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## “Fortress Europe” or “Open Door Policy” – attempts to solve the refugee and migration crisis in the European Union in 2011–2017

The paper analyses and evaluates the activities currently undertaken by the EU institutions and member states in the area of migration and asylum. Domestic and foreign scientific papers and press materials, reports of international organizations dealing with migration and refugees, and statistical data from the Eurostat, Frontex, and International Organization for Migration databases were used for the research. Has Europe in fact become besieged (by migrants), becoming “Fortress Europe”, or has the so-called “Open Door Policy” towards the refugees and migrants coming to Europe from the Middle East and North Africa succeeded? How did the EU institutions and member states react to the crisis? Searching for answers to these questions leads to a reflection that the current migration movements show the extent to which the basic European ideas and values are (not) respected in the time of the greatest migration wave since the turn of the 1930s and 1940s.

Keywords: migrant, refugee, migration crisis, European Union

JEL classification: F22, J15, J60, J61, O15

### „Fortress Europe” czy „Open Door Policy” – próby rozwiązania kryzysu uchodźczego i migracyjnego w Unii Europejskiej w latach 2011–2017

Praca ta stanowi analizę i ocenę dotychczasowych działań podjętych przez instytucje UE oraz państwa członkowskie w obszarze migracji i azylu. Wykorzystano w niej krajowe i zagraniczne opracowania naukowe oraz materiały prasowe, raporty międzynarodowych organizacji zajmujących się problematyką migracji i uchodźstwa oraz dane statystyczne zaczerpnięte z baz Eurostat, Frontex oraz Międzynarodowej Organizacji ds. Migracji. Czy Europa w rzeczywistości stała się oblężoną (przez migrantów) twierdzą, tj. „Fortress Europe”, czy też sprawdziła się tzw. polityka otwartych drzwi wobec uchodźców i migrantów przybywających do Europy z regionu Bliskiego Wschodu i Afryki Północnej, tj. „Open Door Policy”? Jak na kryzys zareagowały instytucje unijne i państwa członkowskie? Poszukiwanie odpowiedzi na te pytania prowadzi do refleksji, że obecne ruchy migracyjne uwidaczniają, w jakim stopniu podstawowe idee i wartości europejskie (nie) są respektowane w czasach największej fali migracyjnej od przełomu lat 30. i 40. XX w.

Słowa kluczowe: migrant, uchodźca, kryzys migracyjny, Unia Europejska

Klasyfikacja JEL: F22, J15, J60, J61, O15

## Introduction

Over the past few years, we have seen the largest wave of migration from North Africa and Middle East towards Europe since the end of World War II. Its causes are seen primarily in the process of political destabilization in the region (in Syria, Libya, Sudan, South Sudan, Eritrea, Nigeria, Afghanistan), the creation and activity of Daesh – Islamic State, or the unstable socio-economic situation resulting from the so-called Arab Spring. The massive and uncontrolled influx of migrants to Europe caused a crisis which became the biggest challenge faced by the EU in the second decade of the 21<sup>st</sup> century. The answer to the question about EU policy in relation to incoming migrants and refugees is best reflected by the words of the President of the European Commission (EC) Jean-Claude Juncker: “Migration will stay on our radar. Europe is not a fortress and must never become one. Europe is and must remain the continent of solidarity, where those fleeing persecution can find refuge” [EC, 2017d, p. 1]. This challenge has required the EU and its member states to act quickly and resolutely, and at the same time wisely and thoughtfully. In the first months, however, decisions regarding migration and asylum were made neither quickly nor decisively.

The aim of this paper is to analyse and evaluate the actions taken on the European forum by the EU institutions and EU member states in the area of migration and asylum in recent years<sup>1</sup>. The research questions concern the approach of the EU and its member states to the issue of possible actions aimed at solving or reducing the migration and refugee crisis.

The article is based on available source materials: there are references to analyses and assessments included in domestic and foreign scientific, popularized, and journalistic publications. Based on the conducted research, both the conclusions as well as the answers to the research questions posed in the introduction have been presented in the summary.

### 1. Migrant or refugee – the problem of the migration crisis in the European Union

An analysis of the problem of migration and refugees shows that migration studies have theoretical foundations, while studies concerning refugees are not

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<sup>1</sup> The author is aware that due to the multithreading and complexity of the issues raised as well as the limited scope of the article the topic will not be fully exhausted, hence the presented study is primarily an incentive for further research and discussion in this area (especially in the context of analysis and assessment of socio-economic effects of the migration crisis and refugees for the European Union – its citizens and the economy). More on this topic: [Cymbranowicz, 2016, pp. 524–537].

recognized (the problem is only signalled in theories of migration in terms of its specificity, as one of the factors influencing the decision to leave the homeland and migrate). Tendra-Właszczuk points out that analysing the refugee problem is difficult and complicated mainly due to the lack of a unified and universally accepted definition of a refugee, adapted to contemporary global conditions – its absence is the source of many problems which will be discussed later in the text.

