OPINIONS and ANALYSES
OF THE INSTITUTE DE REPUBLICA

The role of European institutions in the management of mass migration

ALEKSANDER OLECH

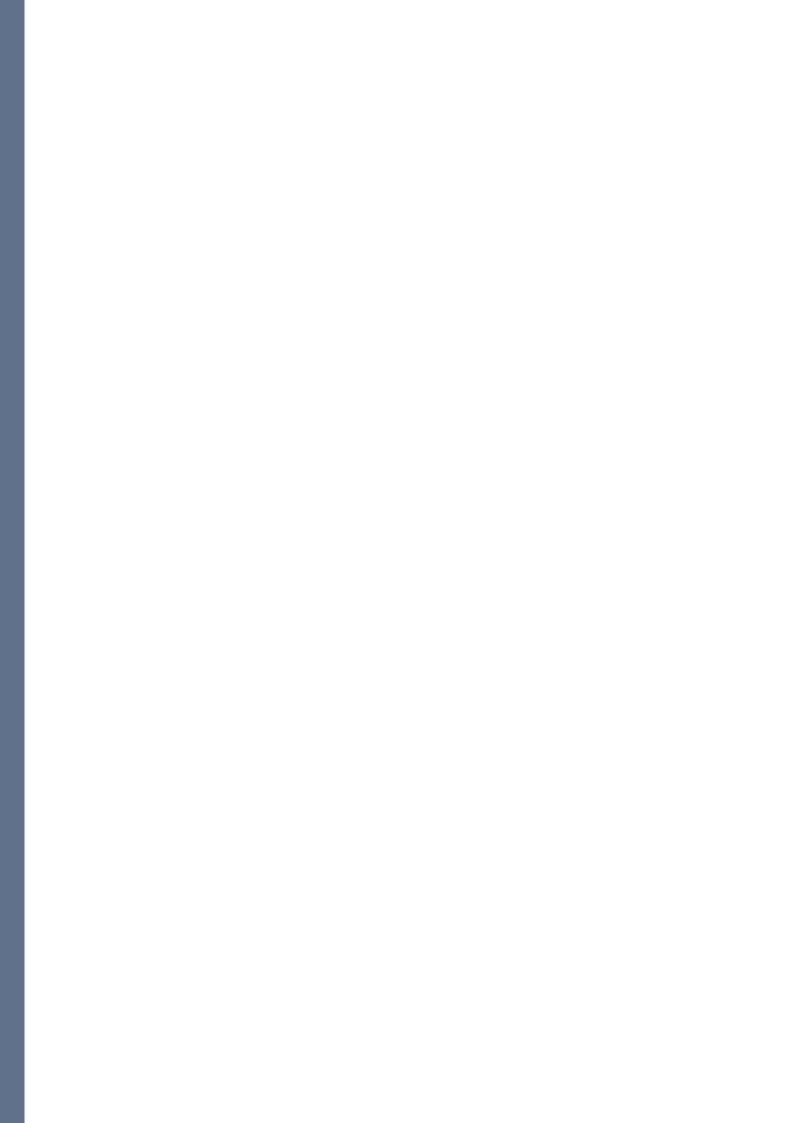**INSTYTUT
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Summary

The mass migrations towards Member States of the European Union, which started in 2015, showed a lack of adequate preparation and cooperation between the countries. Increasingly, state governments are resorting to securitizing migration and using it for making politics. This is related to, inter alia, the use of controversial methods, such as "push-back", which in the long term do not have a positive effect on people with undocumented status and do not contribute to the improvement of the system coordinating the movement of people. The article analyses the role and competencies of European institutions such as Frontex or the European Asylum Support Office in the field of migration management, emphasising at the same time the importance of cooperation and solidarity among Member States. Despite the passage of several years, the EU has still not developed effective, transparent mechanisms allowing for effective management of migration.

Key words

migrations, European Union, Frontex, border, migrant

The role of European institutions
in the management of mass migration

Migration movements are at the centre of world attention. In recent years, Europe has had to respond to the most serious challenge of its kind since the end of the Second World War. The unprecedented influx of irregular people into the borders of the Schengen Area, which culminated in 2015, revealed a number of shortcomings and gaps in the EU's policies regarding asylum, external borders and migration. Therefore, its reconstruction was launched by implementing reforms based on four pillars:

- reducing the incentives for illegal migration by addressing its root causes, facilitating returns and dismantling trafficking networks;
- saving lives and securing external borders;
- establishing a strong EU asylum policy and providing more legal pathways for asylum seekers;
- more effective legal channels for legal migrants.

Mass migrations pose an even more serious challenge when their trajectory also involves politicians who resort to using people as part of their policies in order to gain specific benefits. Within two days in May 2021, Moroccan authorities allowed more than 10 000 people to make irregular crossings to Ceuta[1]. The strategy adopted by the Belarusian regime, which has been accused of facilitating the entry into Belarus of migrants from North African and Middle Eastern countries and subsequently directing them towards the Polish, Lithuanian and Latvian borders, may also serve as an example of recent coercive diplomacy using displaced persons as a "weapon".

Kelly Greenhill concluded on the basis of her research that using migration as a weapon is more effective than other types of intervention, coercion or aggression[2]. Increasingly, this

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[1] *Hundreds of migrants blocked from crossing into Spain*, [online] https://www.africanews.com/2021/08/28/hundreds-of-migrants-blocked-from-crossing-into-spain/, 28.08.2021, [accessed: 1.12.2021].

[2] K.M. Greenhill, *Weapons of Mass Migration: Forced Displacement as an Instrument of Coercion*, "Strategic Insights", Spring/Summer 2010, Vol. 9 (1), pp. 116–159.

"weapon" is aimed at the EU as a mean of exploiting its deep political divisions and public fears of uncontrolled migration. This phenomenon is leading to a further exacerbation of attitudes among EU citizens towards migrants and asylum seekers, as Member States seek new methods of strengthening their borders and deterring displaced people from entering the EU.

In February 2020, the Turkish Government sent more than 13 000 people to the Greek border[3]. Turkish President Recep Tayyip Erdoğan has repeatedly issued messages to the EU in which he has threatened to deliberately increase the frequency of arrivals of people with undocumented status. Erdogan complained that Turkey was overburdened with large numbers of refugees and that the EU was not fulfilling its part of the agreement. In 2016, Turkey made an agreement with the EU to stop the migration of mainly Syrian refugees to Europe in exchange for €6 billion of aid as well as a promise to accept more recognised asylum seekers in Member States[4].

