

## Ukraine crisis implications on EU migration policy and security

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### Abstract

The year 2021 and the early months of 2022 have seen an increase of people aiming the borders of the European Union, after a quiet period during 2020 due to Covid-19 pandemic and restriction of movement and closure of the borders. The war in Ukraine that started in 24 February 2022, from Russian army made the geopolitical situation more complex and unsecure, with a new wave of people fleeing from their country and seeking refuge in the European Union countries. This new wave of refugees came in a time when EU is still dealing with migration management from other routes and other countries. Moreover, EU is still working and delivering on reforming the Common European Asylum System (CEAS) and on implementing the Pact on Migration and Asylum. Many EU countries are actually affected by the implications of the war in Ukraine. This is the case of Slovakia, a state that was not greatly affected by the migration crisis of 2014-2015 (that followed the civil war in Syria and destabilization in some of the countries in Middle East and Africa) but now counts more than 100 000 Ukrainian citizens staying in. For the first time, in an unprecedented way, only eight days after the start of the war, European Union activated the Temporary Protection Directive 2001/55/EC (TPD) with the main aim to protect the fundamental rights of those fleeing the war and offering them a clear legal status and protection to all EU. This was the first time this Directive was activated even though it is adopted more than 20 years ago. The war in Ukraine is having also security implications, when many Member States are reintroducing internal borders controls. In fact, during the recent years the reintroduction of the borders checks has been more frequent and has been used as a mechanism from the majority of the EU countries. It is estimated that since 2015 the controls at the internal borders have been reintroduced more than 280 times.

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## **EU Migration Policy and reformation of EU migration legislation**

The year 2021 and the early months of 2022 saw an increase of people aiming the borders of the European Union (EU), after a quiet period during 2020 due to Covid-19 pandemic and restriction of movement and closure of the borders. It is estimated that the number of first-time asylum seekers in 2021 in EU is higher than those in 2020, with 535 000 applications from 150 countries. In 2020 this number was 417 100 and in 2019 was 631 300 (the highest in last five years for the EU).<sup>1</sup> The UNHCR data estimates that nowadays more than 84 million people are forcibly displaced worldwide, where top five countries of origin include: Syria, Venezuela, Afghanistan, South Sudan and Myanmar (in descending order).<sup>2</sup> Regarding the people aiming EU, the top three countries of origin include Syria, Afghanistan and Iraq, where 18% of all first-time asylum applicants are from Syria. Germany is the largest host country in EU, followed by France and Spain.<sup>3</sup>

The war in Ukraine that started in 24 February 2022, from the Russian army made the geopolitical situation more complex and unsecure, with a new wave of people fleeing from their country and seeking refuge in the European Union states. This new wave came in a time when EU is still dealing with migration management from other routes and other countries. Moreover, European Union is still working and delivering on reforming the Common European Asylum System (CEAS) and on implementing the Pact on Migration and Asylum. The CEAS consists of a number of Directives and Regulations including: *the Asylum Procedures Directive* that harmonises the asylum procedures; *the Reception Conditions Directive* that ensures that there are humane material reception conditions for asylum seekers and that the fundamental rights of the persons concerned are fully respected; *the Qualification Directive* that clarifies the grounds for granting international protection; *the Dublin Regulation* that contains the rules establishing the state responsible for examining asylum applications and *the Eurodac Regulation* that establishes the Eurodac system in order to allow comparison of fingerprints. These legal acts through Pact on Migration are aimed to be amended and updated, what new legislation is also proposed by the EC in order to replace them for an effective and better management of asylum issue.

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<sup>1</sup> European Commission, Eurostat, (2022). *Asylum seekers in the European Union: the 2021 situation*, Publications Office of the European Union. <https://data.europa.eu/doi/10.2785/038970>

<sup>2</sup> European Union Agency for Asylum (EUAA), (2022), *Asylum Report 2022 - Annual Report on the Situation of Asylum in the European Union*, Publications Office of the European Union, pg. 20

<sup>3</sup> European Commission, Eurostat, (2022). *Asylum seekers in the European Union: the 2021 situation*, Publications Office of the European Union. <https://data.europa.eu/doi/10.2785/038970>

In 2022 in its first seven months, it is witnessed an increase in asylum applications from established routes<sup>4</sup> and Ukrainian people compared to the same period in 2021 from around 290 000 applications to almost 480 000.<sup>5</sup>

As data show the number of irregular arrivals along all the Mediterranean routes was 116 610, a 39% increase compared to the same period in 2021 and a 47% increase compared to the same period in 2019.<sup>6</sup> The Western Balkans route is also still very active which is used mostly on irregular border crossing and migrant smuggling from WB countries to EU border. Thus, around 86 000 border crossings in irregular way are detected, which means a triple of the number of detected irregular border crossings from 2021 and it is around ten times higher than the total in 2019. Syrians were the main nationality detected using this route, followed by Afghan and Turkish people<sup>7</sup>.

On the other hand, around 21 600 asylum applications were lodged in this period by Ukrainian nationals<sup>8</sup>, mostly in the first days of war, the number decreased after the put in force of the Temporary Protection Directive. This situation has changed the status quo to many EU countries that until recently were not receiving a huge number of migrants from the other routes. This is the case of Slovakia, a state that was not greatly affected by the migration crisis of 2015-2016 (that followed the civil war in Syria and destabilization in some of the countries in Middle East and Africa). The data show that first-time application for asylum in Slovakia during 2015-2020 are in the levels of 150-250 per year<sup>9</sup>. The outbreak of the war in Ukraine has affected that in 2022 this level to be doubled, with 450 applications received.<sup>10</sup> Yet, if compared with the number of Ukrainian citizens in Slovakia, the numbers are not substantially increased. This comes as a consequence of the implementation of

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<sup>4</sup> Established routes of irregular arrivals include: Central Mediterranean route, Eastern Mediterranean route, Western Mediterranean/Atlantic route, Western Balkans route and Eastern border with Belarus. From each route used, the main countries of origin include: Tunisia, Egypt and Bangladesh; Syria, Nigeria and Turkey; Morocco, Algeria and Senegal; Syria, Afghanistan and Turkey; and Belarus.

