As the data available for this analysis covers different countries ranging over a period, otherwise known as country-based panel data, it can be used to carry out a fixed-effects regression. Because of the myriad of possible unobserved constants that could influence results, this approach is necessary. As Brüderl and Ludwig (2014) explain, a fixed-effects model takes into account group-specific heterogeneity. This results in fixed-effects models only needing to consider variables that could change from observation to observation over time.

The analysis will try to ascertain the existence of variables that influence dissent in the JHA Council and specifically a subset of proposals regarding migration and asylum. To do this, models will be devised analyzing both the general dissent influencing variables and issue-specific ones. These variables are based on the literature review and have all been operationalized. The odds-ratio’s will be compared to see the effect of the different variables. Any conclusions drawn will be dependent on statistical significance. Afterwards the results will be compared. Additionally, rigidity tests will be carried out to make sure the explanatory value of the outcomes is statistically valid.

3. Results

3.1 Voting statistics

Before any analysis of the effects of the variables on dissent are carried out, it is first of importance to take a glance at the data used. Firstly, an overview of how often dissent takes place and which Member States dissent most in this manner will be presented.

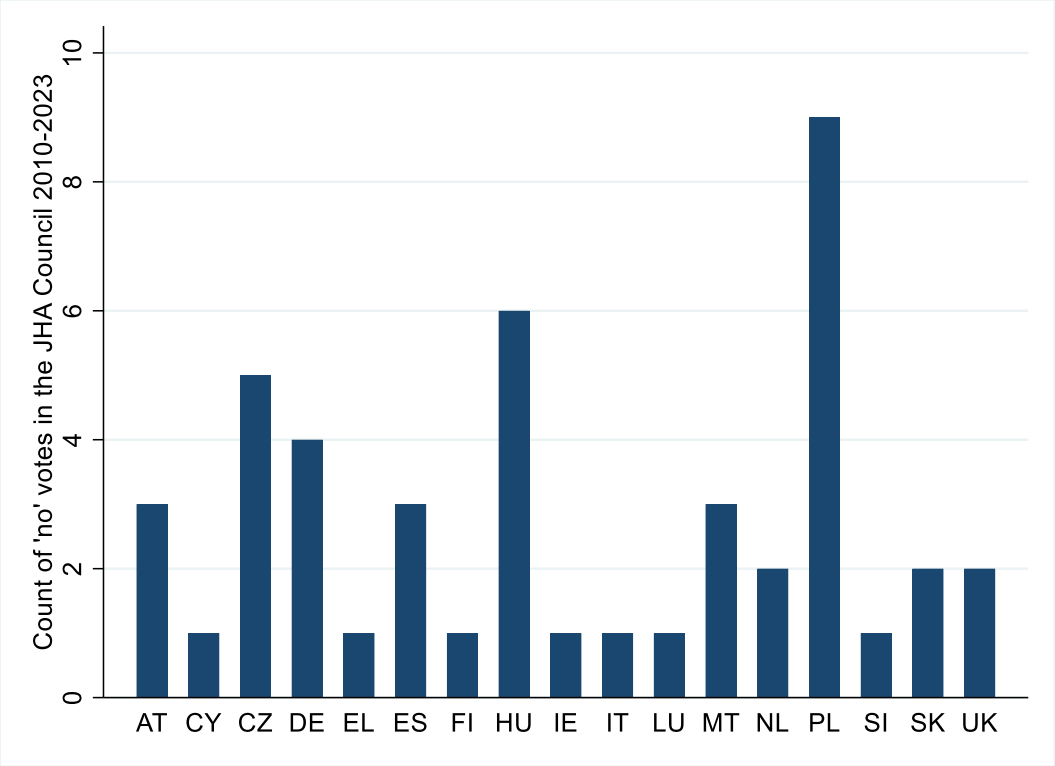

Figure 3. Distribution of 'no' votes in the JHA Council from 2010-2023

A cursory glance at Figure 3 is enough to notice that 'no' votes are not distributed equally in the JHA Council. The other eleven Member States that are not represented never formally voted 'no' in the researched timespan. Poland and Hungary are the Member States that vote 'no' the most often. The Czech Republic is next in line, with just one less 'no' vote than Hungary. Outright voting against a proposal does not seem to be that frequent of an occurrence. Even Poland votes 'no' in the JHA Council less than once a year. However, as covered in the literature review, voting 'no' is not the only way to show dissent. Figure 4 presents abstaining votes to illustrate how the frequency of abstaining is distributed.

