

A Comprehensive Analysis of National and Supranational Approaches to Refugee Migration within the Framework of European Integration

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ABSTRACT

This essay examines the European Union's (EU) response to refugee migration, focusing on policy contributions, national approaches, and prospects for collaboration. By analyzing the 2015 European migrant crisis and the ongoing Ukrainian refugee crisis, it elucidates the complexities surrounding refugee migration in the EU. The study explores EU legislative developments, including the New Pact on Migration and Asylum, and evaluates divergent national perspectives, ideological barriers, and challenges to collaboration within the organization. It underscores the importance of solidarity and equitable burden-sharing in addressing refugee migration. Using theoretical analysis and empirical evidence, this paper offers insights into the EU's efforts to manage refugee migration and the implications for future policymaking and collaboration.

Introduction

Since its inception, the European Union has faced significant challenges arising from the tension of two divergent forces: national autonomy and the need for unanimous decisions at the EU level. This dilemma undermines the EU's founding principles of unity and collaboration and is present in numerous crucial domains within EU policymaking. Although the efforts of EU institutions and national governments to address this issue have produced tangible results and some support mechanisms, the Union has failed on multiple occasions to build a functioning collective refugee and asylum system. This has resulted in disparities and controversies in the treatment and reception of refugees. The disparities in member states' geographic locations, available resources, and ideology have consistently hindered the equitable distribution of asylum seekers, creating inequalities in burden-sharing. Moreover, the rise of right-wing populist movements across EU countries has heightened anti-immigration sentiments and security concerns, thus imposing further barriers on a demanding and unanimous decision-making process and obstructing the creation of solidarity-driven measures.

Addressing refugee migration is a multifaceted challenge influenced by national and supranational factors and requires a nuanced analysis of countries' perspectives to design policies equitably and collectively. This paper will examine how national and EU supranational forces conflict and cooperate in managing refugee migration and asylum regulations in the framework of European integration. This essay will proceed with a contextual sec-

tion about EU refugee migration, followed by three main sections. Section one will study the EU policy contributions to the issue, including drawing on two relevant cases. Section two will analyze national approaches and ideology, and section three will discuss prospects for improved collaboration. The inquiry spanning these sections finds that while the EU has made strides in policy contributions to address refugee migration, divergent national approaches and ideological differences pose significant challenges. Nonetheless, there are promising prospects for improved collaboration within the EU, particularly through initiatives like the New Pact on Migration and Asylum, which aim to foster greater cohesion and solidarity among member states.

Context and History of EU Migration: The 2015 and Ukrainian Refugee Crises

To better contextualize the mechanisms behind EU policy contributions to address refugee migration, this section discusses the historical context of refugee migration in the EU and the statistics on refugee arrivals, focusing on two crucial migrant crises in the last decade: the 2015 European migrant crisis and the Ukrainian refugee crisis, ongoing since 2022. In September 2020, the Commission launched the New Pact on Migration and Asylum, the most recent set of regulations to reform the EU's asylum and migration policies. This Pact is a reform of the 2015 Integrated Political Crisis Response (IPCR) arrangements, which provided tools to better coordinate political responses towards various cross-border crises (European Council 2022). The creation of the

IPCR was motivated by the 2015 European migrant crisis, which was sparked by EU countries receiving a significantly increased influx of migrants and refugees, mostly through the Eastern route, originating from Syria, Afghanistan, Iraq, and parts of North Africa. Although an unprecedented number of migrants marked the 2015 crisis, the asylum flows have never been constant nor equally distributed across the EU. Illustrating the lack of consistent numbers of refugee inflow into the EU, the European Commission published statistics demonstrating a variation from 1.8 million asylum seekers entering in 2015 to around 142,000 entering in 2019 (European Commission 2024). Frontex, the EU agency responsible for coordinating border control and coast guard operations to ensure the security of the union's external borders, has recorded approximately 380,000 irregular arrivals in 2023 primarily due to a surge in arrivals through the Mediterranean Region (Frontex 2023). Moreover, the crisis created functional spillovers and put systems like the CEAS under immense pressure (Migration Policy Institute), thus leaving a pattern of incomplete governance structures and sparking debates in policies related to asylum, borders, and legal migration. Scholars like Marco Scipioni emphasize that despite EU collective efforts, including the establishment of mechanisms like the Temporary Protection Directive and the European Refugee Fund, the EU management and response to the 2015 crisis needed more solidarity, preparedness, consensus, and coordination. These initiatives, while representing steps toward addressing migration challenges, fell short of providing the comprehensive and uni-