The main problem linking both the maintenance of the integrity of the external borders of the European Union and the humanitarian approach to the other person remains the lack of a unified position supported by all Member States. The failure of the relocation procedure launched in 2015 due to the unprecedented number of migrants arriving in Greece and Italy has shown a lack of willingness to cooperate and solidarity among EU countries.

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[3]   R. Cortinovis, *Pushbacks and lack of accountability at the Greek-Turkish borders*, https://www.ceps.eu/wp-content/uploads/2021/02/LSE2021-01_Pushbacks-and-lack-of-accountability-at-the-Greek-Turkish-border.pdf, "CEPS Paper in Liberty and Security in Europe", February 2021, No. 2021-01.

[4]   K. Terry, *The EU-Turkey Deal, Five Years On: A Frayed and Controversial but Enduring Blueprint*, [online], https://www.migrationpolicy.org/article/eu-turkey-deal-five-years-on, 8.04.2021 [accessed: 3.12.2021].

The European Border and Coast Guard Agency (Frontex)

Frontex (hereinafter also: the Agency) is involved in numerous tasks of the EU's migration and border control system, which range from risk analysis to border surveillance and deportations, and its activities have significantly developed since 2005, when it began functioning. It then had only around 70 staff and a budget of €6 million[5]. The creation of the passport-free, borderless Schengen Area a decade earlier increased the necessity to strengthen external border controls. Soon after, the role of Frontex and the instruments at its disposal began to grow. The European Border Surveillance system (EUROSUR) was implemented in 2013 in order to accelerate the exchange of information between the Agency and Member States. However, only the migration crisis of 2015, during which some 1.3 million asylum applications were made in the EU[6], really turned the spotlight on Frontex and changed its modus operandi forever, as European governments tried to deal with the sudden and massive influx of migrants without actually having agreed a common policy on the issue. In 2020, the funding of the Agency has increased to as much as €420 million[7].

Since 2021, the number of Frontex staff has gradually increased (which included the creation of its own border guards for deployment at the EU's external borders), thus significantly increasing the Agency's autonomy and reducing its dependence on Member States' officers. Officials from the corps have been deployed in a number of "teams", supporting national authorities in managing borders and the movement of people as well as deportations. The budget is also in the process of being significantly increased, with €22.6 billion

[5]   S. Hartwig, *Frontex: From Coordinating Controls to Combating Crime*, "EUCRIM The European Criminal Law Associations' Forum" Issue 2/2020, pp. 134–138.

[6]   Ph. Connor, *Number of Refugees to Europe Surges to Record 1.3 Million in 2015*, [online], https://www.pewresearch.org/global/2016/08/02/number-of-refugees-to-europe-surges-to-record-1-3-million-in-2015/, 2.08.2021 [accessed: 12.12.2021].

[7]   Z. Timocin Cantekin, *European Union: Revised Regulation Strengthens European Border and Coast Guard Agency*, [online], https://www.loc.gov/item/global-legal-monitor/2020-01-06/european-union-revised-regulation-strengthens-european-border-and-coast-guard-agency/, 4.12.2021 [accessed: 29.11.2021].

to be allocated to "migration and border management" in 2021–2027[8]. The Agency's role in the EU border system will only increase in the coming years – and the EU's own borders will expand in line with the process.

The Agency has signed a number of working arrangements with non-EU countries, regional bodies and international organisations, which enable cooperation on training, information exchange, joint operations and assistance in the implementation of border control strategies and technologies. It also cooperates with countries with which it has no formal working arrangements – for instance through the Africa-Frontex Intelligence Community (AFIC) and the "EU4BorderSecurity" project in North Africa and the Levant. It also has agreements with Albania and Montenegro, with which the EU has signed contracts allowing Frontex officials to assist in border control and surveillance. The Balkans are perceived by the EU as a key buffer zone in its efforts to prevent the spread of migration, and similar agreements with countries such as Serbia, Northern Macedonia and Kosovo are ongoing. Information is also regularly exchanged through Frontex's long-standing Western Balkans risk analysis network. Other such networks include Eastern European borders, Turkey and countries involved in AFIC.

In 2016, Frontex started training the so-called Libyan Coast Guard in the Mediterranean Sea in cooperation with European naval forces participating in the Operation Sophia[9]. The fact that some members of the Libyan local authorities are involved in smuggling activities[10] may be controversial, although that has not prevented the EU and Member States – particularly Italy – from strengthening the capacity of that country's coastguard. This approach is based on similar tactics applied off the coast of Senegal and Mauritania during the Operation Hera, which was launched to manage population movements and detain irregular migrants along the West African route, ranging from the west coast of Africa to the Canary Islands in Spain.

In addition to training Libyan staff, information exchange is used. Surveillance of the Mediterranean by aircraft, boats, drones and other means – information processed by Eurosur – allow the Libyan coast guard to be informed of the location of boats in danger. Nevertheless, this method is highly controversial as it may lead to abuse by officers. Accusations of complicity in illegal actions have increased in line with the scale and scope of the Agency's activities. The first of them was the Operation Hera, which was launched in the Atlantic in 2006 in response to a surge in the number of people arriving by sea from West Africa to the Canary Islands. Since then, joint operations coordinated by the Agency have

[8]   I. Goldner Lang, *Financial Implications of the New Pact on Migration and Asylum: Will the Next MFF Cover the Costs?*, [online], https://eumigrationlawblog.eu/financial-implications-of-the-new-pact-on-migration-and-asylum-will-the-next-mff-cover-the-costs/?print=print, [accessed: 2.12.2021].

[9]   *Frontex helps train Libyan Coast Guard*, [online], https://frontex.europa.eu/media-centre/news/news-release/frontex-helps-train-libyan-coast-guard-zxRCnE, 13.12.2016 [accessed: 4.12.2021].

[10]   M. Micallef, T. Reitano, *The anti-human smuggling business and Libya's political end game*, Institute for Security Studies, 2017.

been conducted by Italy, Greece, Hungary and Croatia. The Agency is also active on Greece's land borders with Albania and Macedonia, although a decline in the level of cooperation with the Agency makes it difficult to compile a comprehensive list of migrant deployments.