<sup>5</sup> European Commission. (2021, September 29). *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the Report on Migration and Asylum*. COM (2022) 740 final, [https://ec.europa.eu/info/sites/default/files/com\\_2022\\_740\\_1\\_en\\_act\\_part1\\_v4.pdf](https://ec.europa.eu/info/sites/default/files/com_2022_740_1_en_act_part1_v4.pdf) pg. 9

<sup>6</sup> Ibid, pg. 9

<sup>7</sup> Ibid, pg. 8

<sup>8</sup> European Commission. (2022, June 10). *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the Report on Migration and Asylum*. COM (2022) 740 final, [https://ec.europa.eu/info/sites/default/files/com\\_2022\\_740\\_1\\_en\\_act\\_part1\\_v4.pdf](https://ec.europa.eu/info/sites/default/files/com_2022_740_1_en_act_part1_v4.pdf) pg. 9

<sup>9</sup> European Commission, Joint Research Centre, Alvarez Alvarez, M., Belmonte, M., Kalantaryan, S. (2021). *Atlas of migration 2021*, Publications Office of the European Union. <https://data.europa.eu/doi/10.2760/979899>

<sup>10</sup> Data received during the interview with representative of Ministry of Interior and representatives of Migration Office in Slovakia, conducted on 29 and 30 November 2022 respectively.

Temporary Protection, and it is easily understood that Ukrainian citizens would prefer the immediate protection that is granted by this Directive, than to go under the lengthy procedure of asylum-seeking.

This new wave of displaced people coming in Europe has put the pressure to European institutions and Member States for taking the necessary measures on accommodating and protecting them, but also raised once again the need for a more swift and unified response of the EU toward managing of the migration and protection of human rights. As the New Pact for Migration was published by the European Commission in September 2020, a number of amendments and new regulations are planned to be achieved and during these two years the EU institutions have been tracking the process and the progress made in this regard. The main objective of this ambitious Pact is to find a balance between responsibility and solidarity among Member States and EU institutions, as a lesson learned from the way how the refugee crisis of 2015-2016 was handled by EU institutions and especially by Member States.

More importantly, the refugee crisis brought out the flaws of the Dublin System, implying that there was a crisis of EU Asylum policy and despite the efforts for updating the relevant Dublin Regulation<sup>11</sup>, still the solution has not been found. The management of the so-called Syrian refugee crisis was characterized by a lack of coordination and lack of the solidarity that Member States (MS) showed firstly towards refugees and people who were in need for protection, and secondly even towards each-other. Consequently, some of the Members States were ‘overburdened’ in receiving and hosting the migrants like Greece and Italy.

This situation was created, because the Dublin System did not foresee the ‘sharing of responsibility’ among Member States when there are situations of huge influx of asylum applications. As the regulation stipulates, the asylum-applicant must lodge their application to the first EU country they arrive. Incidentally, those countries that are in external borders of EU such as Greece, Italy or Malta are easily overburdened with asylum-applicants and this has negative implications when it comes to providing adequate reception conditions and also can cause the prolonging of the asylum procedure due to heavy workload and in most of the cases combined with lack of administrative staff. Moreover, the Dublin System does not take into consideration the best interest of the

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<sup>11</sup> Dublin Regulation - Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 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) - <http://data.europa.eu/eli/reg/2013/604/2013-06-29>

asylum-applicant and whether they have any preference on where to submit their application given (given their family ties, personal or cultural reasons etc.).

Based on these setbacks identified during the Syrian refugee crisis the European Commission (EC) actually proposed the revision of the Dublin Regulation in 2016, while European Parliament in 2017 proposed the replacement of the first entry criterion with an allocation system. In other terms, the applicant would have the opportunity to choose to be allocated in one of the four MS with fewest applications. In this regard, it could be made possible the share of responsibility between MS, and there could be a relief of burden for countries that were affected by a huge concentration of asylum-applications. Yet the Member States were not able to agree on these proposals<sup>12</sup> and no much developments have occurred until then.

Despite of the efforts of then Juncker-Commission with the adoption of Agenda on Migration, resettlement schemes and the contested agreement of EU with Turkey, it can be assessed that European Union failed to respond to this crisis with efficiency, in a holistic and unified manner and what is essential with the goal to protect the refugee rights and their dignity during the asylum application process.

The New Pact on Migration and Asylum presented by the European Commission in September 2020 aims to tackle the main issues and deficiencies that have been noticed during this refugee crisis and are essential for managing all the other situations and new waves of migration the Europe is currently witnessing. Under the Pact, European Commission during these two last years has proposed a number of Directives and Regulations where some of them are currently adopted by European Council and are now implemented, such as the Regulation on the EU Asylum Agency (EUAA), an agency which substituted European Asylum Support Office (EASO) and started to be operational in January 2022. As described in its own official webpage<sup>13</sup> the EUAA “is an agency of the EU mandated with supporting Member States in applying the package of EU laws that governs asylum, international protection and reception conditions, known as the Common European Asylum System (CEAS)”. EUAA is not a replacement of national asylum or reception authorities, but it aims to make sure that asylum practices in all MS are aligned with the EU obligations and standards when it comes to applicant rights for international protection, reception standards and efficient application procedure. The Agency, thus offers support

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<sup>12</sup> Official webpage of European Commission, Migration and Home Affairs: [https://home-affairs.ec.europa.eu/policies/migration-and-asylum/common-european-asylum-system/country-responsible-asylum-application-dublin-regulation\\_en](https://home-affairs.ec.europa.eu/policies/migration-and-asylum/common-european-asylum-system/country-responsible-asylum-application-dublin-regulation_en)

<sup>13</sup> Official webpage of European Union Agency for Asylum: <https://euaa.europa.eu/about-us/what-we-do>

to MS to achieve these standards and to effectively implement the CEAS through three main pillars of action: technical, operational and through training.

When it comes to common European framework for migration and asylum management, it is seen that even though European Commission has made the necessary proposals, European Council and European Parliament are yet to adopt these proposals, such as a proposed new Regulation on Asylum and Migration Management, proposed amends on Asylum Procedures Regulation and Eurodac Regulation, Screening Regulation and revised Reception Conditions Directive and the Qualification Regulation.<sup>14</sup> The Members States have adopted negotiating mandates and have started negotiations with European Parliament on revised Eurodac Regulation and the Screening Regulation. The new Eurodac proposed aims to help track unauthorized movements and irregular migration, while improving the prospects for returns, to better record the arrivals following search-and-rescue operations, and will complete the interoperability framework. The Screening proposal on the other hand will ensure fast identification of the correct procedure – asylum or return – at the border or within the territory<sup>15</sup>.