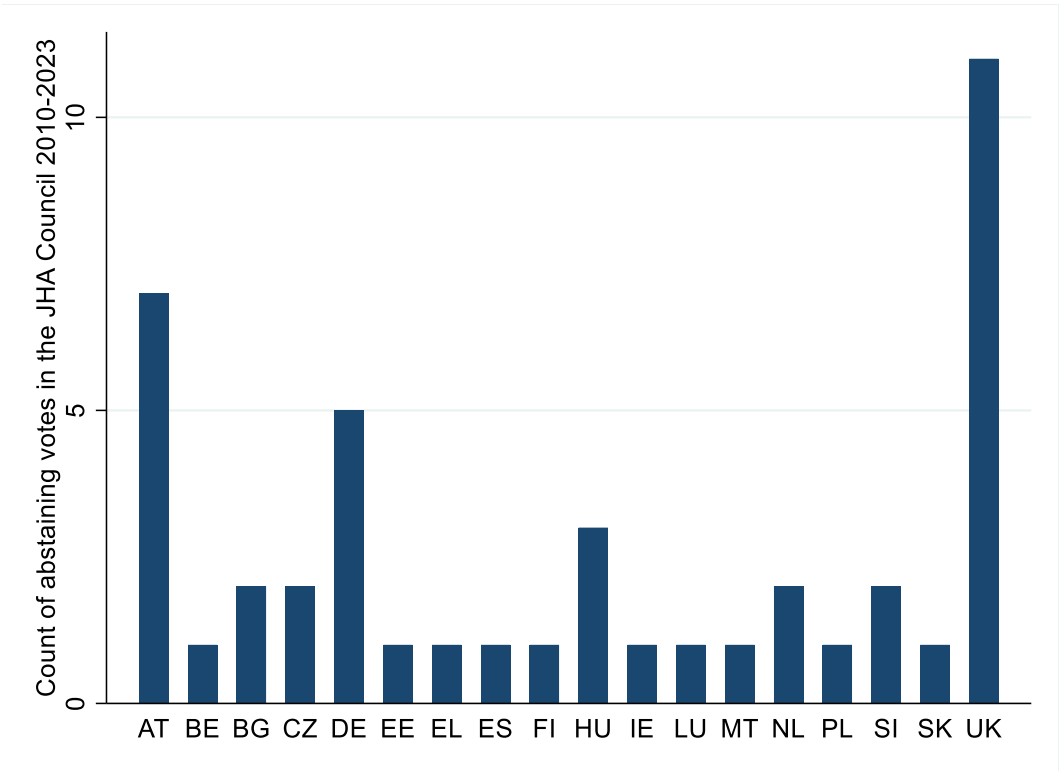

Figure 4. Distribution of abstaining votes in the JHA Council from 2010-2023

It is immediately clear that just like with the 'no' votes, the tactic of abstaining during a vote is more popular with certain Member States than with others. The group of dominating Member States in this category is the United Kingdom, Austria and Germany. Of the former category of most dissenting Member States only Hungary is still recognizable as one of the more frequent dissenters. Both the abstaining votes as the 'no' votes seem to have a small group of countries expression the option the most. Finally, Figure 5 shows the frequency of negative statements that went along with positive votes.

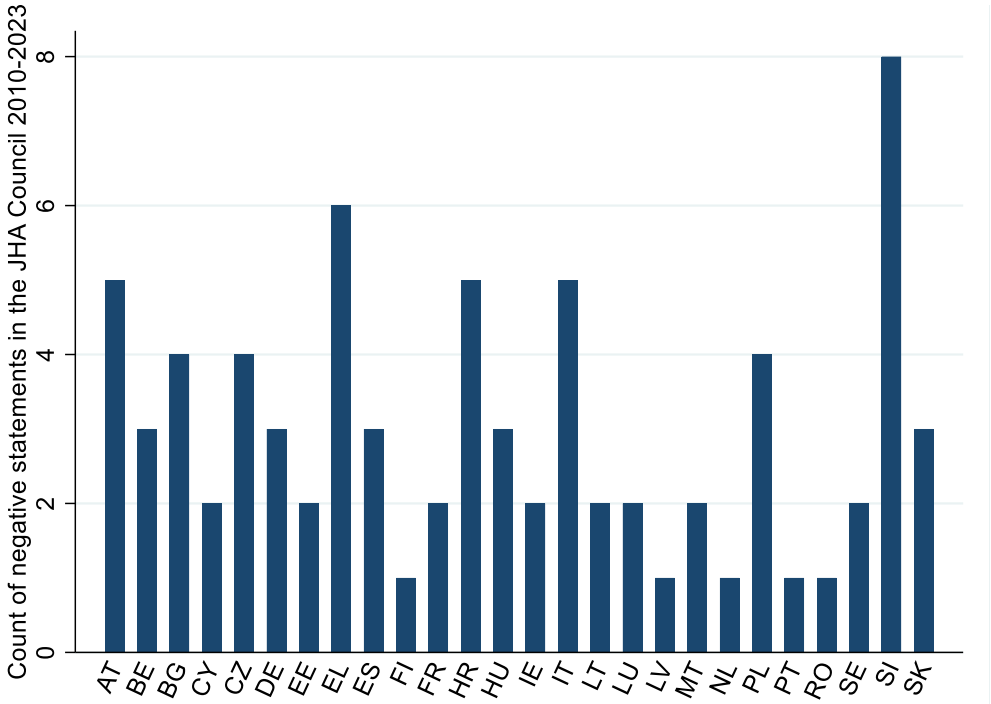

Figure 5. Distribution of yes votes accompanied by negative statements in the JHA Council from 2010-2023

The amount of Member States that show this kind of dissent and the distribution of this form are different from the other two types of dissent. Not only does a higher amount of Member States show this form of dissent, but the distribution is more equal among Member States. There are still Member States that stand out from the rest. These are Slovenia, Greece, Croatia, Italy and Austria.