The new competences conferred on the Agency in recent years have enabled it to take a more active role in launching and coordinating operations. In the majority of cases, missions are initiated at the request of the Member State, although Frontex can at present also propose operations to countries on the basis of its risk analyses. If the authorities reject the offer, they must justify the reason. Should the situation be considered sufficiently urgent, the EU Council can oblige the Member State to accept Frontex's involvement[11].
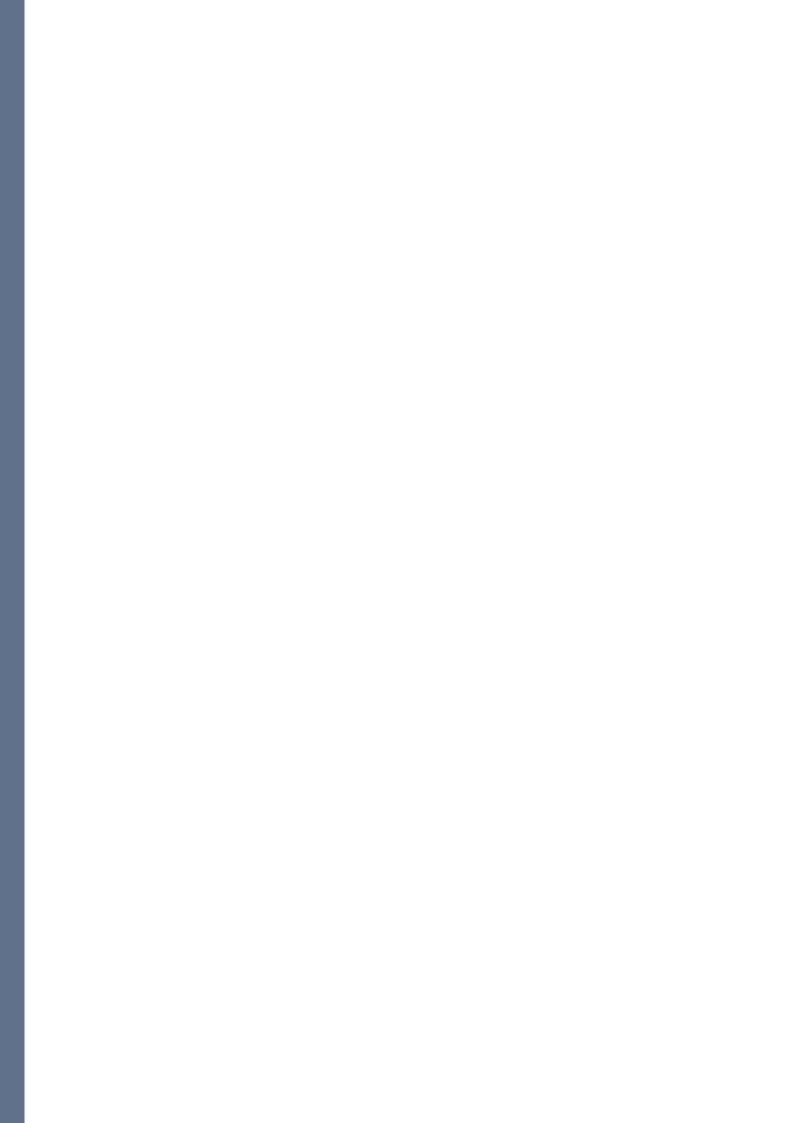
Following the migration crisis that began in 2015, Frontex was assigned a key role in the surveillance of known hotspots in Greece and Italy in order to help control, register and identify individuals entering the EU. According to the definition, hotspots are "sections of the EU's external border or a region under extraordinary migratory pressure, requiring strengthened and coordinated support from EU agencies"[12].

In September 2020, the European Commission proposed the New Pact on Migration and Asylum. It envisaged new rules for the "checks" of irregular people arriving in the EU, which included checking identity, security and health. Under these rules, the place where the inspection takes place shall not be considered EU territory, which raises serious questions about the availability of legal guarantees and safeguards.

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[11]   *Questions & Answers: the new European Border and Coast Guard Agency*, [online], https://europa.eu/rapid/press-release_MEMO-16-3308_pl.htm, 6.10.2016 [accessed: 28.11.2021].
[12]   *Managing the refugee crisis: State of Play of the Implementation of the Priority Actions under the European Agenda on Migration*, Brussels, 14.10.2015 [online],
https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52015DC0510, [accessed: 8.12.2021].
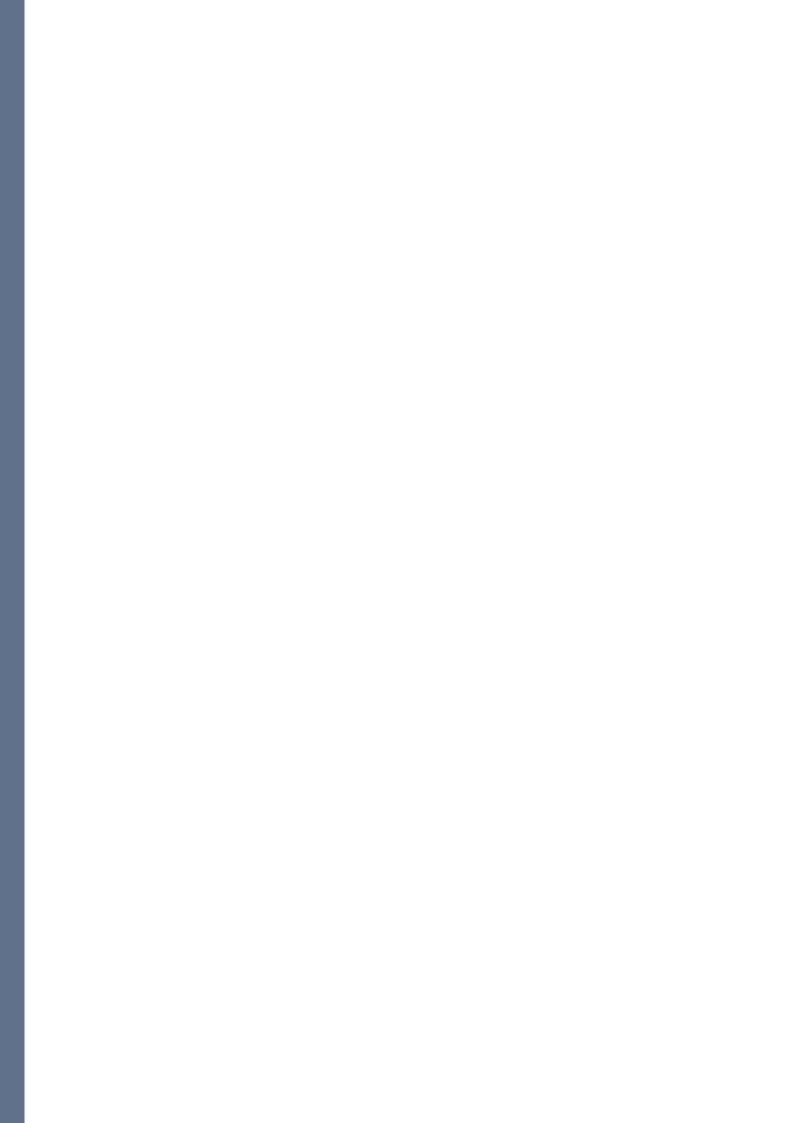
European Asylum Support Office

The European Union is working to consolidate and improve the common asylum system. The EASO supports its implementation using a bottom-up approach and its aim is to ensure that individual asylum cases are processed in a consistent manner by all Member States.