Table 1. The concept of "migration" in the view of international organizations dealing with the issues of migration movements

Organization	Definition of migration	Subjects of migration movements
International Organization for Migration	the movement of any person or group who are moving or have moved across an international border or within a state including all kinds of movement of people, regardless of their duration, course, and reasons	<ol style="list-style-type: none"> <li>1) refugees</li> <li>2) displaced persons</li> <li>3) economic migrants</li> <li>4) persons moving for other reasons, including family reunification</li> </ol>
United Nations and entities forming the United Nations system	a change of country in which a person usually lives and spends most of his time; this does not apply to temporary travels for recreation, holidays, medical treatment, or religious pilgrimage, as well as for business purposes. The UN recommends distinguishing between an international short- and long-term migrant <sup>2</sup>	<ol style="list-style-type: none"> <li>1) persons to whom the definition of international migration is not applicable (frontier workers, transit migrants)</li> <li>2) people who partake in international tourism (tour participants, tourists, people traveling for business purposes)</li> <li>3) persons traditionally excluded from international migration statistics (diplomatic and consular personnel, military personnel, nomads)</li> <li>4) people important for statistics (students, apprentices, migrant workers, international officials, people with the right to reside freely in the host country, people leaving for permanent residence, migrants for family reasons, refugees)</li> <li>5) persons important for statistics of the uncertain period of stay in the host country (asylum seekers, persons without residence permits required by the target country)</li> </ol>

Source: Own elaboration based on: [IOM, 2011, pp. 49, 52, 62–63; UN, 1998, pp. 1–4, 9–15].

<sup>2</sup> The first category is used to describe a person who moves to a country other than his or her main residence for a period of at least 3 months and less than 12 months, except when this movement results from business, leisure, or holiday purposes, is related to visits to friends and relatives, treatment or pilgrimage. For the purposes of conducting international migration statistics, it is assumed that the usual residence of a short-term migrant is the country of destination during the period of stay in it. In turn, the term "international long-term migrant" is used in a situation where a person moves to a country other than their home country for a period of at least 12 months. This means that the target country actually becomes the new state of permanent residence. From the point of view of the country of departure, this person will be a long-term emigrant, and for the arrival state – a long-term immigrant.

At the international level, the commonly accepted definition of “migration” and “migrant” [IOM, 2011, pp. 61–62] has not yet been developed. Attempts to harmonize these terms have been made many times by international organizations dealing with these issues.

Table 2. Types of international migration

Criterion	Migration characteristics
Voluntariness of migration, i.e., whether the decision is dependent on migrants or not	a) forced – change of residence caused by political actions or pressures: <ul style="list-style-type: none"> <li>– as deportations, exiles, resettlements that generally affect entire social groups, usually ethnic and national</li> <li>– as an escape from persecution, threat of loss of life or health</li> <li>– under pressure, generally political</li> </ul> b) voluntary – change of place of residence undertaken without threat of danger or external coercion: <ul style="list-style-type: none"> <li>– stemming from disproportions in remuneration and employment</li> <li>– stemming from differences in living and learning standards</li> <li>– to unite families</li> </ul>
Reasons for migration, i.e., whether the decision is dictated economic or non-economic motives	a) economic – change of residence undertaken in order to seek employment and earnings; “economic migrants” focus on material benefits and include two groups: <ul style="list-style-type: none"> <li>– “migrants of survival” – their goal is to get resources to meet often basic needs</li> <li>– “mobile migrants” – their goal is to improve the standard of living, raise funds for investments and other development-oriented actions</li> </ul> b) non-economic: <ul style="list-style-type: none"> <li>– educational aspirations</li> <li>– religious persecution, tourism, pilgrimage</li> <li>– natural and ecological disasters</li> <li>– political migrations (in order to ensure physical safety, protect the life and health of oneself and relatives)</li> </ul>
Duration of migration, i.e., whether the decision is made to stay abroad for a short or a long time	a) constant, persistent – with plans and intention to stay b) temporary, periodic: <ul style="list-style-type: none"> <li>– short-term – no longer than a year</li> <li>– long-term – no shorter than a year</li> </ul> c) temporary, seasonal – usually associated with seasonal work
Transparency of migration, i.e., whether staying abroad is legal or illegal	a) legal b) illegal c) transitional period – applying for asylum, periodic permit for residence, employment, or study

Source: Own elaboration based on: [Kawczyńska-Butrym, 2008, pp. 28–30].

Since 2011, the European Union has been dealing with waves of migrants from North Africa and the Middle East. They are a problem for the member states in the sense that they are so-called mixed migrations, including both “voluntary” and “forced” migrants. Therefore, it is all the more worth noting that in the political and media discourse the terms “migrant” and “refugee” are often used interchangeably, which is a gross mistake in understanding the phenomenon of

migration, exile, asylum, and related processes. The blurring of the differences between a migrant and a refugee leads to a number of misunderstandings, which have the consequence of either disregarding the rights granted to refugees or asylum seekers or, in extreme cases, violating basic human rights.

From the perspective of the state that accepts migrants, it is important to distinguish between a migrant and a refugee. The whole difficulty is that the term "migrant", contrary to the term "refugee", is not regulated on the basis of international law, but national law – it is subject to a different regime, different legal protection. According to the Geneva Convention of 1951 and the Protocol to the Geneva Convention of 1967, a refugee is "a person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it" [UNHCR, 1951]. From this entry, it can be concluded that people who have left their country motivated by other reasons are not treated as refugees or asylum seekers<sup>3</sup> but as migrants. These people deserve protection and the right to satisfy their basic needs on the basis of international law regarding human rights<sup>4</sup>.