Moreover, a Strategy on voluntary returns and reintegration has been adopted by the European Commission since April 2021 while an appointed Return Coordinator within Commission has been operational since June 2022.<sup>16</sup> This Coordinator has already established a High-level Network with involvement of Member States and Frontex representatives, when the very first meeting of this network took place on 8 September 2022. The main tasks of the Coordinator and of the Network established aim to identify the main challenges in European and national level when it comes to effective approach towards returns and to create better links between asylum and return procedure through increase of capacities, strengthening of cooperation between Members States and Frontex, and improvement of legislative framework.

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<sup>14</sup> European Commission. (2022, June 10). *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the Report on Migration and Asylum*. COM (2022) 740 final). Annex.

[https://ec.europa.eu/info/sites/default/files/com\\_2022\\_740\\_1\\_en\\_annexe\\_autre\\_acte\\_part1\\_v3.pdf](https://ec.europa.eu/info/sites/default/files/com_2022_740_1_en_annexe_autre_acte_part1_v3.pdf) pg. 1 - 3

<sup>15</sup> European Commission. (2022, June 10). *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the Report on Migration and Asylum*. COM (2022) 740 final,

[https://ec.europa.eu/info/sites/default/files/com\\_2022\\_740\\_1\\_en\\_act\\_part1\\_v4.pdf](https://ec.europa.eu/info/sites/default/files/com_2022_740_1_en_act_part1_v4.pdf) pg. 17

<sup>16</sup> European Commission. (2022, June 10). *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the Report on Migration and Asylum*. COM (2022) 740 final. Annex.

[https://ec.europa.eu/info/sites/default/files/com\\_2022\\_740\\_1\\_en\\_annexe\\_autre\\_acte\\_part1\\_v3.pdf](https://ec.europa.eu/info/sites/default/files/com_2022_740_1_en_annexe_autre_acte_part1_v3.pdf) pg. 1

Another relevant Strategy published by the Commission is the Schengen Strategy, along with a Proposal to revise the Schengen evaluation and monitoring mechanism, which was sent to the Council to the Parliament for consultation on 2 June 2021. One year later, on May 2022 the Commission published the first State of Schengen Report.<sup>17</sup>

The Pact on Migration has these main goals<sup>18</sup>:

- 1) Reformation of Dublin System for managing asylum
- 2) Reformation of asylum procedures through a common procedure for international protection for all the Union (repeal of Directive 2013/32/EU)
- 3) Amending of the return procedures and to adopt a Strategy on voluntary returns and reintegration
- 4) Amending the Schengen Border rules governing the movement of persons across borders.

These four objectives are directly linked with the stages of the asylum journey for every person who arrives in EU and applies for asylum. In short, the asylum journey<sup>19</sup> consists of these four stages: 1) *pre-arrival stage* – the journey and route followed by the people to reach EU;

2) *arrival stage* – entering the EU border. This means that based on the Dublin Regulation, the first EU state of arrival of the person is the state where they must apply for asylum. This had created a disproportionate responsibility on certain Members States as they are in the outer borders of EU and are the first countries reached by the majority of refugees, such as Greece, Italy, Malta, Spain and Portugal. Thus, as it was seen on the refugee crisis of 2015 these countries did not have the capacities for hosting this huge influx of refugees and did not have the resources to manage their asylum applications. There have been cases where these countries have allowed the asylum-seekers to leave and to go in other EU MS for applying for asylum, which is a direct infringement of the Dublin Regulation.;

3) *application stage* - some of the problems evidenced during this stage are related to accommodation and reception capacities that are not the same in all Member States (the case of camps in Greece where the basic human needs as based to Court of Justice of European Union (CJEU) and European Court of Human Rights (ECtHR) decisions are not achieved and respected). Moreover, asylum-application procedures are not standard for

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<sup>17</sup> European Parliament. (2022, September) *Tracking the EU Commissioners' commitments September 2022 – Margaritis Schinas – Promoting our European Way of life* [Briefing].

[https://www.europarl.europa.eu/RegData/etudes/BRIE/2022/731898/IPOL\\_BRI\(2022\)731898\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2022/731898/IPOL_BRI(2022)731898_EN.pdf)

<sup>18</sup> Ibid

<sup>19</sup> Van Ballegooij, W. & Navarra, C. (October 2018). *The Cost of Non-Europe in Asylum Policy*, European Parliamentary Research Service, pg. 6-7



all MS, where each MS follows its own procedure (different durations and deadline, various levels of recognition rates and outcomes of decisions);  
the final stage is the 4) *post-application* which means the socio-economic integration of the asylum-applicant in the hosting society and provision of all services they need for a qualitative life such as the right for work and education, housing and social welfare.

## **Syrian refugee crisis – main challenges of EU Asylum Policy**

The Syrian crisis that started more than 11 years ago, changed the international geopolitical context and increased the risk for destabilisation not only in the region where neighbouring countries like Turkey, Lebanon, Jordan and Iraq were the first countries to host displaced people from Syria, but also in Europe, when a massive influx of people were seen in the EU borders. Yet, European Union was not ready to answer with an effective response and to find the most optimal solution for this huge number of people. The year 2015 and the year that followed, 2016 are two periods with the highest number of asylum applications in EU, when more than one million people per each year have applied for asylum in one of the Member States of the EU, mostly Syrian nationals.

To better manage this situation the European Commission adopted on 13 May 2015 the European Agenda on Migration with the main objective to have an European response to the situation and to include all actors such as EU institutions, Member States, but also international and humanitarian organizations and local actors. This step taken by then-Juncker Commission was followed by an agreement with Turkey on March 2016, known as EU-Turkey Statement with the objective to manage migration on both sides of the Aegean sea, while reducing the number of irregular arrivals and the loss of lives in the sea, by offering safe and regular routes. In practice this meant, that all irregular migrants arriving from Turkey to Greece, should be return back to Turkey, as Turkey is considered as safe country. Based on Article 38<sup>20</sup> of Asylum Procedure Directive (APD), any Member State can send people back to a safe country. In this case based on this Agreement and on the APD, Greece was allowed to send back to Turkey those Syrian citizens who have entered the country irregularly in Greece.