The changes implemented in 2020 focused on generally improving the efficiency of the asylum procedure. In Austria, for instance, the new coalition government announced in its 2020–2024 programme a comprehensive migration strategy based on a clear separation of migration and asylum. The plan was to shorten the asylum procedure (it should not exceed six months) and to modernise it through the application of new technologies[13]. Several countries adopted amendments to their internal legislation in order to improve the asylum procedure. In Bulgaria, the Asylum Act was amended in October 2020, which would result in fast and efficient processing of documents while ensuring respect for all rights and bring national legislation more in line with the European Commission's recast directive on asylum procedures and recommendations. In Estonia, the Law on Granting International Protection to Foreigners was amended on 27 June 2020. It now specifies that the Police and Border Guard Board (PBGB) may request assistance from EASO and, on the basis of an international agreement or EU act, may participate in the examination of an application for asylum on the territory of another country.

Apart from the collection of information and its exchange between the Member States, it is worth considering a uniform asylum policy for all European Union countries, which could ensure greater transparency and control over the entire process of granting asylum status and possible relocation.

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[13] *Aus Verantwortung für Österreich – Regierungsprogramm 2020–2024*, Wien 2020.

EU asylum policy

Asylum policy based on the division into "safe countries of origin" seems to be very controversial. According to Article 36 of the Directive of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection, "a third country designated as a safe country of origin may, after an individual examination of the application, be considered as a safe country of origin for a particular applicant only if he or she has the nationality of that country; or he or she is a stateless person and was formerly habitually resident in that country, and he or she has not submitted any serious grounds for considering the country not to be a safe country of origin in his or her particular circumstances and in terms of his or her qualification as a beneficiary of international protection in accordance with Directive 2011/95/EU. Member States shall lay down in national legislation further rules and modalities for the application of the safe country of origin concept"[14].

There are two main reasons why the administrative geopolitics of the safe space declaration has created new risks for migrants. The change in terminology assigned to various dangerous countries to "safe countries of origin", "safe countries of asylum" and "safe third countries" allows refugees to be deported to places that are not actually safe for most returnees (such as Turkey, for instance). By creating endless delays in determining deportability to these dangerous "safe" spaces, the administration's actual implementation of "safe country" principles has allowed refugees to be held unlimitedly in increasingly unhealthy and dangerous camps. The fundamental problem with EU declarations of "safe space" is the manner in which they limit the legal responsibility of Member States to protect refugees.

The Common European Asylum System (CEAS) establishes minimum standards for the treatment of all asylum seekers throughout the Community. The migration crisis has thus highlighted the need to reform EU rules in this area. The framework of agreed rules

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[14]   https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32013L0032 [online] [accessed: 8.12.2021]

establishes common procedures for international protection and uniform conditions for persons granted refugee status or subsidiary protection (under the Geneva Refugee Convention Protocol) and aims to:

- ensure fair and humane treatment of applicants for international protection,
- harmonise asylum systems in the EU and reduce the differences between Member States on the basis of binding legislation,
- strengthen practical cooperation between national asylum administrations and the external dimension of asylum[15].

Based on the trends observed in 2019, the number of asylum applications lodged in Europe continued to rise in early 2020, exceeding the rates of the same period in the previous year[16]. Presumably, the increase in the number of asylum applicants, who are seeking refuge in Europe would have continued throughout the year had the world not stopped in the middle of a global pandemic. Since March 2020, the number of applications lodged in EU countries has fallen rapidly as blockades, travel bans and measures to curb the spread of COVID-19 have been implemented. Overall, EU countries received almost a third fewer applications for international protection in 2020 compared to 2019[17]. To ensure continued access to the asylum procedure, Member States have turned to digital solutions and changed the organisation of work.

The presentation of the Pact on Migration and Asylum and the proposals for related legal instruments relaunched the discussion on effective and humane management of the movement of people in Europe. The European Commission's holistic approach to coordinating an inclusive consultation process and its efforts to thoroughly integrate the links between the different areas of migration and asylum policy into one coherent approach were received positively, as was the genuine effort to meet the diverse needs of the different EU Member States. Although divergent views seem to persist among Member States on some aspects of the proposed migration and asylum policies, the proposals put forward by the European Commission provide a basis for further constructive dialogue at a technical and political level during the legislative process. Among the positive reactions, there have also been voices – from both state and non-state entities – highlighting areas where more can be achieved.

Obviously, the COVID-19 pandemic had a profound impact on both migration movements and the functioning of asylum systems in Europe. Recognising entirely the difficulties faced by Member States in implementing relevant EU legislation during the pandemic,
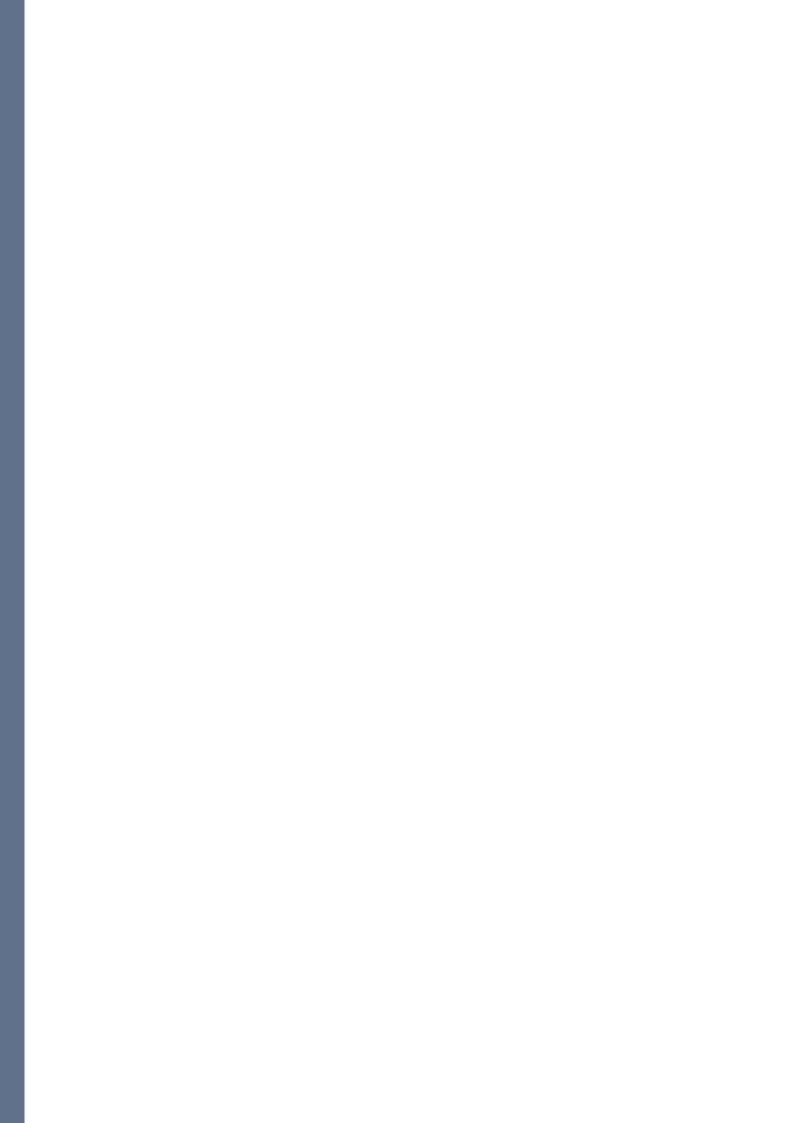
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[15]   *Common European Asylum System (CEAS)*, [online], https://ec.europa.eu/home-affairs/pages/glossary/common-european-asylum-system-ceas_en, [accessed: 5.12.2021].