It is clear from Figures 3, 4 and 5 that different countries prefer showing dissent in different ways. To get a better understanding of the share of the total vote that these options represent, Table 2 will be utilized. Table 2 shows the frequencies of each option along with what Member State topped that form of dissent.

Table 2. Tabulation of voting options

Voting options	Freq.	Top Member State	Percent	Cum.
Yes	3391	-	95.31	95.31
Negative Comment	77	Slovenia (8)	2.16	97.47
Abstain	44	United Kingdom (11)	1.24	98.71
No	46	Poland (9)	1.29	100.00
Total	3558		100.00	

Table 2 shows that the vast majority of votes are in the affirmative. Even taking into account negative comments, dissent is rare. It also shows that if only 'no' votes were taken into account, more than two-thirds of dissent would go unnoticed. While dissent is rare, these numbers can be misleading. As previously mentioned, only passing votes are reported by the Council (Hagemann and Hoyland, 2008). This means that dissent is only measured for the proposals where no blocking minority or majority could be formed.

3.2 Descriptive statistics

Table 3. Descriptive Statistics

Variable	Obs	Mean	Std. Dev.	Min	Max
Migration sentiment	3120	4.818	.83	2.814	6.678
Asylum applications	3049	25514.661	63781.185	40	722270
Net migration	3071	147348.98	210970.8	2639	1571047
Share of earnings of top Quantile	2890	38.173	2.794	31	47.1
Share of adults with tertiary education	3064	24.329	9.965	10.8	59.4
Budget surplus	2970	-1.789	2.819	-14.6	4.1
Amount of labor permits	2940	733689.41	1173389.8	6629	4851579
Old age dependency ratio	3792	27.673	4.265	16.5	37.5
Public opinion regarding asylum seekers	2967	2.581	.359	1.757	3.554
Partisanship	3767	5.295	.423	4.272	7.829
Openness to trade	2570	2.006	.166	1.555	2.448
Trust in the EU	3791	2.778	.249	2.01	3.581
Risk of poverty	1972	22.13	6.554	10.7	46

Table 3 shows the descriptive statistics for the rest of the variables that will be included in the regression. A fact of note should be that migration sentiment and trust on the EU are variables on a scale from one to ten. Public opinion regarding asylum seekers and openness to trade is on a scale from one to four. On these scales higher values denote support for migrants, less openness for trade, further EU integration and less support for asylum seekers respectively. Table 3 shows how there is relatively little support for asylum seekers while support for migrants in total and further EU integration is somewhere in the middle. Partisanship is measured on a scale from one to ten. One being very left and ten being on the right end of the spectrum. The Member States on average were left of center politically.

3.3 Multicollinearity test

The independent variables are tested on multicollinearity. Multicollinearity means that the explanatory, independent variables, are highly correlated with each other. When this is the case, the reliability of the estimates and coefficients is harmed (Ailin, 2010). To test multicollinearity, the variance inflation factor of the independent variables will be measured. The general rule is that a VIF score of over 10 is seen as serious multicollinearity (Marquaridt, 1970: 610) (Ailin, 2010: 371). However, VIF scores of over 5 can also be an indicator for moderate multicollinearity (Kim, 2019).

Having established the VIF thresholds, it is now possible to interpret the values shown in Table 4.

Table 4. Variance inflation factor

	VIF	1/VIF
Net migration	7.359	.136
Amount of labor permits	6.45	.155
Share of earnings of top Quantile	3.632	.275
Risk of poverty	3.297	.303
Openness to trade	2.917	.343
Asylum applications	2.73	.366
Trust in the EU	2.64	.379
Share of adults with tertiary education	1.79	.559
Public opinion regarding asylum seekers	1.784	.561
Old age dependency ratio	1.759	.568
Budget surplus	1.385	.722
Partisanship	1.054	.949
Mean VIF	3.067	.

Table 4 shows that the VIF scores for both net migration and amount of labor permits is over 5. This indication is problematic as multicollinearity is to be avoided for the sake of the reliability of the estimates and coefficients (Ailin, 2010). To check for correlation between the independent variables, a correlation matrix is provided with Table 5. This correlation matrix is set up to track the correlation between the independent variables with the highest VIF scores.

Table 5. Matrix of correlations

Variables	(1)	(2)	(3)	(4)	(5)
(1) Net migration	1.000				
(2) Amount of labor permits	0.849	1.000			
(3) Share of earnings of top Quantile	0.066	0.090	1.000		
(4) Risk of poverty	-0.025	-0.034	0.731	1.000	
(5) Openness to trade	0.071	0.179	-0.136	0.023	1.000

To deal with the problem of multicollinearity, a variable with high correlation to another will be dropped. In the case of my research, this will be net migration. A reason for dropping net migration is that it partly already gets covered by the amount of labor permits.

Table 6 shows what dropping net migration does to the VIF scores.