fied response necessary to effectively manage the scale and complexity of the crisis. Scholars point to other failures critical to the process: for instance, the inaccessibility of the Court of Justice of the European Union (CJEU) and the ineffectiveness of the common asylum system reflected in the Justice and Home Affairs (JHA) policy from the Treaty of Maastricht (Scipioni 2017, 6).

On February 24 2022, following the full-scale invasion of Ukraine by Russian armed forces created another EU-facing refugee crisis. The influx of Ukrainians fleeing war led to a severe humanitarian crisis both in Ukraine and neighboring countries, including Poland, Hungary, Romania, and Slovakia, among others. By June 2023, more than 7 million Ukrainian citizens had fled the country since the start of the war (Opora Civic Network), and 5.9 million of these refugees were recorded across Europe according to the United Nations High Commissioner for Refugees (UNHCR). On March 4 of that same year, the European Council introduced a temporary protection program to provide immediate and collective protection to displaced individuals from Ukraine, granting them residence, labor, housing, medical, and education rights across the EU (European Council 2022). The Commission coordinated this initiative and oversaw the cooperation among member states. Additionally, on April 4, the EU redirected resources from cohesion policy funds and the fund for European Aid for the Most Deprived, providing up to €17 billion to assist Ukrainian refugees (European Council 2022).

Public opinion, especially from Ukraine, claims that the EU's contribution is somewhat sufficient, but above all, there was a pre-war fear that the migration waves to Western Europe could potentially create 'Ukraine fatigue' in the EU (Chaban and Elgström 2021, 61). This sense of 'fatigue' within the EU could detrimentally impact the EU's refugee policy by diminishing member states' willingness to provide sufficient resources and support for accommodating refugees from Ukraine, potentially leading to inadequate responses. Moreover, the Ukrainian public also identifies the rise of far-right-wing populist movements and Euro-skepticism as ideological barriers that hinder more effective, unanimous responses within the EU (Chaban and Elgström 2021, 61), which has proven to foster divisions and undermine the cohesion necessary for effective collective decision-making. However, some Ukrainians attribute the spread of Euro-skeptic, anti-Ukrainian attitudes in the public and political spheres to be fuelled by Russian money (Chaban and Elgström 2021, 61).

EU Migration Legislation and Contributions

EU institutions such as the European Council, the European Commission, and the European Parliament have been intensifying efforts to shape effective, safe, and humanitarian migration policies in recent years. Several European countries, notably Hungary, Poland, Slovakia, and Italy, have been vocal critics of the EU's migration policies and have displayed varying degrees of reluctance or outright refusal to cooperate with EU initiatives. They have often em-

phasized national sovereignty concerns and expressed skepticism towards the EU's approach to handling migrant and asylum issues. Despite these attitudes, the EU continues to evolve and reshape its migrant and asylum legislation by targeting deficiencies and learning from past failures. The Council and the EU work together to establish a line of action, define programs and legislation, and if circumstances require, to negotiate with non-EU member states involved in the issue at hand (European Council 2022). The European Commission plays a significant role in developing and implementing legislation concerning migration, refugee, and external borders, and its most recent prominent project is the development of the New Pact on Migration and Asylum.

Introduced in September 2020, the Pact intends to normalize migration in the long term and provide certainty, clarity, and decent conditions for migrants who arrive in the EU. In June 2022, the Council approved negotiating mandates on Eurodac Regulation, a package intended to help the member states better monitor asylum seekers' paths within the EU. Additionally, the Eurodac Regulation allows law enforcement authorities to access asylum seekers' fingerprints if necessary to prevent, detect and investigate serious crimes, thus enhancing existing security measures under the asylum-provision process (European Commission). Moreover, by September 2022, the Parliament and the Council officialized a timeline for the organization and adoption of the proposals under the Common European Asylum System, which is estimated to conclude negotiations in 2024 (European Commission). Despite the skepti-

cism expressed by Poland, Hungary, and Lithuania about this reform, refugee migration is, at its core, a shared problem that may affect any EU nation due to the inconsistent nature of refugee arrivals and the interconnectedness of the challenges that it poses within the EU (Thym 2022, 18).