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<sup>20</sup> Asylum Procedure Directive - Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast), <http://data.europa.eu/eli/dir/2013/32/oj>

This agreement has largely been criticized<sup>21</sup>, yet it had an impact on reducing the flow of people coming from Syria to EU. The mechanism used through this agreement is the one called as 1:1 mechanism, which consists of the rule that for each Syrian national that returns to Turkey, another Syrian national will be resettled to the EU from Turkey directly. 6 years after this agreement it is estimated that 2 100 people have been returned from Greece to Turkey<sup>22</sup>. The latest data are the ones of the year 2020, because Turkey has more than two years that is not accepting any returnee from Greece, causing that many asylum-seekers are stuck in Greece but without further advancement on their asylum application, as Greece has assessed them as not ‘admissible’. This cooperation agreement consists of two pillars<sup>23</sup>: 1-prevent the irregular migration to EU border, with the engagement of Turkey to intercept irregular migrants aiming Greece and to host them in Turkey. The second part is linked with the financial support the EU provides to Turkey for the humanitarian support of the refugees hosted by this country, in protecting their rights and to enable their socio-economic integration. The initial EU financial support for Turkey was 3 billion Euros for 2016 and 2017, that was followed by another 3 billion euros for year 2018. It was also implied that through this cooperation the accession negotiations and visa liberalisation with Turkey would be accelerated, even though due to deteriorating of human rights situation and backsliding of democracy in this country there are not seen any substantial developments until now.

Once more, this agreement came as a solution, highlighting the deficiencies of Dublin system, and with the aim to ‘lessen’ the burden to MS like Greece that was heavily affected by the highest number of refugees and other MS were seen reluctant to be involved in relocation schemes to lift the burden.

Another challenge witnessed was the reception capacity of Greece to host this number of people where their basic needs as stipulated by the Reception Conditions Directive<sup>24</sup> were not met in the camps and most of them were kept in inhuman conditions. This is shown even by many complaints submitted to European Court of the Human Rights and decisions

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<sup>21</sup> Main criticisms are linked with the fact that EU in this pragmatic move made itself dependent on the willingness for cooperation and delivering to an unreliable partner such Turkey, that has a poor record when related to protection of human rights and respect of the rule of law principle. There have been requests also to not You may find more on: Bendel, P. (2017) *EU Refugee Policy in Crisis - Blockades, Decisions, Solutions*, Friedrich Ebert Stiftung. <https://library.fes.de/pdf-files/wiso/13536.pdf> pg. 12

<sup>22</sup> UNHCR (2020, March 31) *Returns from Greece to Turkey (under EU-Turkey statement) as of 31 March 2020*, <https://data.unhcr.org/en/documents/details/75075>

<sup>23</sup> Klesit, O. (March 2022). *Beyond the Crisis Mode of the EU-Turkey Refugee Agreement: Towards Sustainable Rights-based EU Asylum and Refugee Policies*, Heinrich-Böll-Stiftung Thessaloniki

<sup>24</sup> Reception Conditions Directive ensures that there are humane material reception conditions for asylum seekers across the EU and that the fundamental rights of the persons concerned are fully respected;

given against Greece from this Court and also from the Court of Justice of the European Union since 2011<sup>25</sup>.

In Greece only in 2021 there have been 28 thousand asylum applications, while around 31 thousand are pending cases, in most of the times that have been waiting for more than 12 months. From these around 13 thousand have been granted the refugee status, with a rejection rate of 40%.<sup>26</sup>

The main issues that are still going on even recently include – dangerous overcrowding of reception facilities, lack of adequate staff, lack of sanitation and hygiene and lack of medical care. The situation got worse when the pandemic of Covid-19 spread and new measures of quarantine and hygiene were needed while the vaccination process had faced many obstacles and difficulties. *“However, and despite the repeated calls by international and national human rights bodies to address the increasingly desperate situation of refugees and migrants in reception centres in the Aegean islands and the increasing number of Courts’ Decisions dealing with the situation on the Islands, the situation on the Greek Islands remained dangerous and persons there were exposed to significant protection risks throughout 2021 as well.”*<sup>27</sup>

Today, Turkey is the world’s largest refugee-hosting country, that hosts around 3.6 million Syrian nationals<sup>28</sup>. This crisis showed how the problem was not only technical and geopolitical, but first of all it was a humanitarian issue that should be dealt with caution and taking into consideration the dignified and human treatment of the affected people, and more importantly to be in line with all international legislation and human rights international instruments.

In conclusion can be assessed that there is a need for first amending and reforming the legislative framework of the European Union Asylum Policy to adapt it with the emerging

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<sup>25</sup> The assessment of ECtHR is based on the Article 3 of the European Convention on Human Rights, that stipulates that the host country shall provide accommodation and decent material conditions to asylum-seekers who are wholly dependent on State support. ECtHR has concluded that Greece has not met such obligations, meaning that infringing this Article, Greece is not also aligned with both EU Acquis and the RCD itself. See more - M.S.S. v Belgium and Greece, ECtHR, Application No. 30696/09, 21 November 2011, available at: <https://bit.ly/2T7kXLz> ; CJEU, Judgment of 21 December 2011, N. S. and Others, C-411/10 and C-493/10, EU:C:2011:865, available at: <https://bit.ly/3kgRDOm>

<sup>26</sup> European Council on Refugees and Exiles (ECRE), (2021, December 31) *Greece: Country Report 2021*, [https://asylumineurope.org/wp-content/uploads/2022/05/AIDA-GR\\_2021update.pdf](https://asylumineurope.org/wp-content/uploads/2022/05/AIDA-GR_2021update.pdf) , pg. 9-10

<sup>27</sup> Ibid, pg. 180

<sup>28</sup> Human Rights Watch. (2022, October 24). *Turkey: Hundreds of Refugees Deported to Syria*, <https://www.hrw.org/news/2022/10/24/turkey-hundreds-refugees-deported-syria#:~:text=Turkey%20shelters%20over%203.6%20million,not%20granted%20full%20refugee%20status.>

issues and risks in this dynamic situation of migration management. Another challenge was the reception capacity of the some of the MS and the infringement of the migrant rights. The fact that the asylum procedure takes time, it hinders the opportunities of the asylum applicants to be fully integrated in the society, while in most of the cases they are lodged in detention centres. The Dublin System, on the other hand does not give them the opportunity to choose their host country but they are forced to apply in the first country of entry and facing overcrowding reception centres, delay on the asylum procedures and lack of provision of services.