[16]   *Asylum statistics*, [online], https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Asylum_statistics, [accessed: 5.12.2021].

[17]   Ibidem.

the European Commission issued a communication providing guidance on ensuring the continuity of asylum and return as well as resettlement procedures.

Attempting to continue providing services while complying with the new rules, Member States have digitised many stages of the asylum procedure and developed and implemented new electronic systems. Many of these developments can remain on a more permanent basis to increase the efficiency of asylum systems, while others can be used as methodological benchmarks in case EU countries are called upon to face similar challenges in the future.
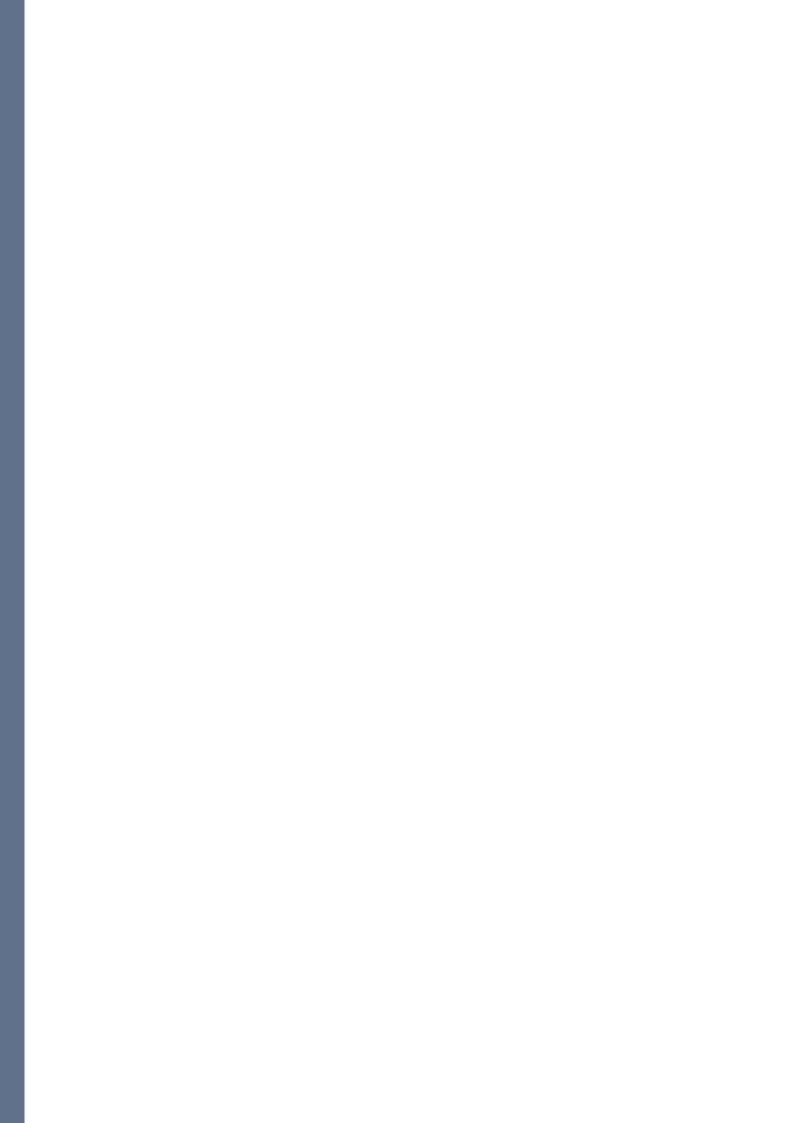
Other aid organisations

The EU Agency for Law Enforcement Cooperation (Europol) operates the European Migrant Smuggling Centre (EMSC), which was established after a period of highly dynamic irregular migration, in which particularly vulnerable displaced persons mostly travel in large groups across the Mediterranean Sea and then the external land borders into Europe towards their desired destination countries. The smuggling of migrants has rapidly developed into a highly lucrative form of criminal activity, which involves the circumvention of maritime border countermeasures applied in solidarity by EU Member States and its agencies. These facilitations frequently took the form of a hazardous sea crossing on a totally unsuitable and overcrowded vessel.

Thus, addressing this multi-billion-dollar trade has become an essential part of the EU's response to the migration crisis. In fact, the EU's 2015 Agenda on Migration specified that the fight against the smuggling of migrants is the priority[18]. Supporting the police and border authorities in coordinating highly complex cross-border anti-smuggling operations has therefore become the main purpose of the EMSC, assuming close cooperation with EU partner agencies: European Union Agency for Criminal Justice Cooperation (Eurojust) and Frontex.

The International Organization for Migration (IOM) conducted a series of interviews with over 9 000[19] migrants and refugees who crossed the Mediterranean. For those travelling via the Central Mediterranean route, traumatic individual experiences affected them mainly in Libya (92% of all cases). In contrast, as regards those travelling along the Eastern Mediterranean route, incidents involving direct experience of trafficking occurred mainly in Turkey (78% of all cases).