## 2. Identification and attempted solutions of the problem

The wave of migration and the subsequent migratory pressure in Europe is the result of political and socio-economic destabilization of North Africa and the Middle East following the events called the Arab Spring. Although 2015 was a breakthrough year, a clear increase in the number of migrants (mainly for humanitarian reasons) to the south of Europe could have been observed earlier.

Statistics provided by Frontex show that the first abrupt increase in the number of illegal EU border crossings was recorded in 2011. A strong flow of immigrants in the following years revealed gaps in European migration, asylum, and border management systems. Wyligala [2016, p. 164] writes about "more than 1.8 million army that the EU could not handle in 2015". Because of that, the prob-

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<sup>3</sup> An asylum seeker is a person who wants to be recognized as a refugee but is still waiting for a decision to grant them this status. If an asylum applicant is refused the refugee status, they must leave the country of destination unless they are allowed to remain for other humanitarian reasons. See: [Reitano, Adal, Shaw, 2014].

<sup>4</sup> For example, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights, as well as other important international and regional treaties recognize that every human being, including migrants and refugees, is entitled to human rights.

lem of non-military security threat in Europe was raised. Although joint actions aimed at stopping the uncontrolled influx of immigrants seemed to be most appropriate, member states independently decided to take action to protect their own borders and citizens. For the first time since the fall of the Berlin Wall fences were built on the borders and controls were reintroduced<sup>5</sup>. In order to avoid a situation in which the fundamental principles of cooperation in the field of migration and asylum would be questioned [Szymańska, 2017, p. 161], the EU institutions began to promote the idea of consolidation and coordinated action aimed at creating a comprehensive approach to migration and asylum in two dimensions – internal and external. Anti-crisis initiatives include the 2015 *Agenda for Migration*, which replaced the Stockholm Program operating in 2010–2014 with activities such as:

- management of the Schengen area as part of the European migration program and implementation packages attached to it,
- reform of the Common European Asylum System (CEAS),
- improvement of the system protecting the EU's external borders and mechanisms for combating smuggling and human trafficking within the framework of intra-EU cooperation and cooperation with third countries.

### 3. EU solidarity with refugees and host countries – *European Agenda on Migration*

It is estimated that from the beginning of January to the end of April 2015, about 1,710 people died as a result of the “black” series of accidents in the Mediterranean Sea [IOM, 2018]. The final impulse was a tragic accident at the coast of Libya on 18–19 April 2015, when more than 800 people from Africa and the Middle East were killed trying to get to Europe by sea. Following these events, the EC presented a ten-point action plan on migration, which received the support of the ministers of foreign and home affairs and was immediately approved by the European Council. Presented on 13 May 2015, the *European Agenda on Migration* showed the most urgent challenges and structural weaknesses of the EU's current migration and asylum policy [EC, 2015a]. It was based on two pillars:

- immediate action to prevent further incidents on land and sea involving immigrants and tackling the crisis situation at the EU's southern external borders,

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<sup>5</sup> In 2013, after the incident from April 2011 with migrants from Tunisia, a procedure was adopted allowing for temporary reintroduction of border control when one of the states fails to protect its external borders, thus endangering the security of the entire area. It was used in mid-2016 by Austria, Germany, Denmark, Sweden, and Norway. At the end of 2017, these countries were allowed to maintain control until 12 May 2018.

- long-term activities in the form of a strategic approach that should be planned and implemented in the future.

A comprehensive approach to the problem of migration and refugees in crisis conditions was based on the concept of relocation and resettlement<sup>6</sup>. The EC, deciding to introduce this mechanism, referred to the legal basis from art. 78 par. 3 of TFEU. The mechanism of relocation (compulsory) and resettlement (voluntary) was meant to function according to four criteria within the so-called distribution key: population (40%), GDP (40%), average number of applications for asylum recognized in 2010–2014 (10%), and unemployment rate (10%) [EC, 2015b]. According to this proposal, the largest “burden” of relocation and resettlement was to be borne by Germany, France, Italy, and Spain, while the smallest by Cyprus, Malta, Luxembourg, and Slovenia. The project of a mandatory quota system under the relocation mechanism has been criticized by some member states that have created a so-called coalition of the unwilling. In order to quit the impasse, in June the European Council agreed to abandon the obligatory quota system for voluntary declarations of acceptance of a given number of refugees, to jointly fulfil the relocation of 40,000 people from Greece and Italy and resettle 20,000 from camps outside Europe. A month later, during the meeting of ministers of home affairs, it turned out that it would be difficult to achieve an agreement on the distribution of refugees based on voluntary declarations. In September, the original concept of the obligatory quota system was restored and the second implementation package for the *European Agenda on Migration* was adopted<sup>7</sup>. Suggestions guaranteeing the possibility of immediate action once again have been criticized by the “coalition of the unwilling”. Only after corrections (removing the wording associated with the top-down criteria for the division of refugees, emphasizing the protection of EU external borders and the right of host countries to refuse relocation in case of a serious suspicion that a person may pose a threat to state security) Poland and the Baltic States supported the initiative. On 22 September 2015, during the vote, only the Czech Republic, Romania, Slovakia, and Hungary have objected and Finland abstained from voting. Ultimately, the decision was accepted, however the distribution of refugees changed twice as a consequence of:

- implementation of relocation in two stages: the earlier relocation of 66,000 from Greece and Italy; the subsequent relocation of 54,000 from Hungary [CEU, 2015a],

<sup>6</sup> Relocation means the transfer of a person who has applied for international protection from a member state examining their application to another member state. Resettlement involves the transfer of a “non-EU” refugee evidently requiring international protection from a non-EU country to an EU member state. More on this topic: [Cymbranowicz, 2017, pp. 48–79].