Thus, the continued effort of the EU in enforcing and improving migration legislation will also serve as a consciousness-enhancing tool among member states. A ground-breaking shift in EU migration matters occurred in June 2023 when the Council agreed on the new fundamental asylum and migration laws. The asylum procedure regulation (APR) newly outlined a set of standardized rights for asylum seekers. The new APR seeks to prevent asylum abuse through clear applicant obligations while introducing mandatory border procedures at EU external borders to quickly assess asylum applications. Moreover, from now on, member states would have to establish their capacity for border procedures, setting the EU's capacity at 30,000 refugees (European Council 2022). Additionally, the Asylum and Migration Management Regulation (AMMR) was designed to fully replace the controversial Dublin Regulation, which required refugees to apply for asylum in their first arrival country; disproportionately assigning responsibility to border countries and failing to align with refugees' preferences. The Dublin Regulation was responsible for numerous tensions among member states during crises and infamously resulted in a lack of solidarity and burden-sharing between member states (Ripoll 2020, 12-13), thus hindering the elaboration of a more coordinated, effective

response. The 2023 AMMR aims to expedite the process of determining the responsible member state for asylum applications while including measures to discourage 'secondary movements' – the uncoordinated and self-motivated movement of refugees from the country in which they first arrived, in order to seek protection or permanent resettlement elsewhere (European Council 2022). Lastly, the Council approved a significant milestone in the solidarity mechanisms among EU states characterized by financial support and potential relocations of refugees. Under the newest reforms, there will be a minimum of 30,000 annual relocations from heavily burdened to less exposed member states, with financial contributions set at €20,000 per relocation (European Council 2022). The New Pact on Migration and Asylum reflects the Commission's objective to reform the 1999 Common European Asylum System (CEAS) following three pillars: efficient asylum and return procedures, solidarity and fair share of responsibility, and strengthened partnerships with third countries (European Commission). The CEAS establishes common standards to ensure equal treatment for all asylum seekers. The system has undergone constant reforms since its early establishment, for instance, the Commission's 2016 new package of legislation as a response to the 2015 European migrant crisis (European Commission). The CEAS is now governed by the five legislative instruments and the European Union Agency for Asylum (EUAA), which provides operational and technical assistance to Member States in assessing applications for international protection. The EUAA is also responsible, together with the

UNHCR, to act as advisors and coordinators of the resettlement and humanitarian admission of non-EU citizens who seek protection in the EU. Indeed, the EU-sponsored resettlement and humanitarian admission scheme, involving the contributions of many member states, has assisted in the comfortable relocation of more than 117,000 refugees since 2015 (European Commission).

Overall, the dynamic evolution of EU legislation regarding refugee migration lays a robust foundation for increased collaboration among EU countries in this matter. We can expect that initiatives like the AMMR, which address burden-sharing and enhance solidarity within the EU, together with the standards of equality for asylum seekers set by the CEAS, will raise further awareness about the pressing need for EU countries to unite into a collective commitment to adequately manage humanitarian emergencies.

National Approaches to Refugee Migration

The last few years have seen immense improvements in the EU's objective to shape a more effective, inclusive, solidary refugee asylum legislation that will enhance the effectiveness of asylum-seeking while protecting the rights of refugees coming into the EU. The reformed legislation is expected to bring EU member states closer together and alleviate existing tensions. A set of countries known as the Visegrád countries, which include Poland, Hungary, Slovakia, and the Czech Republic, have always been the most critical and primary opponents of refugee migration

legislation. When faced with the suggestion of greater refugee inflow, these countries have expressed concerns regarding national sovereignty, cultural preservation, potential strain on social services and infrastructure, fears of terrorist threats, and perceived loss of control over their borders. Thus, as could be expected, these countries fervently reject the Council's suggestion of mandatory relocation of refugees within EU countries (Thym 2022, 13). However, these countries are not the only ones to blame for non-cooperation since many other member states, such as Austria, do not currently receive a proportional inflow of asylum seekers and prefer to act indifferent about the situation and hide behind Visegrád countries' oppositions (Thym 2022, 14).