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[18]   S. Carrera, S. Blockmans, D. Gros, E. Guild, *The EU's Response to the Refugee Crisis Taking Stock and Setting Policy Priorities*, "CEPS Essays", No. 20, 16 December 2015.

[19]   International Organization for Migration, *Flow monitoring surveys: the human trafficking and other exploitative practices indication survey*, [online], https://www.iom.int/sites/g/files/tmzbdl486/files/dtm/Mediterranean_DTM_201801.pdf, [accessed: 5.12.2021].

The EU's fight against terrorism

It should be added that an important element in managing migration in the context of international security is having instruments to respond to threats. In view of the increase in acts of terrorism in the countries of the European Union, as well as attacks carried out by people coming from other continents to Europe, in the process of analysing the capability of European institutions to respond specifically to mass migration, it is worth defining their scope of action in the case of events of a terrorist nature[20].
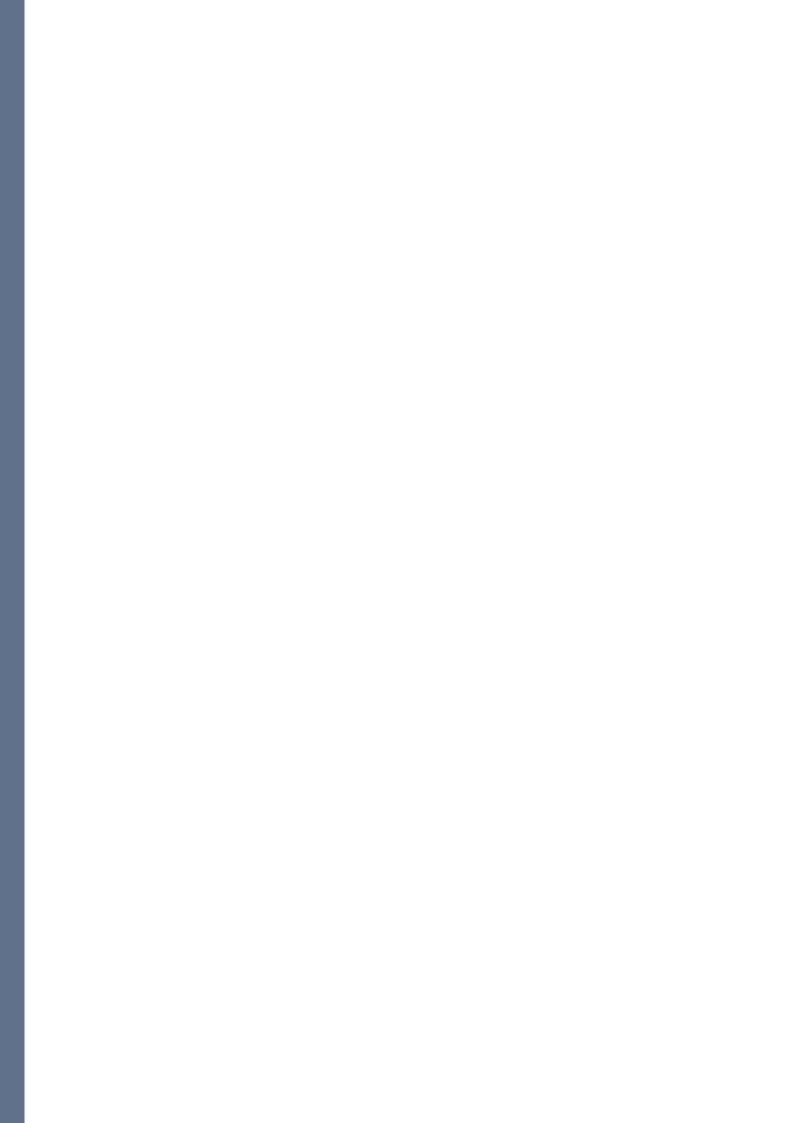
The fight against terrorism in the EU, due to its internal presence, is mainly carried out through the instruments of national law. The international law provides a legal and practical supplement as well as the centre for actions involving several entities simultaneously. The international cooperation strengthens the activity of the national system and increases the capacity to involve more entities, which can contribute to maintaining or restoring the required level of security[21].

A number of institutions, specialised agencies and counter-terrorism initiatives have been established in order to combat terrorist threats and ensure security in the European Union, including:

- the EU Counter-Terrorism Coordinator,
- the EU Agency for Law Enforcement Cooperation (EUROPOL),
- the EU Agency for Criminal Justice Cooperation (EUROJUST),
- the Counterterrorism Group,
- the EU Working Party on Terrorism (TWP),
- the EU Police Working Party on Terrorism,
- the EU ATLAS Group,
- the Standing Committee on Operational Cooperation on Internal Security (COSI),
- the Terrorist Finance Tracking Programme (TFTP).

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[20] A. Olech, *Walka z terroryzmem. Polskie rozwiązania a francuskie doświadczenia*, Warszawa 2021.
[21] J. Zalewski, *Systemy antyterrorystyczny w Polsce na tle regulacji prawnych Unii Europejskiej* [in:] *Bezpieczeństwo narodowe Polski: zagrożenia i determinanty zmian*, eds. A. Chabasińska, Z. Czachór, Warszawa 2016, p. 225.

Effectiveness of actions

The EU and its Member States are intensifying their efforts to establish effective, humane and secure European migration policies. The European Council plays an important role in these efforts by determining priorities. On the basis of the above, it establishes guidelines for action and grants mandates for negotiations with third countries. It also passes laws and defines specific programmes. Over the past few years, the EU and the Council have developed a strong response to migratory pressures.

In October 2015, the Luxembourg Presidency launched the Integrated Political Crisis Response (IPCR)[22] arrangements. They provide practical instruments to assist in coordinating the political response to a crisis by associating key entities.

The Eastern Mediterranean route is chosen by irregular arrivals to Greece, Bulgaria and Cyprus. In 2015, a large number of refugees seeking refuge from the war in Syria arrived in the EU via this route. Since then, the number of irregular migrants on this route has decreased significantly due to cooperation between the EU and Turkey. In contrast, irregular incomers to Spain travel via the Western Mediterranean route. They enter both by sea to mainland Spain and by land to the Spanish enclaves of Ceuta and Melilla in North Africa. It is mainly used by migrants from Algeria and Morocco, although people from a number of sub-Saharan African countries also try to reach Europe via this route. Spain experienced a decrease in arrivals after the 2018 peak for various reasons[23]. One of the main factors was the beginning of close EU cooperation with Morocco to strengthen border control and combat migrant trafficking. The West African route mainly refers to transports to the Canary Islands in the Atlantic Ocean. In 2020, it became the most used sea route to Spain, having ten times more

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[22]   Council of the European Union, *Migratory crisis: EU Council Presidency steps up information sharing between member states by activating IPCR*, [online], https://www.consilium.europa.eu/en/press/press-releases/2015/10/30/migratory-crisis-activating-ipcr/, 30.10.2015, [accessed: 7.12.2021].