<sup>7</sup> The UK and Ireland have not participated in the relocation system – they have an opt-out clause with the opt-in option. Neither did Denmark, with an opt-out clause with no possibility of participating. Sweden, Italy, Greece, and Hungary also did not participate in the relocation.

- implementation of the EU-Turkey agreement on the resettlement of Syrian citizens from Turkey [CEU, 2016].

In November 2015, a series of tragic attacks took place in Paris, as a result of which 129 people were killed and 352 were injured [Rękawek, 2015]. The media sparked a discussion about terrorist attacks in Europe (12 March 2004 – Madrid, 8 July 2002 – London), which were said to be the European equivalent of the unprecedented events of 11 September 2001 in the US. They were quickly associated with the problem of the growing wave of migrants, which in turn led to a decline in the sense of security and trust towards migrants in Europe.

In this atmosphere, in December 2015, the EC presented the 3<sup>rd</sup> implementation package to the *European Agenda on Migration*, including a proposal to create an agency aimed at strengthening the security and management of the EU's external borders. That idea was successfully and without major disruptions approved by all EU members.

The recent statements of the Vice-President of the EC, Frans Timmermans, expressed moderate optimism concerning the relocation and displacement program. His view was shared by the EU Commissioner for Migration, Home Affairs and Citizenship Dimitris Avramopoulos [EC, 2017e]. Statistics confirm this attitude, as the pace of relocation and resettlements increased significantly and by the end of November 2017:

- a total of 32,366 people were relocated, including 21,524 from Greece and 10,842 from Italy (approx. 500 people in Greece and 2,350 in Italy are still eligible for relocation)<sup>8</sup>,
- almost 26,000 people were resettled, i.e., 18,563 out of 22,504 based on the arrangements of July 2015<sup>9</sup> and the remaining ones on the basis of EU-Turkey statements.

At the EU forum, the relocation program is assessed positively, despite the fact that not all countries took part in it (the Czech Republic, Hungary, and Poland are subject to the infringement procedure, pending from 14 June 2017). For the resettlement program, the opinions are equally good. Both programs have contributed to reducing the pressure associated with illegal migration and introducing legal migration routes for people in need of international protection. In view of the above, in September 2017, the EC launched a new resettlement program, under which EU member states are to adopt at least 50,000 people especially requiring in-

<sup>8</sup> Many member states have already almost fully complied with their obligations. Malta, Latvia, as well as Norway (a Schengen associated country that voluntarily participates in this program) have already completed the relocation of the people assigned to them. See: [EC, 2017a, p. 2].

<sup>9</sup> Many member states have already fulfilled their obligations or are very close to that. Nowadays most of the efforts focus on resettlement based on the EU-Turkey statement, but the actions in this area are assessed differently, since a number of member states have not resettled even a single person. See: [EC, 2017b, pp. 2–3].



ternational protection in the next two years. So far, 19 member states have reported 39,758 pledges to accept refugees [EC, 2017d].

#### 4. Reform of the CEAS

The *Agenda for Migration* of 2015 also included the issue of permanent, systemic asylum solutions, including the establishment of a mechanism for the division of refugees, launched automatically in crisis situations. Thus, a discussion was started concerning the need to reform the CEAS<sup>10</sup>. On 6 April 2016, the EC published a statement *Towards a Reform of the Common European Asylum System and Enhancing Legal Avenues to Europe*, outlining the directions of activities in five priority areas.

In May and July 2016, the Commission presented two CEAS reform packages comprising seven drafts of legal acts meant to conduct the migration policy in an effective, just, and humane manner, both in normal conditions and in periods of high migration pressure. If both packages are adopted by the European Parliament and the Council, the EU will take the first important step towards a comprehensive reform of this area.

Of all the above-mentioned, the most controversial was the proposal for the reform of the Dublin system, the so-called Dublin+ [EC, 2016c]. It is a mechanism that has been discussed many times on the EU forum, i.e., automatic relocation of persons applying for protection in the EU in the situation of increased migratory pressure. According to the project:

- verification of overloading of asylum systems would be based on indicators taking into account the size of countries and the level of their well-being,
- a “surplus” of asylum applications in one member state would result in the transfer of further applicants to other countries,
- temporary exclusion of the state from the obligation to accept asylum seekers would require payment of a “solidarity tax” (EUR 250,000) to a member state that would take over responsibility for considering the application.

The Dublin+ project has not been well received by all member states.

During the Polish Presidency, on 21 November 2016, the Visegrád Group adopted a declaration regarding the creation of Migration Crisis Mechanism. The result of joint work on this forum was a counter-proposal for the EC’s obligatory quota system, i.e., the “effective” solidarity. Indicating the need to regain control over current migration flows, this concept was based on the principle that each member state would have to decide for itself how it would contribute to the fight

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<sup>10</sup> It was considered that it does not work properly since asylum seekers are not treated equally and the recognition rates of individual countries vary.

against the crisis. In fact, the V4 proposal concentrates on preserving the solutions of the Dublin III (2013) combined with solidarity actions with first line countries in a crisis situation. According to this project, member states would be free to choose the form of their assistance: apart from relocations from the most-charged countries, these could be financial contributions, increased involvement in the work of EU agencies, responsibility for organizing the return of illegal immigrants, or carrying out asylum procedures<sup>11</sup>.