Table 6. Variance inflation factor

	VIF	1/VIF
Share of earnings of top Quantile	3.629	.276
Risk of poverty	3.278	.305
Openness to trade	3.007	.333
Trust in the EU	2.603	.384
Amount of labor permits	2.59	.386
Public opinion regarding asylum seekers outside of Europe	2.237	.447
Partisanship	2.159	.463
Share of adults with tertiary education	2.003	.499
Asylum applications	1.921	.521
Old age dependency ratio	1.638	.611
Budget surplus	1.562	.64
Mean VIF	2.421	.

By dropping the variable net migration, the VIF scores are effectively brought down to under 4. Thus, these variables fall below the threshold of both mediate and serious correlation (Marquaridt, 1970: 610) (Kim, 2019) (Ailin, 2010: 371).

3.4 Assumptions ordered logistic regressions

To carry out ordered logistic regressions, a certain assumption must be met. This assumption is called the proportional odds assumption (Donneau et al., 2015). It entails that the relationship between the dependent variable and the independent variable are the same across all categories of the dependent variable. To illustrate this, a hypothetical example will be given for the variables in my research. For example, the assumption would mean that anti-migration sentiments have the same effects in the propensity to vote 'no' as it would for the chance to abstain. The main test for this assumption is the likelihood-ratio test. This test ascertains if the relationship of the independent variables is the same for all possible dependent values (Donneau et al., 2015).

The null hypothesis for this test is that the relationship of the independent variables is the same for all values of the dependent variable. As opposed to this, the alternative hypothesis is that there is a different relationship of the independent variables for the different values of the dependent variable. Having carried out the test, the p-value of this relationship being due to random chance was 0.0844. Due to the P-value, the null hypothesis can not be rejected and so the necessary assumption for ordered logistic regression is met. As the multicollinearity has been dealt with and the assumptions required for ordered logistic regression have been met, it is now possible to form the models used in the regression.

3.5 Models of regression

A variety of models will be used to test the hypotheses. These models are arranged in increasing complexity to show the effects of adding additional variables. Models 1 and 2 are ordinary-least squared (OLS) regressions and as such should have their coefficients interpreted differently from the other six. In OLS models the coefficient represents the increase in the dependent variable by the increase of the independent variable by 1. Because the dependent variable is ordinal, this is not a useful measurement. For these reasons, both models 1 and 2 serve merely to give a quick overview. Odds-ratio is the way the results are shown in the remaining six models as they are ordered logistic regressions. Therefore, the results of the other six models should be interpreted as the change in odds-ratio that are caused by the change of the independent variable. Model 2 differs from model 1 as it carries out a country-based fixed effects regression.

Models 3-8 are all country-based fixed effects ordered logistical regressions. As such, their results are shown in odds-ratios. Model 3 shows the effects when only the level of Euroscepticism and opinions on poor migrants outside of Europe and migration in total are taken account of. Model 4 includes sector-specific statistics about the size of migration in the country, namely: number of asylum applications and number of labor permits given out. Model 5 appends model 3 with domestically relevant political variables: the state of the budget, left-right position on the political spectrum and views on free trade. Model 6 is the model with all control variables except for opinions on asylum seekers, which is to be compared with model 7 to see the change in effects of sentiments about migration. As such, model 7 includes all control variables. Lastly model 8 shows the size of a potential interaction effect between level of vocational skill and risk of poverty on showing dissent.

With all the models and their purposes clear, the next sections will cover the results.

3.6 Results for Justice and Home Affairs in general

As explained in the methodology, the analysis of the results will be divided into four parts. Three of these parts apply to JHA in general. The first will analyze the effects of the independent variables on the binary dichotomy of 'yes' and 'no' votes. These results are displayed in Table 7. The second part showcases the results when abstaining votes were also included in Table 8.. Thirdly, Table 9 showcases the effects that positive votes with negative statements. The fourth part of the analysis will specifically cover the proposals pertaining to migration and asylum. Therefore these will be covered in a separate section.