## **EU response on Ukraine crisis – swift response and shared solidarity**

The response of European Union and its Members States towards the humanitarian crisis of people from Ukraine leaving their country was swift and immediate where many actions in legislative and capacity level took place immediately after the start of the aggression of Russia against the said country.

For the first time, in an unprecedented way, only eight days after the start of the war, European Union activated through a Council Implementing Decision 2022/382 on 4 March 2022 the Temporary Protection Directive 2001/55/EC (TPD) with the main aim to protect the fundamental rights of those fleeing the war and offering them a clear legal status and protection to all EU. The Directive provides minimum standards of temporary protection in cases of a mass influx of people leaving their country. Only in 2022 this Directive was activated from EU, even though this Directive was proposed and adopted in 2001 following the conflicts in former Yugoslavia, as a lesson learned of EU response to the Kosovo crisis, where the need for unified and agreed action from all Member States was assessed as essential. Yet, during these 20 years there have been a lot of other conflicts that have led many displaced people to flee and to reach European Union as a safe area, including Syrians, Afghans and other nationalities across the world; but this Directive has never been enforced by the EU.

While more than 7 million people have arrived to EU from Ukraine, data show that over 4.2 million registrations for temporary protection in the 29 EU+ countries (EU Member States, Norway and Switzerland) have been submitted since beginning of the war to 4 September 2022.<sup>29</sup> Hungary, Slovakia, Romania and Poland were the first countries who hosted the first wave of people fleeing, where is estimated that only in the first two months over 2.9

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<sup>29</sup> European Union Agency for Fundamental Rights. (October 2022). *The Russian war of aggression against Ukraine – the Broad Fundamental Rights Impact in the EU*. Bulletin 2. pg.15

million persons have arrived in Poland, around 800 000 in Romania, almost 500 000 in Hungary and around 360 000 in Slovakia.<sup>30</sup> It is important to mention that Slovakia is one of the first countries that started to implement its own Temporary Protection Scheme since the first days of the war in Ukraine, before the decision of the EU for triggering the TPD. Slovakia adopted Act No. 55/2022 Coll on certain measures in relation to the situation in Ukraine in a swift way, in 25 February 2022 and three days later the Government decree on the provision of temporary refuge according to § 29 (2) of Act No. 480/2002 Coll. on asylum was also adopted<sup>31</sup>.

After this decision, Slovakia included into its own national law the implementing decision for activation of Temporary Protection Directive for persons fleeing the Russian war in Ukraine and has been in effect since 17 March 2022.<sup>32</sup> Furthermore, this country on 22 March 2022, adopted the so-called “Lex Ukraine”<sup>33</sup> where amendments of several laws took place in order to address the issues raised due to the situation in Ukraine – offering the people fleeing the war with proper accommodation and access to emergency healthcare. These two legal acts covered the provision of basic services to people from Ukraine fleeing war such as emergency healthcare, offering of information on temporary protection, psychological assistance and food. These services were mostly offered on the border and during registration process in registration centres.<sup>34</sup>

The rights granted by the TPD<sup>35</sup> are linked with access to accommodation, to employment, to welfare system and medical care (Article 13) and to education for persons under 18 years old (Article 14). Additionally, there is the right for family unification (Article 15) and access to banking services. The one who benefits from temporary protection has the right to receive a residence permit for one year with the opportunity to prolong it and might move freely within EU for 90 days within a 190-day period.

Another element is that to apply for the temporary protection, it is not obligatory for the applicant to apply in the first EU country reached, but wherever they want in the EU. This

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<sup>30</sup> European Union Agency for Fundamental Rights. (May 2022). *The War in Ukraine — Fundamental Rights Implications within the EU*. Bulletin 1. pg. 7

<sup>31</sup> Ibid. pg. 28

<sup>32</sup> Interview conducted with representatives of Migration Office in Slovakia on 30 November 2022.

<sup>33</sup> European Union Agency for Fundamental Rights. (2022, May). *The War in Ukraine — Fundamental Rights Implications within the EU*. Bulletin 1. pg. 11

<sup>34</sup> Ibid, pg. 28

<sup>35</sup> Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof, OJ L 212 , 07/08/2001 P. 0012 – 0023, link: <http://data.europa.eu/eli/dir/2001/55/oj>

is the case with the Ukrainians reaching Slovakia, even though it is counted that more than 1 million people have crossed the border of Slovakia, only 10% of them have applied for TPD in Slovakia, where the other share has left the country to apply elsewhere in EU (mostly in Germany or Austria). One third of persons granted Temporary Protection are children. It is assessed that those Ukrainian citizens who have decided to stay in Slovakia had reasons linked with family ties, cultural affiliation or other personal ones.<sup>36</sup> This means that this procedure is very fast and simplified while in some minutes the temporary protection is granted. Also is much more flexible than the asylum-application as there are no conditions for applications and the applicants may choose in which country to apply.

What is of importance to mention, is that this Directive applies only to Ukrainian nationals and other beneficiaries of international protection, but who were residing in Ukraine before the date of aggression. At is seen, the TPD does not include non-Ukrainian nationals who have arrived in EU after 24 February 2022 and are unable to return safely to their country of origin.