Observing the current course of the debate on the CEAS reform, it can be concluded that working out a compromise between two such different concepts will not be easy [Szymańska, 2017]. The only decision made so far was to determine the barrier date – by the end of June 2018, an agreement on the CEAS reform will be reached at the EU forum. That is undoubtedly a priority in the *Agenda for Migration*, but the existing divisions between the member states cause a permanent impasse in talks.

## 5. The system of protection of the EU's external borders and mechanisms for combating smuggling and human trafficking

The proposals made in this area have been widely supported by all member states. An example of wide-ranging cooperation in the EU are:

- rescue and patrol operations in the Mediterranean Sea coordinated by Frontex<sup>12</sup>: “Poseidon” off the coast of Greece (since 2006), “Triton” off the coast of Italy (from 2014) – replaced in 2018 by Operation “Themis” meant also to prevent possible terrorist attacks by the so-called Islamic State, and “Hera”, “Indalo”, and “Minerva” off the coast of Spain (from 2017),
- military operation in the field of common security and defence policy against smugglers in the southern Mediterranean region EU NAVFOR MED “Sophia” (from 2015) [CEU, 2015b] combined with the EU action plan against migrant smuggling (2015–2020) [EC, 2015e],
- creating points for quick identification and registration of immigrants in Italy and Greece within the so-called Hotspot approach, coordinated by EASO, Frontex, Europol, and Eurojust.

<sup>11</sup> In an emergency situation it would be possible to adopt measures from art. 78 par. 3 of TFEU, provided that they are voluntary, not mandatory.

<sup>12</sup> Doubts are aroused by the fact that Frontex is primarily responsible for controlling and protecting the external borders of the member states and supporting states in urgent and exceptional threats, and not engaging in search and rescue activities. The EU operation “Triton” replaced the Italian operation “Mare Nostrum”, which was launched after the catastrophe off the Italian island of Lampedusa in October 2013.



Figure 1. Map with the location of Italian and Greek hotspots and their respective capacities

Note: For Italy, the six originally proposed hotspot locations are shown, two of which (Augusta and Porto Empedocle) were not made hotspots.

Source: [ECA, 2017].

In addition, issues related to strengthening the security of the EU's external borders were addressed in the *3<sup>rd</sup> Implementation Package of European Agenda on Migration* (15 December 2015). The objections were related to the draft regulation establishing the European Border and Coastguard Agency with broader competences for the management of external borders and return than held previously by Frontex – the controversy was aroused by the entry that in a situation threatening the functioning of the Schengen area, the agency will be able to intervene without the member state's consent. For the member states, the priority was to preserve sovereignty in protecting their own borders. In the end, deep changes were withdrawn and the new agency was officially launched on 6 October 2016 at the border crossing of Captain Andreevo [EU, 2016]. The proposed changes regarding the Schengen Borders Code found their final form on 15 March 2017 [EU, 2017b]. The new rules on mandatory and systematic checks of persons crossing the EU external borders responded to the growing terrorist threat in Europe.

More effective management of the EU's external borders and increasing internal security is also possible thanks to the so-called *Smart Borders Package* establishing the European Travel Information and Authorisation System (ETIAS) and the Entry-Exit System (EES). The Commissioner for Migration and Home Affairs Dimitris Avramopoulos said that ETIAS is the missing link in the EU border management system, combining its individual elements with migration and security policy. This activity is part of a long-term plan to ensure an effective response to terrorism and security threats in the EU for the years 2015–2020 within the framework of the *European Agenda on Security* adopted on 28 April 2015 [EC, 2015c] and the communication *Back to Schengen – a Roadmap* from 4 March 2016 [EC, 2016a].

“Terrorists and criminals do not care about national borders. The only way to overcome them is to cooperate effectively”, convinced the Commissioner for the Security Union Julian King [EC, 2016e]. Crossing borders and legally travelling in the Schengen area is to be easier for everyone by means of a system that, by collecting and processing information on foreigners exempt from visa requirements, would determine whether they pose a threat to the security of the EU and its citizens.

The next step to overcome the crisis was to establish cooperation with third countries<sup>13</sup>. The action plan from Valetta (11–12 November 2015) and from Bratislava (16 September 2016) provides:

- elimination of the root causes of irregular migration and factors forcing people to leave their places of residence,
- more effective support and organization of legal migration methods,
- increasing the protection of migrants and asylum seekers,
- fighting against smuggling of migrants and using their hard position,
- closer cooperation in the fields of return, readmission, and reintegration.

To successfully implement both plans in a year:

- 2015:
  - a common European list of safe countries has been established<sup>14</sup>,
  - an EU action plan on returns has been developed (updated and expanded in 2017),
  - diplomatic and financial activities aimed at stabilizing regions of Africa and the Middle East were carried out (e.g. EU regional strategy for Syria and Iraq and ISIS/Daesh threats, extraordinary EU trust fund for Africa, Refugee Assistance Facility in Turkey),

<sup>13</sup> The activities undertaken are part of the so-called global approach to migration and mobility from 2011 [EC, 2011].