Table 7. All Justice and Home Affairs Legislation

	(1) VoteID	(2) VoteID	(3) VoteID	(4) VoteID	(5) VoteID	(6) VoteID	(7) VoteID	(8) VoteID
Migration sentiment	1.102**	.891	1.418	2.285	2.169	.414*	3.412	3.572
	(.038)	(.083)	(.585)	(1.067)	(1.083)	(.163)	(2.519)	(2.656)
Amount of labor permits	1*	1		1***	1***	1*	1**	1*
	(0)	(0)		(0)	(0)	(0)	(0)	(0)
Asylum applications	1	1		1		1	1	1
	(0)	(0)		(0)		(0)	(0)	(0)
Share of earnings of top Quantile	.989	.988				.952	.928	.938
	(.007)	(.02)				(.134)	(.143)	(.148)
Share of adults with tertiary education	1	1.011				.961	.995	.922
	(.002)	(.015)				(.041)	(.049)	(.162)
Budget surplus	.983*	.982			.864*	.815	.795*	.799*
	(.007)	(.009)			(.063)	(.086)	(.085)	(.087)
Old age ratio	1.005	1.076***				.928	.969	.977
	(.004)	(.021)				(.068)	(.082)	(.086)
opinion asylum seekers	1.431***	.814	5.971*	31.759***	35.691***		129.933***	137.433***
	(.112)	(.166)	(4.339)	(29.187)	(37.915)		(190.794)	(202.442)
Partisanship	.954	.816***			.794	1.108	.427	.41
	(.033)	(.044)			(.366)	(.506)	(.282)	(.273)
Openness to trade	.904	.893			.175	1.09	.331	.474
	(.106)	(.209)			(.297)	(2.391)	(.743)	(1.134)
Trust in EU	.829*	1.286	.35	.132*	.15	.005**	.067	.056
	(.071)	(.195)	(.272)	(.123)	(.207)	(.009)	(.125)	(.107)
Risk of poverty	.995	.989				.884	.85	.801
	(.003)	(.009)				(.072)	(.075)	(.124)
Tertiary education#Risk of poverty								1.003
								(.007)
_cons	.986	.954	0	0*	0	8.169e+08**	.07	.102
	(.517)	(1.566)	(.002)	(0)	(.002)	(6.497e+09)	(.716)	(1.051)
Observations	1357	1357	2669	2092	1727	1424	1357	1357
Pseudo R^2	.z	.z	.029	.077	.086	.138	.18	.181
Fixed Effects	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Standard errors are in parentheses
*** p<.001, ** p<.01, * p<.05*

The first part of the analysis covers the binary distinction between 'yes' and 'no' votes. As previously mentioned, models 1 and 2 are not suitable for measuring the relationship with an ordinal dependent variable. As this is the case, these models will not be covered in depth in this part of the research.

In model 3, the sizeable statistically significant effect of the opinions regarding asylum seekers on dissent immediately catches the eye. As the views on asylum seekers become more negative, the odds of showing dissent rise. This resembles the relationship shown by Arregui and Thomson (2014), that describes the signaling function of dissent in the Council. The Member States seem to react to the views of the domestic electorate. It is strange to see how big of an effect this is in model 3 and the models afterwards. It is important to recall that the scale on which opinions regarding asylum seekers measured was from one to four. The standard deviation of the average score was 0.359. Therefore the effect might misleadingly seem bigger than it is. It is also possible that these effects shrink by including the different forms of dissent in Table 9, 10 and 11.

By including some sector specific variables in model 4, the trust in the EU turns into a statistically significant influencing factor. In this model, trust in the EU seems to decrease dissent. The relationship in trust in the EU backs up the findings of Hagemann et al. (2017), that claim that a rise in Euroscepticism is correlated with a rise in dissention. Labor permits also seem to increase dissent, the size of the effect is 1.000001. This seems rather small but as the measurement is per labor permit, it can quickly add up.

Model 5 shows a new statistically significant variable, namely budget surplus. The expectation would be that countries with higher deficits would show higher dissent as the effect of unwanted budgetary pressures would be greater (Roos, 2019). This is reflected in the results, where countries that run a surplus on the budget do see decreased odds of showing dissent. Trust in the EU does not appear to be statistically significant anymore in this model.

The effects of the opinion on migration become statistically significant in model 6. Just like with the opinions on asylum seekers in previous models, the opinion on migration influences the amount of dissent. As the opinions on migration become more positive, the odds of showing dissent decrease. This is another factor that resembles the signaling function that was hypothesized by earlier studies such as Hagemann et al. (2019). Trust in the EU once again has a statistically significant effect in this model, however the effect is much stronger in reducing dissent than it was in previous models.

The most complex models, model 7 and 8, differ from 6 in that the sentiments around migration and the trust in the EU are both no longer statistically significant. The variables that stay statistically significant are labor permits, budget surplus and opinions on asylum seekers. Of these three, only budget surplus has a reducing effect on dissent. Following this step, it is interest to compare these results when abstaining is also taken into account as a form of dissent. These results are displayed in Table 8.