[23]   European Council, *EU migration policy*, [online], https://www.consilium.europa.eu/en/policies/eu-migration-policy/, [accessed: 4.12.2021].

arrivals than in the same period of the previous year[24]. This departing base from Morocco, Western Sahara, Mauritania, Senegal and Gambia – represented over half of the destination journeys to Spain. The Central Mediterranean route is used by irregular migrants to Italy and Malta. Migrants from sub-Saharan Africa and North Africa pass through Tunisia and Libya on their way to Europe. In contrast, this route was the most used route in 2015–2017. After two years of recording lower numbers of irregular migrants on the route, the figure increased significantly in 2020.

Following the political upheaval in Belarus and restrictive measures adopted by the EU, flights and internal travel began in June 2021 to facilitate the transit of migrants to the EU, first to Lithuania and thereafter to Latvia and Poland. Most of them were citizens of Iraq, Afghanistan and Syria. At the European Council on 24–25 June 2021, the EU leaders condemned any attempt to instrumentalise refugees for political purposes by third countries[25]. On 22 October 2021, they announced that the EU would continue to counter the ongoing hybrid attack by the Belarusian regime by, inter alia, introducing further restrictions on natural and legal persons[26].

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[24] Ibidem.

[25] *EU condemns use of migration as pressure tool*, [online], https://www.ekathimerini.com/news/1170424/eu-condemns-use-of-migration-as-pressure-tool/ , 23.10.2021, [accessed: 7.12.2021].

[26] R. Emmott, *EU envoys say "hybrid attack" is legal basis for new Belarus sanctions*, [online], https://www.reuters.com/world/europe/eu-envoys-say-hybrid-attack-is-legal-basis-new-belarus-sanctions-2021-11-10/, 10.11.2021, [accessed: 8.12.2021].

The future of migration

The climate crisis is affecting the modern world because the Earth's environment is changing more rapidly nowadays than ever before in the history of civilisation. As defined by modifications in average weather conditions that persist for many decades or longer, the climate change includes variations in temperature, in rainfall patterns, in the frequency and severity of certain weather events, as well as other features of the climate system. Accompanied by physical, social and economic transformations, climate change can undermine food, water and economic security. Secondary impacts of this process may include population displacement, loss of livelihoods, weakening of governments, as well as in certain cases political instability and conflicts.

The findings of the Groundswell report forecast that there may be up to 216 million internal climate migrants worldwide by 2050[27]. Climate migration hotspots may begin to emerge as early as in 2030, as people leave places where they can no longer survive and move to areas that offer opportunities. According to the report, water shortages, falling crop yields and rising sea levels will motivate such migrations. People generally decide to leave either following multiple seasons of crop failure or year after year of storm surges destroying their homes and schools as well as polluting their drinking water with salt. Depending on collective global action taken nowadays, the trajectory of internal climate migration over the next half-century may be shortened by up to 80% – to 44 million people – by 2050[28].

In 2010, La Faute-sur-Mer, a wealthy resort on France's Atlantic coast, was hit by Xynthia, a powerful storm accompanied by rising seas. A hundred years ago a storm of this magnitude would not have caused damage, however rising sea level caused widespread flooding, killing 29 of the local residents[29]. In contrast to the victims of global warming in poor countries, the

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[27]   V. Clement et al., *Groundswell Part 2: Acting on Internal Climate Migration*, Washington 2021.

[28]   Ibidem.

[29]   *French mayor jailed over floods that left 29 dead*, [online], https://www.thelocal.fr/20141212/french-mayor-jailed-over-floods-that-killed-29/, 12.12. 2014, [accessed: 8.12.2021].

1 000 people who lost their homes were compensated for their displacement by the French state. However, approximately 400 decided to leave the city permanently[30]. Nevertheless, the emotional trauma and wounds of losing homes or loved ones remain the same everywhere.

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[30]   L. Montalto Monella, *How a deadly storm turned a French resort into a climate change laboratory*, [online], https://www.euronews.com/2020/02/27/how-a-deadly-storm-turned-a-french-resort-into-a-climate-change-laboratory-chapter-1, 24.03.2020, [accessed: 1.02.2021].

Many perspectives

Themes concerning the use of migrants by the authorities as a specific element of a policy aimed at extorting certain profits increasingly lead to the securitisation of migration. Securitisation is a process of social construction that pushes the realm of regular politics into the realm of security, invoking a rhetoric of discursive emergence or threat and danger to justify taking extraordinary measures[31].

The situation in which migrations are perceived as a threat to security may lead to attempts not only to reduce it and combat organised crime or trafficking of people, but also to protect the socio-political integrity of the state, which in a broader perspective may result in discrimination against individuals having refugee experience. The justification for the use of "pushbacks" motivated by strengthening the security of the EU's external borders cannot be disregarded either. "Push-back" means a set of state measures by which refugees and migrants are forced to return across the border – usually immediately after crossing it – with no regard for individual circumstances and no opportunity to apply for asylum[32].

Moreover, mafia structures are also extensively involved in the movement of the population. According to the first comprehensive analysis of official data on the criminalisation of refugees and asylum seekers in Italy, since 2013, the Italian police have arrested more than 2 500 migrants for smuggling or assisting in illegal immigration[33]. The report by Arci Porco Rosso, NGO Alarm Phone and non-profit organisation, Borderline Sicilia found evidence of police officers offering newcomers immigration papers and other inducements to persuade

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[31] O. Weaver, B. Buzan, W. de Jaap, *Identity, Migration and the New Security Agenda in Europe*, London 1993.
[32] E. McDonnell, *Realising the Right to Leave during Externalised Migration Control*, [online] https://www.ejilt-alk.org/realising-the-right-to-leave-during-externalised-migration-control/, 27.09.2021, [accessed: 7.12.2021].
[33] *From the Sea to Prison. The criminalisation of migration in the report by Arci Porco Rosso and Alarm Phone*, [online], https://www.borderlinesicilia.it/en/news-en/from-the-sea-to-prison-the-criminalisation-of-migra-tion-in-the-report-by-arci-porco-rosso-and-alarm-phone/, translated from Italian by S. Krause, 15.10.2021, [accessed: 7.12.202]1.

them to testify against suspected boat drivers, who in certain cases were asylum seekers forced by arms traffickers to navigate refugee boats.