<sup>14</sup> In international law (Geneva Convention) and EU law (directive on asylum procedures), it is recognized that a country is safe if it has a democratic constitution and consistently as a rule: there is no persecution, torture, inhuman or degrading treatment or punishment, no threat through the use of violence and no armed conflict.

- talks were held with the countries of the Balkan Peninsula and an action plan for managing the flow of migrants and refugees along the Western Balkan route was drawn up;
- 2016:
  - outline of a new partnership framework in the field of migration (June 2016) – close cooperation with countries of origin and transit (Ethiopia, Mali, Niger, Nigeria, Senegal, Afghanistan, Algeria, Egypt, Libya, Tunisia) to ensure greater effectiveness of the return of illegal immigrants from the EU and limit the flow of people by, on the one hand, strengthening the capacity of EU neighbours to protect borders, and on the other, eliminating the causes of illegal migration,
  - an EU-Turkey agreement was signed (March 2016) – joint actions to improve coordination in the field of migration management along the Eastern Mediterranean route, to end illegal migration from Turkey to the EU and fight crime behaviour – from 20 March 2016 migration flows are to be in line with the so-called 1:1 system<sup>15</sup>;
- 2017:
  - an agreement was concluded with North African countries, i.e., the Maltese Declaration (February 2017) – joint actions to improve coordination in the field of migration management on the Central Mediterranean route in the shape of enhanced EU-Turkey cooperation of 2016 [EUCO, 2017c],
  - financial support for humanitarian needs for the Syrian population (EUR 5.6 bn in 2017, EUR 3 bn in 2016).

So far, decisions and actions taken by the EU in consultation with third countries from Europe and outside Europe to address the migration and refugee crisis have been assessed variedly. Close cooperation between the EU and the countries of the Balkan Peninsula or Turkey has resulted in limiting the influx of migrants and improving the living conditions of people staying in refugee camps. However, the controversy over the EU-Turkey agreement raises doubts and questions about whether the agreement will last and whether this formula of cooperation can and should serve as a model for other projects in the region of Africa and the Middle East. The situation is similar in the case of EU development policy, which aims to eliminate sources of crisis outside Europe – so far, despite the involvement of EU forces and resources to help countries of origin and transit, it has not been significantly closer to its achievement.

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<sup>15</sup> The parties have committed themselves to control the influx of refugees and to enable people in need of international protection to reach Europe in a safe and legal manner. More about the EU-Turkey agreement: [EUCO, 2016b].

## Conclusions

Based on the above considerations, it can be concluded that the EU has found itself in an extremely difficult situation in recent years. The current migration, visa, and asylum policy, as well as the solutions adopted within it, have proved insufficient in the face of sudden, growing migratory waves. How the crisis evolved clearly showed that neither the EU nor any of the member states was prepared to meet such a challenge in a quick and effective manner. In the face of the rapidly growing number of legal and illegal migrants (including refugees) coming both from the EU and from outside its territory, it is obvious that without a joint decision and coordinated action, no European country alone can meet this challenge alone.

The crisis showed how different the approaches to the problem can be: on the one hand, "European openness", on the other – "European security". As a result, the discussion about which countries are "open" and which are "closed" to migrants and refugees and their problems arouse; which present the "open door" policy and which push proposals aimed at fighting the crisis "at the source".

The marginalized so far problems of migration and asylum policy have now come to the fore. For the EU, this is an unprecedented situation and so it is said that the current crisis is a kind of maturity exam. Undoubtedly, the EU has faced many crisis situations, but today the largest is the refugee and migration crisis. The migration pressure on the EU's external borders for over three years has shown that neither the member states nor the EU institutions in the face of the mass influx of people have been able to react quickly and efficiently enough to take comprehensive measures to stabilize the situation. On the contrary, for a long time both sides undertook actions that not only did not solve the problems, but even generated more. Therefore, the problem of the so-called two speeds of the EU is once again mentioned. The varying degree of involvement of its individual members in solving the current problems and facing new challenges clearly shows how difficult it is to reach a consensus, act in accordance with the principles, and keep common values in the group of (yet) 28 member states.