But the TPD is not the only measure EU institutions and its MS have been taking to support the fleeing Ukrainians and to make sure their full protection and safety. On 9 March 2022, European Commission launched an online webpage with the scope to inform in a clear and easy way the refugees about their rights, information which is accessible in Ukrainian and Russian language, except than in English.<sup>37</sup> EU Solidarity with Ukraine webpage and establishment of a helpline in Ukrainian and Russian are part of a EU communication strategy with the aim to ensure that beneficiaries know their rights, and understand the options for accommodation, jobs, education and healthcare within European Union.<sup>38</sup>

Another essential step that followed the activation of TPD, was the establishment of the Solidarity Platform chaired by the European Commission which serves as a hub for a coordinated European response where a number of actors and institutions are included in this platform, either Member States or EU institutions like European External Action Service, EU Asylum Agency, Frontex and Europol, also international organizations dealing with migration and refugees such as International Organization for Migration or UNHCR, and also Ukraine and Moldova. The main functions of the Platform include: monitoring of the situation in the EU based on the developments, coordination of the operational

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<sup>36</sup> Interview conducted with representatives of Ministry of Interior in Slovakia on 29 November 2022.

<sup>37</sup> The webpage is found in this link: [https://eu-solidarity-ukraine.ec.europa.eu/index\\_en](https://eu-solidarity-ukraine.ec.europa.eu/index_en)

<sup>38</sup> European Commission. (2022, June 10). *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the Report on Migration and Asylum*. COM (2022) 740 final, [https://ec.europa.eu/info/sites/default/files/com\\_2022\\_740\\_1\\_en\\_act\\_part1\\_v4.pdf](https://ec.europa.eu/info/sites/default/files/com_2022_740_1_en_act_part1_v4.pdf) pg. 5

response, mapping of the reception capacity of each MS, support and information to displaced people and ensuring their safety.<sup>39</sup>

It is imperative to understand, that the people fleeing the war, the oppression, the disaster are not just some ‘people in need’ but they have their own hopes and dreams, and aim to not only to reach a ‘safe place’, but to reach a safe place, where their rights are not only protected but they have high chances for a better life, better education, better working conditions and a better quality of living.<sup>40</sup>

## Security Implications of migration crisis in EU

One of the main milestones reached through European Union is the creation of Schengen area that has in core the cooperation between the Member States and enabling a single space for the free movement meaning without any internal control of goods, persons, services and capital. The Schengen area established in 1985 initially from five countries including France, Germany, Belgium, Netherlands and Luxemburg, serves as an area where more than 1.3 billion people and 60 countries worldwide benefit from visa-free-regime<sup>41</sup>. Today 26 countries are part of the Schengen, while it is important to mention that not all the EU Members States are part of it<sup>42</sup>, and on the other hand there are four countries outside EU that are part of: Norway, Iceland, Lichtenstein and Switzerland.

Despite that in the core of the Schengen area is actually the free movement meaning there are no internal border controls and checks from one Schengen country to the other, yet

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<sup>39</sup> European Commission. (2022, June 10). *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the Report on Migration and Asylum*. COM (2022) 740 final, [https://ec.europa.eu/info/sites/default/files/com\\_2022\\_740\\_1\\_en\\_act\\_part1\\_v4.pdf](https://ec.europa.eu/info/sites/default/files/com_2022_740_1_en_act_part1_v4.pdf) pg. 3

<sup>40</sup> Žižek in his book *Refugees, Terror and Other Troubles with the Neighbours*, explains this phenomenon as he names it a ‘paradox of utopia’: “For the refugees are not just escaping from their war-torn homeland. They are also possessed by a certain dream. We see again and again on our screens refugees in southern Italy who make it clear that they don’t want to stay there; they mostly want to live in Scandinavian countries...One can observe here the paradox of utopia: precisely when people find themselves in poverty, distress and danger, and one would expect that they would be satisfied by a minimum of safety and well-being.”

<sup>41</sup> European Commission. (2022, May 24). *Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions on State of Schengen Report 2022*. COM (2022) 301, pg. 7

<sup>42</sup> 22 out of 27 MS are part of the Schengen area, while countries like: Bulgaria, Romania, Croatia, Cyprus and Ireland are not part of it. Being part of the Schengen area is not just a political decision, but also a technical one as the candidate country should fulfil some criteria. European Commission on 16 November 2022, urged the Council to adopt the inclusion of Bulgaria, Romania and Croatia in Schengen area saying that these countries have fulfilled the criteria and are ready to join the Schengen area. Find more on: [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_22\\_6945](https://ec.europa.eu/commission/presscorner/detail/en/ip_22_6945)

there are cases (in special occasions) when one Member State can reintroduce border controls for a temporary period. It is the Schengen Borders Code (SBC) that provides the rules of governing the management of EU borders, internal and external ones and also stipulates the conditions under which Members States can introduce these temporary checks mostly related with situation when there is a major threat of public policy or an issue related to internal security. There are foreseen three major scenarios<sup>43</sup>: (1) in the case of a foreseeable threat (e.g. a special event such as a sporting competition); (2) in the case of an immediate threat such as terrorism or even the outbreak of a pandemic like it was the case of Covid-19; and (3) in the situation of persistent serious deficiencies relating to external borders.

During the recent years the reintroduction of the borders checks has been more frequent and has been used as a mechanism from the majority of the EU countries. It is estimated that since 2015 the controls at the internal borders have been reintroduced more than 280 times.<sup>44</sup> The year 2015 is directly linked with the Syrian refugee crisis, and the huge influx that EU faced in 2015 and then in 2016. Another reason is linked with the fear of terrorism and the threat of the public security in the Member States, and it was estimated that there is a high risk that together with the influx of people who are seeking refuge in Europe potential high-risk individuals might be mixed among the refugees and enter the EU without being detected and identified. The third situation that forced countries to reintroduce internal checks was the outbreak of Covid-19 virus in the end of 2019 and throughout 2020 with the aim to refrain the spread of the virus from country to country.

The war in Ukraine, has also forced some Member States to reintroduce the internal border controls. This is the case of Austria that has reintroduced the check control with the land border shared with Slovakia with the main justification linked with the increase of the irregular migration flows and the situation at the EU's external borders. Another country that has reintroduced border controls with Slovakia is also Czechia, with the same justification of irregular migration and even migrant smuggling. This fear is justified, in the case where the identification procedure of the Ukrainian citizens in Slovakia, where the checking of fingertips of the persons has not been followed, and their identification has been based only on the ID and travel documents these people had upon reaching

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<sup>43</sup> Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) (codification): <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02016R0399-20190611>. This Code has been amended by the REGULATION (EU) 2019/817 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 20 May 2019.