Table 8. All Justice and Home Affairs legislation, formal voting behavior

	(1) VoteID	(2) VoteID	(3) VoteID	(4) VoteID	(5) VoteID	(6) VoteID	(7) VoteID	(8) VoteID
Migration sentiment	1.083*	.899	1.41	2.123*	1.333	.42*	1.628	1.756
	(.04)	(.089)	(.41)	(.741)	(.534)	(.144)	(.981)	(1.074)
Amount of labor permits	1*	1		1***	1**	1*	1*	1*
	(0)	(0)		(0)	(0)	(0)	(0)	(0)
Asylum applications	1	1		1		1	1	1
	(0)	(0)		(0)		(0)	(0)	(0)
Share of earnings of top Quantile	.993	.982				1.041	1.008	1.02
	(.007)	(.021)				(.124)	(.127)	(.131)
Share of adults with tertiary education	.998	1.02				.938	.956	.865
	(.002)	(.016)				(.036)	(.039)	(.141)
Budget surplus	.977**	.97**			.85**	.793*	.781**	.783**
	(.007)	(.009)			(.05)	(.071)	(.07)	(.071)
Old age ratio	1.008	1.082***				.973	1.022	1.031
	(.005)	(.023)				(.065)	(.076)	(.079)
opinion asylum seekers	1.408***	.853	3.146*	13.559***	10.738**		22.787**	24.679**
	(.117)	(.186)	(1.648)	(9.311)	(8.955)		(26.472)	(28.815)
Partisanship	.945	.854**			.912	.938	.491	.464
	(.035)	(.049)			(.34)	(.39)	(.272)	(.26)
Openness to trade	.921	1.088			.501	3.296	1.946	3.35
	(.114)	(.269)			(.657)	(5.769)	(3.409)	(6.567)
Trust in EU	.798*	1.184	1.286	.899	.196	.006**	.025*	.02*
	(.073)	(.19)	(.691)	(.57)	(.217)	(.01)	(.04)	(.032)
Risk of poverty	.991*	.984				.848*	.837*	.777
	(.004)	(.01)				(.06)	(.061)	(.106)
Tertiary education#Risk of poverty								1.004
								(.006)
_cons	1.121	.526	0*	0**	.004	4691734*	2.327	3.53
	(.626)	(.918)	(0)	(0)	(.021)	(31492383)	(19.601)	(29.974)
Observations	1367	1367	2709	2123	1744	1434	1367	1367
Pseudo R^2	.z	.z	.008	.035	.062	.151	.166	.167
Fixed Effects	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Standard errors are in parentheses
**** p<.001, ** p<.01, * p<.05*

One result that is immediately noticeable in comparison to Table 7 is that the effect of the opinions on asylum seekers is quite different. While it is still a statistically significant factor that increases dissent, the effect is much smaller. The effects of labor permits and budget surplus resemble the results in Table 7. A result that differs in Table 8 is that trust in the EU stays statistically significant in models 7 and 8. Additionally, models 6 and 7 now show that risk of poverty is factor that decreases the odds of dissent. This result remarkably contradicts the literature. Colantone and Stanig (2018) showed how lacking opportunities manifested into pro-Brexit support. Such an anti-EU sentiment was hypothesized in the literature review to cause increasing dissention. This is the opposite conclusion than what would be derived out of these results. The last analysis of the proposals in the JHA Council in general will take

into account the negative statements. The results from integrating this form of dissent are displayed in Table 9.

Table 9. All Justice and Home Affairs legislation, all forms of dissent

	(1) VoteID	(2) VoteID	(3) VoteID	(4) VoteID	(5) VoteID	(6) VoteID	(7) VoteID	(8) VoteID
Migration sentiment	1.058	.898	1.035	1.297	.916	.447**	.694	.762
	(.04)	(.092)	(.223)	(.323)	(.267)	(.11)	(.301)	(.344)
Amount of labor permits	1*	1		1*	1*	1*	1**	1*
	(0)	(0)		(0)	(0)	(0)	(0)	(0)
Asylum applications	1	1		1		1	1	1
	(0)	(0)		(0)		(0)	(0)	(0)
Share of earnings of top Quantile	.991	.975				.95	.95	.959
	(.008)	(.021)				(.085)	(.089)	(.091)
Share of adults with tertiary education	.998	1.022				.968	.979	.898
	(.002)	(.016)				(.025)	(.027)	(.112)
Budget surplus	.979**	.974**			.871**	.898	.903	.907
	(.008)	(.01)			(.038)	(.064)	(.068)	(.069)
Old age ratio	1.007	1.078***				1.006	1.01	1.018
	(.005)	(.023)				(.052)	(.056)	(.058)
opinion asylum seekers	1.361***	.858	1.469	2.738*	2.281		2.88	3.093
	(.117)	(.193)	(.578)	(1.337)	(1.39)		(2.416)	(2.619)
Partisanship	.963	.89			1.135	1.339	1.086	1.044
	(.036)	(.053)			(.306)	(.442)	(.41)	(.399)
Openness to trade	.898	1.023			.537	.732	.856	1.376
	(.115)	(.261)			(.521)	(1.049)	(1.25)	(2.227)
Trust in EU	.784*	1.173	1.372	1.396	.389	.047**	.044**	.036**
	(.074)	(.195)	(.558)	(.629)	(.307)	(.052)	(.052)	(.043)
Risk of poverty	.991*	.984				.901*	.88*	.823
	(.004)	(.01)				(.045)	(.047)	(.09)
Tertiary education#Risk of poverty								1.004
								(.005)
_cons	1.54	.696	.007	0*	.15	176259.49*	3755.066	4844.649
	(.887)	(1.254)	(.018)	(.001)	(.594)	(931557.77)	(24470.78)	(31711.378)
Observations	1367	1367	2709	2123	1744	1434	1367	1367
Pseudo R^2	.z	.z	.003	.009	.031	.108	.115	.116
Fixed Effects	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Standard errors are in parentheses
**** p<.001, ** p<.01, * p<.05*

Like in Table 7 and 8, the amount of labor permits is a variable that statistically significantly affects the rate of dissent in almost all models. As the tables progressed into integrating more forms of dissent, the effects of the opinions about asylum seekers became weaker. Just 2.738 was left in model 4 in comparison to 10.738 and 31.759 using the same model in Table 8 and 8 respectively. The effects of trust in the EU were statistically significant in the most complex models just like in Table 8. What also resembles Table 8 is how risk of poverty seems to decrease dissent in both models 6 and 7 but not model

8. The result that differed the most by integrating negative comments was the loss of statistical significance of the budget surplus in models 7 and 8.