Another main source of tensions in migration discussions is the disagreement between Northern and Mediterranean countries, and the 2021 discussions surrounding the new reform have been no exception (Thym 2022, 18). Spain, Italy, Greece, Cyprus, and Malta, also known as the 'MED5', are the EU countries that historically have borne most of the burden of managing irregular refugee migration due to their geographic location. The 'MED5' have always pushed for a fairer allocation of asylum seekers and were heavily affected by the 2013 Dublin Regulation III, which has consistently been a source of controversy and discontent during EU migration discussions. Since the 'MED5' have been key providers of resources and active participants in the affairs of the European asylum system, Thym argues that an agreement might be impossible to reach if Northern countries fail to compromise with

them (Thym 2022, 18).

Moreover, as a consequence of migration inflows into the EU, several member states introduced temporary internal border controls to limit the number of migrants entering their national territory, also undermining the free-movement principles established by the Schengen agreement. The temporary reintroduction of internal border controls by member states is allowed under the Schengen Borders Code (SBC). However, according to the Commission, this measure must only be used as a last resort (European Commission). Unsurprisingly, in 2023, most member states that chose to impose border restrictions have been countries that belong to the previously identified groups of Visegrád countries and ‘MED5’. For instance, Poland introduced controls that will last until early 2024 due to intensified migration pressure along the Balkan route during 2023. Similarly, the Czech Republic has also implemented controls in 2023, claiming an increase in illegal secondary migration and illegal activities by organized smugglers, as well as deteriorated security measures in the external EU borders (European Commission). Slovakia and Italy were no exception in control impositions, and northern countries, such as Germany, Sweden, and Denmark, also followed the same technique, claiming not only the increase of irregular migration but also the potential terrorist threats that migration could present to their countries as a result of the ongoing Israel– Hamas war (European Commission). Although EU countries have the right to protect their national borders, these restrictions may be a source of further tension and dis-

agreement between implementing and non-implementing countries. This procedure portrays a notable divergence in each country’s views on how to address irregular migration, straining the collective efforts made by the EU and demonstrating once again a lack of solidarity (Cornelisse). It raises questions in the literature pertaining to whether countries abuse their right to establish temporary border controls to evade their collective responsibilities. Do such controls undermine the 2023 Council’s initiatives for relocation and burden-sharing?

Finally, the resurgence of populist far-right wing parties in some EU member states during the last years has been a significant obstacle to designing solidarity and unanimous migration legislation effectively across the EU. Among other objections, what Fischer and Meister term Populist Radical Right (PRR) parties strongly oppose migration by framing migrants and asylum-seekers as competitors for national citizens’ jobs, social benefits, and housing (2023). The 2015 European migrant crisis fueled anti-migration sentiments across Europe and was a central contributor to the rise of far-right populist parties. PRR parties such as Fidesz in Hungary, Lega Nord in Italy, Law and Justice (Pis) in Poland, or the ‘Alternative für Deutschland’ (AfD) in Germany, have continued to gain prominence during the last few years, fueling tensions and divisions (Fischer and Meister 2023, 1) among EU member states, as well as spreading hateful racist sentiments among their population through populist, nativist discourses. Some of these parties have been in the spotlight on several occasions due to their radical anti-immigration initiatives and policies.