<sup>44</sup> European Commission. (2022, May 24). *Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions on State of Schengen Report 2022*. COM (2022) 301, pg. 10



Slovakia.<sup>45</sup> Other Schengen countries affected by the risk of the war in Ukraine concerning the increase of flow of irregular migrants, of smuggling and human trafficking, and also increase of threats of terrorism are Denmark, Sweden, France and Norway.<sup>46</sup>

The reintroduction of internal border controls is seen as a last resort to be used by the concerned Member State, when dealing with threatening and unprecedented scenarios and as the Code stipulates must respect the principle of proportionality. Another essential element is that these border controls are temporary, and the period of how long they can be applied are based on the legal basis and situation why these border checks are applied, always taking into consideration to reintroduce them for a minimal period of time, while the main efforts should be on responding to the threat in question. It is the Member State that has the right to reintroduce the border control but it shall notify the Commission and other MS at least 4 weeks before applying of the reintroduction of border checks. In cases of unforeseen circumstances that require immediate action Article 29 of SBC allows MS to reintroduce the border control for a period of no more than 10 days, without prior notification. Nevertheless, in all the cases the European Commission may issue an opinion on this measure but cannot veto the decision of the Member State concerned. SBC foresees limited duration of border control – thus Article 25 and 26 provides that for foreseeable events the duration should not be higher than 30 days. If there is a need, there is a chance to prolong the periods, but yet the total period shall not exceed 6 months.

During these recent years, it is shown that the Schengen area has faced some main challenges and many serious threats of internal security and public safety. For an effective and better functioning of the Schengen area, European Commission has frequently proposed amends to the Schengen Borders Code (SBC). In 2017 the SBC was amended with the aim to reinforce and strengthen the external borders and to facilitate the management of the migratory flows; this was followed by another amendment in 2019. In 2021 European Commission proposed another amendment to the Schengen Borders Code, based on the *“lessons learnt as well as on the experience gathered during Covid-19 pandemic, addressing concerns raised by the Member States while preserving the Schengen area where any internal border controls should remain a measure of last resort.”*<sup>47</sup>

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<sup>45</sup> Interview conducted with representatives of Migration Office in Slovakia on 30 November 2022.

<sup>46</sup> European Commission official webpage, visited on 23 November 2022: [https://home-affairs.ec.europa.eu/policies/schengen-borders-and-visa/schengen-area/temporary-reintroduction-border-control\\_en#:~:text=The%20Schengen%20Borders%20Code%20\(SBC,public%20policy%20or%20internal%20security](https://home-affairs.ec.europa.eu/policies/schengen-borders-and-visa/schengen-area/temporary-reintroduction-border-control_en#:~:text=The%20Schengen%20Borders%20Code%20(SBC,public%20policy%20or%20internal%20security).

<sup>47</sup> European Commission. (2022, May 24). Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions on State of Schengen Report 2022. COM (2022) 301, pg. 10

Another measure taken by the European Commission in the light of recent challenges and developments, was the establishment of the Schengen Forum in November 2020 under the Schengen Governance Cycle, a forum that is now conceived annually as a way to offer a comprehensive discussion on Schengen area among all actors, with the high-level exchange conducted in these forums. The second Schengen Forum was organized on May 2021, while on 2 June 2022 the third Schengen Forum was held. The internal borders controls were one of the main topics discussed, where it was of importance taking into consideration the ruling of CJEU highlighting that internal border checks should remain as an exceptional measure of last resort<sup>48</sup>.

During 2021, around 200 000 irregular border-crossings have been reported by the Members States, this number is the highest since 2017. The top three nationalities are Syria, Afghanistan and Iraq who have used mostly for their journey the already established routes including Central Mediterranean (67 000 border-crossings), Western Balkan route with around (60 000 border-crossings) and circular route from Greece to Albania (of around 1 000) and Western African routes (22 700)<sup>49</sup>. Moreover, only in 9 months of the year 2022, there is an increase of irregular border-crossings in all WB routes – with around 130 000 attempted irregular crossings reported by Frontex during this period.<sup>50</sup>

This situation makes the management of irregular migration a major challenge and issue for the European Union and has raised the need for tangible actions and strengthened cooperation between EU, its Members States and institutions and its neighbours and partners. Thus, only recently in last week of November and first week of December 2022 European Commission have published so far two Action Plans targeting two of the most problematic routes such as the Action Plan for Central Mediterranean and the one for the Western Balkans.

As clearly emphasized by the Action Plan for the Western Balkans there is a need in strengthening border management of the countries of this route and increase the cooperation of Frontex with the all WB 6. In recent years there has been a progress in this regard, where Frontex has signed its status agreements with Albania, as the first WB country in having such agreement with Frontex and afterwards other agreements were

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<sup>48</sup> In joined Cases C-368/20 and C-369/2026 the Court of Justice stressed that as an exceptional measure, the possibility of reintroducing internal border control must be interpreted strictly

<sup>49</sup> European Commission. (2022, May 24). Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions on State of Schengen Report 2022. COM (2022) 301, pg. 7

<sup>50</sup> European Commission (2022, December 5). *EU Action Plan on the Western Balkans*, [https://home-affairs.ec.europa.eu/eu-action-plan-western-balkans\\_en](https://home-affairs.ec.europa.eu/eu-action-plan-western-balkans_en) pg. 1

signed with Montenegro, Serbia and with North Macedonia.<sup>51</sup> These agreements allow Frontex to deploy its European Border and Coast Guard corps in joint operations with non-EU countries. Through these corps Frontex supports these countries in tasks related with border and migration management, border surveillance and border checks, migrant identification and registration, as well as support to coast guards. These joint operations are of benefit especially in those countries when it is seen an increase of migration flows and more importantly of irregular migration, that is consequently linked with security matters as smuggling, trafficking of human beings, terrorism or organized crime.

This Action Plan and status agreement are all actions and measures taken to achieve the pillars of the EU Pact on Migration and Asylum. The refugee crisis of 2015 with its long-lasting effects and implications, and the new crisis that has arrived in EU borders through Russian aggression against Ukraine, are showing once again that migration is not an issue belonging to a sole country or being managed within one's borders. What is the lesson learned due to these crises is that is fundamental a strong cooperation and partnership with neighbour countries and to establish in better managing it through solid partnership and common strategic plans.