3.7 Migration and asylum: a more detailed view

These results concerning all proposals in the JHA Council are insightful when analyzing dissent. However, to answer the research question it is still necessary to analyze dissent around proposals specifically about migration and asylum. The results for this subsection of the total data set are displayed in Table 10.

Table 10. Proposals in the JHA Council specifically regarding migration and asylum

	(1) VoteID	(2) VoteID	(3) VoteID	(4) VoteID	(5) VoteID	(6) VoteID	(7) VoteID	(8) VoteID
Migration sentiment	.989	.978	.986	.912	.351*	.452*	.274	.306
	(.052)	(.146)	(.306)	(.334)	(.168)	(.174)	(.187)	(.217)
Amount of labor permits	1	1		1	1	1	1	1
	(0)	(0)		(0)	(0)	(0)	(0)	(0)
Asylum applications	1	1		1		1	1	1
	(0)	(0)		(0)		(0)	(0)	(0)
Share of earnings of top Quantile	1.001	.996				1.011	1.041	1.045
	(.011)	(.031)				(.135)	(.144)	(.145)
Share of adults with tertiary education	.998	1.047				.97	.967	.875
	(.002)	(.025)				(.035)	(.036)	(.183)
Budget surplus	.935***	.933***			.8***	.679***	.693***	.692***
	(.011)	(.014)			(.053)	(.07)	(.074)	(.074)
Old age ratio	1.013	1.097**				1.097	1.067	1.077
	(.007)	(.036)				(.093)	(.094)	(.097)
opinion asylum seekers	1.23	.906	1.453	1.315	.338		.365	.393
	(.147)	(.3)	(.812)	(.929)	(.324)		(.445)	(.479)
Partisanship	.966	.966			2.606*	1.353	1.626	1.624
	(.052)	(.088)			(1.085)	(.706)	(.899)	(.895)
Openness to trade	.707	.83			.324	1.215	1.428	2.607
	(.13)	(.313)			(.521)	(2.926)	(3.512)	(7.238)
Trust in EU	.85	1.024	2.452	1.834	.366	.072	.05	.037
	(.117)	(.255)	(1.429)	(1.194)	(.46)	(.121)	(.09)	(.071)
Risk of poverty	.987*	.98				.877	.872	.808
	(.005)	(.015)				(.065)	(.07)	(.143)
Tertiary education#Risk of poverty								1.004
								(.009)
_cons	2.201	.096	.002	.01	74.316	234.597	24514.093	31399.059
	(1.786)	(.25)	(.007)	(.042)	(455.23)	(2053.26)	(250360.71)	(321463.6)
Observations	604	604	1312	946	789	634	604	604
Pseudo R^2	.z	.z	.009	.014	.089	.187	.177	.178

Standard errors are in parentheses
**** p<.001, ** p<.01, * p<.05*

The analysis of this subsection of data reveals that very few variables are statistically significant. In fact, the only variable that is statistically significant after model 5 is budget surplus. These results seem to

point to the seemingly contradictory conclusion that issue-specific factors such as the size of labor migration or the opinions about migrants are more important for the proposals covered by the Justice and Home Council in general than for specifically the proposals that cover topics of migration and asylum.

4. Discussion

4.1 Key results

Tables 7 to 10 show how the consideration of which dissent to include in the analysis has a major effect for which results are statistically significant. The most complex analyses were portrayed by Table 9 and 10. The negative statements and abstained votes were taken into consideration next to the formal 'no' vote by these analyses. To interpret the results, proposals for JHA Council in general and proposals regarding migration and asylum specifically must be discussed separately.

For the proposals that were handled by the Justice and Home Affairs Council in general, trust in the EU, amount of labor permits and risk of poverty were all statistically significant in affecting dissent in the most complex models. The amount of labor permits increased the odds of showing dissent. As opposed to this, both the risk of poverty as well as trust in the EU lowered it. That last result falls in line with previous research of Hagemann et al. (2017) that linked Euroscepticism to dissent in the Council. Contrarily, the risk of poverty affects dissent in a way that contradicts the expectations that were based on the article of Colantone and Stanig (2018). This might give more credence to the dichotomy between net-receivers and net-contributors of EU subsidies posed by Zimmer et al. (2005). It could be the case that the risk of poverty highly correlates with the position on the receiver-contributor spectrum.

The results of the analysis of solely the proposals about migration and asylum were highly unexpected. There was no statistically significant evidence found to conclude that issue-specific factors such as amount of labor permits or opinions on migration were factors influencing dissent. Only the budget surplus was a variable that had a statistically significant effect on dissent. Roos (2019) alludes in their research that budgetary pressures of legislation could be a cause for dissent in the Council. The results from the analysis in Table 10 backs this up as Member States with a higher deficit, shown in the table as a lower surplus, had a higher chance of show dissent.