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## References

- CEU, 2016, Council Decision (EU) 2016/1754 of 29 September 2016, Official Journal of the EU L 268/82, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016D1754&from=EN> [access: 06.08.2018].
- CEU, 2015a, Council Decision (EU) 2015/1601 of 22 September 2015, Official Journal of the EU L 248/80, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32015D1601&from=EN> [access: 06.08.2018].
- CEU, 2015b, Council Decision (CFSP) 2015/778 of 18 May 2015, Official Journal of the EU L 122/31, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32015D0778&from=EN> [access: 06.08.2018].
- Cybranowicz K., 2016, *Migrants: An opportunity or a threat for the European Union? An outline of the problem in the context of contemporary socio-economic challenges*, International Business and Global Economy, no. 1.
- Cybranowicz K., 2017, *Europa (bez)granic – w poszukiwaniu rozwiązania kryzysu migracyjnego w Unii Europejskiej*, [in:] *Nowe perspektywy integracji europejskiej w obliczu wyzwań i zagrożeń*, ed. H. Tendera-Właszczuk, W. Bąba, M. Zajączkowska, Difin, Warszawa.
- EC, 2011, European Commission, *The Global Approach to Migration and Mobility*, COM(2011) 743, [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/communication\\_from\\_the\\_commission\\_1.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/communication_from_the_commission_1.pdf) [access: 06.08.2018].
- EC, 2015a, European Commission, *A European Agenda on Migration*, COM(2015) 240, [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/communication\\_on\\_the\\_european\\_agenda\\_on\\_migration\\_en.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/communication_on_the_european_agenda_on_migration_en.pdf) [access: 06.08.2018].
- EC, 2015b, European Commission, *Annex to the Commission Recommendation on a European resettlement scheme*, C(2015) 3560, [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/e-library/documents/policies/asylum/general/docs/recommendation\\_on\\_a\\_european\\_resettlement\\_scheme\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/e-library/documents/policies/asylum/general/docs/recommendation_on_a_european_resettlement_scheme_en.pdf) [access: 06.08.2018].
- EC, 2015c, European Commission, *The European Agenda on Security*, COM(2015) 185, <https://www.cepol.europa.eu/sites/default/files/european-agenda-security.pdf> [access: 06.08.2018].
- EC, 2015d, European Commission – Fact Sheet, *EU-Turkey joint action plan*, [http://europa.eu/rapid/press-release\\_MEMO-15-5860\\_en.htm](http://europa.eu/rapid/press-release_MEMO-15-5860_en.htm) [access: 10.02.2018].
- EC, 2015e, European Commission, *EU Action Plan against migrant smuggling (2015–2020)*, COM(2015) 285, [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/eu\\_action\\_plan\\_against\\_migrant\\_smuggling\\_en.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/eu_action_plan_against_migrant_smuggling_en.pdf) [access: 06.08.2018].
- EC, 2016a, European Commission, *Back to Schengen – a Roadmap*, COM(2016) 120, [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/borders-and-visas/schengen/docs/communication-back-to-schengen-roadmap\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/borders-and-visas/schengen/docs/communication-back-to-schengen-roadmap_en.pdf) [access: 06.08.2018].
- EC, 2016b, European Commission, *Towards a Reform of the Common European Asylum System and Enhancing Legal Avenues to Europe*, COM(2016) 197, [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160406/towards\\_a\\_reform\\_of\\_the\\_common\\_european\\_asylum\\_system\\_and\\_enhancing\\_legal\\_avenues\\_to\\_europe\\_-\\_20160406\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160406/towards_a_reform_of_the_common_european_asylum_system_and_enhancing_legal_avenues_to_europe_-_20160406_en.pdf) [access: 06.08.2018].

- EC, 2016c, European Commission, *Proposal for a Regulation of the European Parliament and of the Council establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast)*, COM(2016) 270, [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016PC0270\(01\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016PC0270(01)&from=EN) [access: 06.08.2018].
- EC, 2016d, European Commission, *Proposal for a Regulation of the European Parliament and of the Council establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 515/2014, (EU) 2016/399, (EU) 2016/794 and (EU) 2016/1624*, COM(2016) 731, [https://eur-lex.europa.eu/resource.html?uri=cellar:5b95461f-ac1c-11e6-aab7-01aa75ed71a1.0001.02/DOC\\_1&format=PDF](https://eur-lex.europa.eu/resource.html?uri=cellar:5b95461f-ac1c-11e6-aab7-01aa75ed71a1.0001.02/DOC_1&format=PDF) [access: 06.08.2018].
- EC, 2016e, European Commission – Press release, *Security Union: Commission proposes a European Travel Information and Authorisation System*, [http://europa.eu/rapid/press-release\\_IP-16-3674\\_en.htm](http://europa.eu/rapid/press-release_IP-16-3674_en.htm) [access: 10.02.2018].
- EC, 2016f, European Commission – Press release, *Completing the reform of the Common European Asylum System: towards an efficient, fair and humane asylum policy*, [http://europa.eu/rapid/press-release\\_IP-16-2433\\_en.htm](http://europa.eu/rapid/press-release_IP-16-2433_en.htm) [access: 02.02.2018].
- EC, 2016g, European Commission – Press release, *Towards a sustainable and fair Common European Asylum System*, [http://europa.eu/rapid/press-release\\_IP-16-1620\\_en.htm](http://europa.eu/rapid/press-release_IP-16-1620_en.htm) [access: 30.08.2017].
- EC, 2017a, European Commission, *Annex 3 to the Report from the Commission to the European Parliament, the European Council and the Council. Fourteenth report on relocation and resettlement*, COM(2017) 405, [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170726\\_fourteenth\\_report\\_on\\_relocation\\_and\\_resettlement\\_annex3\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170726_fourteenth_report_on_relocation_and_resettlement_annex3_en.pdf) [access: 06.08.2018].
- EC, 2017b, European Commission, *Annex 4 to the Report from the Commission to the European Parliament, the European Council and the Council. Fourteenth report on relocation and resettlement*, COM(2017) 405, [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170726\\_fourteenth\\_report\\_on\\_relocation\\_and\\_resettlement\\_annex4\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170726_fourteenth_report_on_relocation_and_resettlement_annex4_en.pdf) [access: 06.08.2018].
- EC, 2017c, European Commission, *Report from the Commission to the European Parliament, the European Council and the Council. Twelfth report on relocation and resettlement*, Strasbourg, COM(2017) 260, [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170516\\_twelfth\\_report\\_on\\_relocation\\_and\\_resettlement\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170516_twelfth_report_on_relocation_and_resettlement_en.pdf) [access: 06.08.2018].
- EC, 2017d, European Commission, *Commission contribution to the EU Leaders' thematic debate on a way forward on the external and the internal dimension of migration policy*, COM(2017) 820, [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20171207\\_communication\\_on\\_commission\\_contribution\\_to\\_the\\_eu\\_leaders\\_thematic\\_debate\\_on\\_way\\_forward\\_on\\_external\\_and\\_internal\\_dimension\\_migration\\_policy\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20171207_communication_on_commission_contribution_to_the_eu_leaders_thematic_debate_on_way_forward_on_external_and_internal_dimension_migration_policy_en.pdf) [access: 06.08.2018].
- European Commission – Press release, *European Agenda on Migration: Consolidating Progress made*, [http://europa.eu/rapid/press-release\\_IP-17-4484\\_en.htm](http://europa.eu/rapid/press-release_IP-17-4484_en.htm) [access: 10.02.2018].
- EC, 2018, European Commission, *European Agenda on Migration – Legislative documents*, [https://ec.europa.eu/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package\\_en](https://ec.europa.eu/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package_en) [access: 11.02.2018].