Together with these actions of EU outside its borders, during recent years the need for Schengen reformation and adaption to the emerging situations has been up to discussion and has now relevance for all actors involved.

The Schengen area based on its management border policies faces a number of risks, risks that are now more pertinent due to the new crisis of war in Ukraine that will have long-term consequences and it is still early to fully analyse and evaluate its implications on internal security of EU and its strategic partners in neighbouring countries, including WB ones. Increase of irregular migration and the influx of people coming from Ukraine to MS, highlighted the main gaps in capacities and effective management of this wave. Moreover, it is assessed that due to worsening of weather conditions (*winter is coming*) a new wave of fleeing people might affect the EU borders. Irregular migration is often linked with smuggling of people who are a vulnerable group and group in high risk for exploitation. An increase of cross-border crime is actually anticipated related also with high risk of terrorism. This because together with people really fleeing from war, high-risk persons can be mixed and use these routes for their own purposes.

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<sup>51</sup> Status Agreements are the legal framework through which the Agency can assist non-EU countries in border management and deploy European Border and Coast Guard teams on their territory – giving them the right to exercise executive powers. The status agreements with Albania, Serbia and Montenegro were signed in 2021, while with North Macedonia the agreement was signed on October 2022, and the operations are expected to be launching in 2023.

On the other hand, the scrutinized identification and registration of all displaced people from Ukraine has not been totally followed, where it is mentioned that first countries hosting them were not able to do the fingertips identification, and just having ID documents were enough for their identification.

But even though, the war in Ukraine is one of the causes of the increase of migration where there should not be ignored other causes such as Covid-19 consequences in the economies and societies of many countries (especially the least-developed ones) that can trigger new waves of migration. Other triggering factors might be the climate changes and political instability in many countries especially in specific parts of Asia and Africa. As the Frontex report on risk assessment<sup>52</sup> puts *“European border management will likely have to contend with the effects of an increasingly turbulent, volatile and hostile international environment. Crises of different nature, hybrid interference, and a higher frequency of extreme events around the world acting as push factors will have far-reaching consequences.”*

Thus, the future looks challenging and situation of migration not very hopeful. There is expected an increase of the numbers of irregular migrants aiming Europe, as there are many of political, economic and social instability and tensions. The EU and its institutions alongside the EU Members States should increase their crisis preparedness, with the need of a better and comprehensive law enforcement and capacities for an effective border management. That’s why nowadays a reformation of Schengen Area and of the European Border Management Policy should be further accelerated and put in place.

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<sup>52</sup>Frontex. (September 2022), *Risk analysis for 2022-2023*, pg. 41

## CONCLUSIONS AND MAIN FINDINGS

- European Union has been for many years now a country of destination for many people coming from various directions and a combination of reasons. The peak of refugees arriving in EU during 2015-2016 showed the main discrepancies and setbacks of the EU migration and asylum policy, and in a more clear way showed that for this matter to successfully and effectively deal with there is a need not only of capacities and resources, and a comprehensive legislative framework but as really important and the political will of all actors involved, specifically of all Member States to share responsibility and to be engaged in the process.
- The war in Ukraine is assessed that will have long-term effects and consequences when it comes to the movement of people towards EU, while the other routes of migration (irregular ones) have seen a rise in number especially in two last years 2021-2022, demonstrating that the migration crisis is still a main challenge and issue for the EU. Migration established routes since 2015-2016 are yet very active and there is noticed an increase of border-crossing in 2022 compared to 2021 and 2019. The number of irregular arrivals along all the Mediterranean routes was 116 610, a 39% increase compared to the same period in 2021 and a 47% increase compared to the same period in 2019
- EU has continued its efforts to take all the necessary measures in dealing with irregular migration and asylum in three main dimensions: 1) amending and adapting the legislative framework and more importantly of Common European Asylum Policy (proposing amendments to relevant Regulations and Directives). In 2016 the Migration Agenda was published by EC, while in 2020 the New Pact on Migration. 2) strengthen the capacities and infrastructure for its EU agencies for a better management of the external borders of the EU and to secure safe routes for the people fleeing. 3) increase of cooperation and partnership among Member States in order for all of them to share the responsibility, and to avoid the overburdening of only few countries and to strengthen the cooperation with neighbour countries and with countries of origin to find common solutions.
- The Temporary Protection Directive, which has been adopted for more than 20 years by the EU was first triggered after the war in Ukraine, and after some days where the more than 4 million people were estimated that reached the EU borders. This Directive gives to Ukrainian citizens the right to work, access to accommodation and healthcare, and the right to education immediately and without the need to apply for asylum application (a procedure that takes time and a lot of requirements).

- The first countries hosting them were the bordering countries with Ukraine – Hungary, Poland, Slovakia and Romania. They showed solidarity in hosting the displaced people, by swiftly adopting legal acts and preparing reception centres. Slovakia was one of the first MS that triggered almost immediately its protection scheme before EU doing so. This was a different scenario of what it was seen during the Syrian refugee crisis, where countries like Hungary and Poland have been vocal against hosting them and go as far as building a wall to stop their movement and cases of brutal police force pushing back migrants have been evidenced.
- The need risen for a Common Asylum Policy and better implementation will serve as a positive development when all kind of migrants will benefit from – and the migration will be tackled based on its technical dimension also on the humanitarian one. Yet it is essential for an effective management of resources, being them financial, administrative or technical ones.
- The risks and security issues are also being more prominent in EU due to the situation, this has made that the internal control checks within Schengen area to be reintroduced several times. These internal controls are temporary and should be used only as a last resort in cases where the internal security and chances for real threats of internal security are very high. But given the tense situation that EU has been facing since 2015 they have been more frequent, damaging so the main core of functioning of Schengen area which is – the free movement.
- It is easily understood that migration events cannot be tackled by single governments. There is substantial the support and assistance of the network of neighbouring countries, European agencies and international organizations.
- The need for a reformation of Schengen area has been assessed as relevant, with European Commission establishing the Schengen Forum in 2020 – while in 2022 its third edition took place and also by adopting the Strategy on the future of Schengen in 2021.

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