Due to the only statistically significant result in Table 10 being budget surplus, all the hypotheses can be rejected. No political opinion of the electorate was found to drive a signaling function of dissent for Member States as posed by Hayes-Renshaw et al. (2006). Governments did not seem to respond with dissent to issue-specific public opinion like Hobolt and Wratil (2020) showed was the case in the Economic and Financial Council Configuration. The only variable that, when accounting for all forms of dissent, had influence on voting behavior was trust in the EU. This was only the case when looking at proposals across the JHA Council in general, and not specifically when looking at proposals regarding migration and asylum.

4.2 Policy implications

What the process of reforming Dublin III showed was that dissent in the Council could have large ramifications for the policy process in the European Union. The causes for dissent will be of interest for those that are interested in this policy process. The conclusions drawn will be different for the individual Member States and the European Commission. However, they are both interesting in explaining dissent. National governments that want to vote against a certain proposal could use the models provided to calculate how much support they might encounter in opposition.

Moreover, the European Commission could use this knowledge when drafting new policy proposals. For instance, when analyzing the effects of trust in the European Union on proposals in the Justice and Home Affairs configuration in general, it has been shown to reduce odds of dissent. If the European Commission is interested in for instance expanding systems for judicial cooperation to curb drug crime, it could look at Hungary and Austria and calculate whether the level of trust in the European Union is high enough that their chance of dissent is acceptably low.

The European Commission could also use the influencing variables in timing policy proposals. As was shown, the budget surplus reduced the level of dissent regarding proposals specifically about migration and asylum. It would therefore not be wise to send a proposal about migration reform during a time when all countries are deficit spending by large amounts. This does pose a problem in cases where the amounts of migrants and refugees drastically increase while governments are confronting recessions by lending. The policy implication would be for the European Commission to time proposals when deficit spending is low.

4.3 Research limitations

Despite the interesting results and potential policy implications, there are some limitations to the research.

Firstly, there is the matter of missing data. Both nationalism and concerns about the welfare state are unaccounted for. Dustmann and Preston (2007) and O'Rourke and Sinnott (2004), which the variables are derived from, both use different data sources than my analysis. Dustmann and Preston (2007) use a British survey while O'Rourke and Sinnott use the ISSP survey. Neither of these sources would provide the time-series data over all the members of the European Union like the model used in this research requires. Therefore, the decision was made to drop these two variables. It does limit generalizability, but all other variables are either directly measured or use alternatives that are readily used in the literature. In addition to this, the European Social Survey (ESS) has carried out its latest wave in 2020. Yet, for these variables this data was still the most recent that was available. Religiosity of asylum seekers was also a potential variable which was unavailable in a time-series format over all the Member States.

Secondly, due to the nature of this research, neither the goodness of fit of proposals with national legislation nor the anything about the proposal except from the subject being migration or asylum was considered. This limits the predictions this model can make on any individual proposal.

The third limitation of the research is that some of the literature on the opinions regarding migration and asylum seekers was based on research in Israel and Australia. While it does not necessarily mean that the research cannot be applied to the European Union, it does merit further investigation.

5. Conclusion

Both migration and asylum are important topics for the European Union. The old age dependency ratio of many countries within the European Union is rapidly rising (Eurostat, 2023) which in turn incentivize finding labor from outside sources. In addition to this, political instability and massively increased occurrence of climate change droughts (World Weather Attribution, 2023) will likely be a large driver for refugees to enter the continent in the future. This research tried to bridge a gap in the scientific literature regarding factors behind dissent in the Council of Justice and Home Affairs in general and for proposals specifically about the topics of migration and asylum. By doing so it tried to follow in the footsteps of Bailer et al. (2015) and Roos (2019). To avoid the problem of over-aggregation described by Bailer et al. (2015), a focus was set on specifically migration and asylum.

By combining data from the ESS, Eurobarometer, Eurostat and the Council itself, it was possible to make a dataset capable of fixed effects ordered logistic regression. The dataset was made from variables that originated in the literature review about dissent and public opinion on migrants in addition to general sector specific factors. The main limitation of the research was found in this phase. The data on nationalism, religiosity of refugees and views on the welfare state were all found to be lacking for the purposes of longitudinal panel regressions.

There were certain factors found that influence dissent in the Council of Justice and Home Affairs in general. These were the amount of labor permits handed out, risk of poverty and trust in the European Union. When specifically analyzing the policy fields of migration and asylum, the only variable that was statistically significant in changing the odds of showing dissent was the state of the budget. Contrary to expectations, no issue-specific variables were statistically significant in changing the odds of dissent regarding proposals specifically about migration and asylum. Because of this result, all hypotheses are rejected. This leads the answer to the research question to be that there is no evidence to claim that there are issue-specific variables that influence dissent in the fields of migration and asylum covered by the Justice and Home Affairs Council.

Further avenues for research could try to carry out the same regressions with the addition of religiosity of asylum seekers, concerns about the welfare state and nationalism. Another form of research possible is carrying out interviews with people related to the Ordinary Legislative Process about how the various factors that were tested in my research influenced dissent in proposals that did not pass.

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