- ECA, 2017, European Court of Auditors, *EU response to the refugee crisis: The “hotspot” approach*, <http://publications.europa.eu/webpub/eca/special-reports/refugee-crisis-hotspots-06-2017/en/> [access: 08.02.2018].
- EU, 2016, Regulation (EU) 2016/1624 of the EP and the Council of 14 September 2016, Official Journal of the EU L 251/1, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R1624&from=EN> [access: 06.08.2018].
- EU, 2017a, Regulation (EU) 2017/2226 of the EP and the Council of 30 November 2017, Official Journal of the EU L 327/20, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32017R2226&from=EN> [access: 06.08.2018].
- EU, 2017b, Regulation (EU) 2017/458 of the EP and the Council of 15 March 2017, Official Journal of the EU L 74/1, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32017R0458&from=EN> [access: 06.08.2018].
- EUCO, 2016a, *European Council meeting (15 December 2016) – Conclusions*, EUCO 34/16, <https://www.consilium.europa.eu/media/21929/15-euco-conclusions-final.pdf> [access: 06.08.2018].
- EUCO, 2016b, European Council, *EU-Turkey statement (18 March 2016)*, <http://www.consilium.europa.eu/en/press/press-releases/2016/03/18/eu-turkey-statement/> [access: 10.02.2018].
- EUCO, 2017a, *European Council meeting (14 December 2017) – Conclusions*, EUCO 19/1/17, <https://www.consilium.europa.eu/media/32204/14-final-conclusions-rev1-en.pdf> [access: 06.08.2018].
- EUCO, 2017b, *European Council meeting (22 and 23 June 2017) – Conclusions*, EUCO 8/17, <https://www.consilium.europa.eu/media/23985/22-23-euco-final-conclusions.pdf> [access: 06.08.2018].
- EUCO, 2017c, European Council, *Informal meeting of EU heads of state or government, Malta, 3.2.2017*, <http://www.consilium.europa.eu/en/meetings/european-council/2017/02/03/> [access: 10.02.2018].
- EUCO, 2017d, European Council, *Conclusions by the President of the European Council*, <http://www.consilium.europa.eu/en/press/press-releases/2017/03/09-conclusion-pec/> [access: 02.02.2018].
- IOM, 2011, *Glossary on Migration*, eds. R. Perruchoud, J. Redpath-Cross, International Migration Law Series No. 25, International Organization for Migration, Geneva, <http://www.corteidh.or.cr/sitios/Observaciones/11/Anexo5.pdf> [access: 06.08.2018].
- IOM, 2018, International Organization for Migration, *Latest Global Figure*, <http://missing-migrants.iom.int/latest-global-figures> [access: 02.02.2018].
- Kawczyńska-Butrym Z., 2008, *Migracje – zmiany położenia społecznego*, [in:] *Migracja – wyzwania XXI wieku*, red. M. Zięba, KUL, Lublin.
- Reitano T., Adal L., Shaw M., 2014, *Smuggled Futures: The Dangerous Path of the Migrant from Africa to Europe*, The Global Initiative against Transnational Organized Crime, Research Report, <http://www.integrazionemigranti.gov.it/Attualita/Notizie/Documents/Global%20Initiative.pdf> [access: 08.06.2018].
- Rękawek K., 2015, *To jeszcze nie koniec. Terroryzm i jego zwalczanie w UE po zamachach w Paryżu*, Biuletyn PISM, no. 102.
- Szymańska J., 2017, *Perspektywy kompromisu w sprawie reformy wspólnego europejskiego systemu azylowego*, Biuletyn PISM, no. 12.

- UN, 1998, United Nations, Department of Economic and Social Affairs, Population Division, *Recommendations on Statistics of International Migration*, Statistical Papers Series M, no. 58, Rev. 1, New York.
- UNHCR, 1951, The Refugee Convention, <http://www.unhcr.org/4ca34be29.pdf> [access: 06.08.2018].
- WEF, 2016, World Economic Forum, The Global Risks Report 2016, Geneva.
- WEF, 2018, World Economic Forum, The Global Risks Report 2018, Geneva.
- Wyligąła H., 2016, *Strategiczny rozwój narzędzi polityki migracyjnej UE w obliczu kryzysu migracyjnego*, "Rocznik Bezpieczeństwa Międzynarodowego", no. 2.

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