Corruption also appears to be a pressing problem. The European Anti-Fraud Office (OLAF) has published findings revealing the prevalence of corruption, in the context of migration, particularly in Italy. The country links the misuse of funds to notorious organised crime networks and public officials.

The impact that the very process of moving from one country to another and the attitude of the destination country may have on migrants is also worth considering. In the long term, this may affect the functioning of individuals and their ability to assimilate. The management of migrants, refugees and their relocation within countries is also a separate issue. It is worth emphasising that each of the 27 Member States has differently prepared detention centres, which also perform extremely important role in the further fate of persons waiting for the granting of refugee or asylum status. Access to basic food and hygiene facilities, sanitation, medical or psychological assistance should be the standard. Furthermore, a common policy on the relocation of migrants would allow for a transparent distribution of funds to Member States for the creation or improvement of the existing centres.
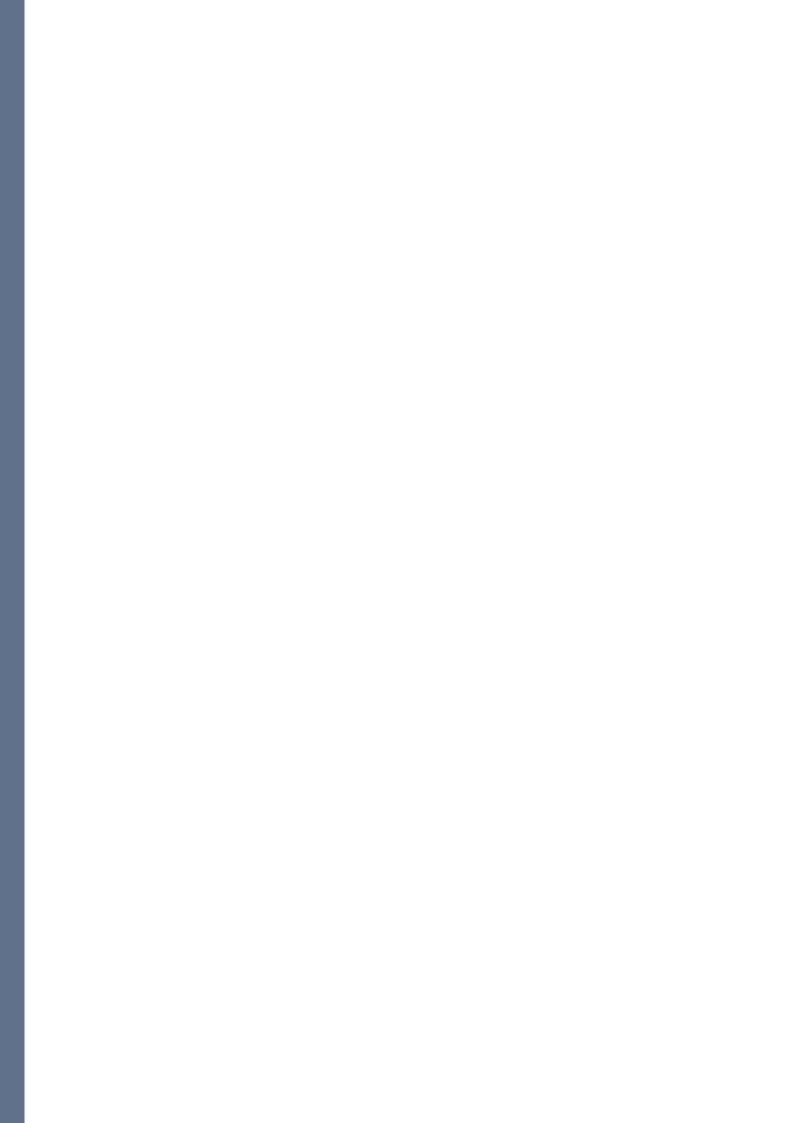
Conclusion

Migration management from the perspective of the European Union is an extremely complex and complicated issue, which consists not only of top-down adopted laws and procedures at the highest levels of government, but also the level of efficiency of their enforcement in each Member State. However, particular EU countries face diverse internal challenges, which also directly impact on their ability to implement top-down recommendations as well as to control and ensure their proper course. The humane and effective management of migration will be increasingly important, for instance, because of the population growth deceleration in most developed countries, where immigration is becoming a key source of population sustenance in the future.

The use of migration to fight for one's own interests, as well as climate change, will be increasing problems that the EU will have to manage while simultaneously adapting to them. A permanent relocation mechanism with joint efforts and mandatory quotas ought to be implemented. A unified asylum and relocation system would enable more transparent and verifiable management processes in which both EU and Member State structures would be closely involved.

The inability to manage migration routes primarily reveals the weakness of the European Union as an organisation, which is struggling with a number of internal disputes. Furthermore, the inability to enforce EU directives transparently also demonstrates the internal problems of each of the Member States. Migration crises will only increase, therefore, for instance, the French Republic – taking over the Presidency of the Council of the EU[34] – should propose common solutions, because this country currently faces significant problems with people who are illegally settled, and thus it would also benefit from it.

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[34]   A. Olech, *10 przykazań Francji w polityce zagranicznej w trakcie prezydencji w UE*, https://trimarium. pl/10-przykazan-francji-w-polityce-zagranicznej-w-trakcie-prezydencji-w-ue, [accessed: 18.12.2021].

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Rola europejskich instytucji w zarządzaniu masowymi migracjami

dr Aleksander Olech

Streszczenie

Masowe migracje w kierunku państw członkowskich Unii Europejskiej, które rozpoczęły się w 2015 r., ukazały brak odpowiedniego przygotowania i współpracy pomiędzy krajami. Coraz częściej rządy uciekają się do sekurytyzacji zjawiska migracji oraz jego wykorzystywania do prowadzenia polityki. Wiąże się to m.in. ze stosowaniem kontrowersyjnych metod, takich jak „push-back", które w długoterminowej perspektywie nie wpływają pozytywnie na osoby o nieudokumentowanym statusie oraz nie przyczyniają się do poprawy systemu koordynującego przepływ ludności. W artykule przeanalizowano rolę i kompetencje europejskich instytucji, takich jak Frontex czy Europejski Urząd Wsparcia w dziedzinie Azylu, w zakresie zarządzania migracjami, podkreślając jednocześnie wagę współpracy i solidarności wśród państw członkowskich. Pomimo upływu kilku lat UE wciąż nie wypracowała skutecznych, przejrzystych mechanizmów pozwalających na efektywne zarządzanie migracjami.

Słowa kluczowe

migracje, Unia Europejska, Frontex, granica, migrant

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