Italy's RRP party 'Fratelli d'Italia' recently formalized the closure of its ports to rescue humanitarian vessels, which has been strongly condemned by NGOs and EU member states (Euronews 2022). As hundreds of migrants remained stranded at sea waiting, Interior Minister Piantedosi described the humanitarian vessels as "islands" under the responsibility of the countries that own the ship and organize the transport of the migrants into the EU. Additionally, Infrastructure Minister Salvini, widely known for his strong anti-migrant stance, supported the initiative on social media, proudly stating that Italy will no longer serve as a hostage to foreign and private NGOs (Euronews 2022). A similar event took place in 2018, when Hungary's ruling party, Fidesz, led by Prime Minister Orbán, passed the 'Stop Soros' legislation, which criminalized support of asylum seekers and restricted the right to asylum only to refugees whose freedom is at risk at their country of origin (Euronews 2021). Consequently, the CJEU declared that Hungary infringed EU law, but Hungary remained defiant and expressed its plan to oppose EU pro-migration legislation (Euronews 2021). Therefore, the initiatives and ideology promoted by RRP parties have proven to challenge and destabilize EU legislation and efforts for a coordinated, effective response to irregular migration. These parties foment Euro-skepticism and enable fragmentation of the unity and cooperation principles established between member states, thus severely affecting the political climate in the EU. Additionally, the increased popularity of PRR parties is a central national factor that could drastically affect the upcoming European

Parliament election in June 2024

Prospects for Improved Collaboration within the EU

The New Pact on Migration and Asylum has promising potential to be the legislative driving force for a more cohesive European Union when addressing refugee migration and asylum matters. Nevertheless, as many migration scholars highlight, migration policy at the national and international levels seems to be particularly prone to failure (Scipioni 2017, 2). Scipioni identifies the historical lack of solidarity between member states as a catalyst for the failure of past EU migration policies.

Is the cause of Scipioni's identified concerns the fragmented environment in the EU or the inefficiency and inaccuracy of EU legislation? The answer may lie in the synergy of both factors. While the relocations approved by the Council are the right approach for improved burden-sharing, Thym argues that the initiative is somewhat unrealistic (Thym 2022, 20) and the methodology that these relocations will follow is unclear. EU member states need to share the burden, but they need to do so equitably. This could be done by designing a 'tailored-relocation method' where each country is assigned an adequate proportion of refugees according to its national capacities regarding its economic, social, and political conditions. This intricate method would investigate each country's preparedness to receive migrants by measuring variables such as the burden on the country's economy per certain number of migrants, the housing availability, and the aptitude of national institutions to host and sup-

port migrants looking at aspects like health services, education establishments, and security conditions among others. These investigations should be measured yearly while contemplating past, present, and prospective irregular arrivals into the EU to establish the following year's relocation figures. Additionally, it would also be essential to consider the average number of irregular migrants that arrived at the country's national territory prior to relocations, as well as measure the impact that these have in the national economic and social spectrum.

Conclusion

The complex, multifaceted nature of refugee migration makes the EU's mission to design migration policies a challenging endeavor that requires a collaborative approach among EU member states. In an ideal world, all EU countries would uphold the foundational principle established by the CJEU asserting that 'EU law has priority over national law' (Weatherril 2016, 153) and unite to craft unanimous refugee and asylum policies. By adhering to this fundamental legal tenet, member states would demonstrate their commitment to a cohesive approach that ensures a fair distribution of responsibilities and adequate conditions to receive migrants needing protection. However, national decisions and attitudes remain in constant conflict with the EU's supranational decision-making on migration issues, obstructing consensus on new legislation that will effectively address this pressing humanitarian dilemma. The New Pact on Migration and Asylum establishes a common approach to migration and asylum based on solidarity, respon-

sibility, and respect for human rights (European Commission) and has the potential to unite member states through its efficient measures and its improved initiatives for burden-sharing. However, its proposals may be excessively optimistic, its prospects are still uncertain, and even if it raises awareness among less receptive member states, their contribution to any migration agreement is likely to be somewhat restrictive. Internal border controls by certain states and the rising success of populist far-right parties further complicate these implications. Additionally, the opposition to migration policies presented by the Viségrad countries and the tensions between Northern countries and the 'MED5' on burden distribution have hindered the development of unified migration legislation. Thus, an equitable burden-sharing mechanism that assigns each member country an adequate proportion of refugees and asylum seekers may be necessary. Overall, national forces within the EU add intricacy to an already complex political climate in which 27 member states, an active Commission and Council, and an increasingly interventionist Parliament swerve the framework of European integration in their own directions.

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