

TOWARD THE "NEW NORMAL" AFTER COVID-19 – A POST-TRANSITION ECONOMY PERSPECTIVE

Ewa Mińska-Struzik
Barbara Jankowska
Editors

ISBN 978-83-8211-060-9

eISBN 978-83-8211-061-6

<https://doi.org/10.18559/978-83-8211-061-6>



© Copyright by Poznań University
of Economics and Business
Poznań 2021



This book is available under the Creative
Commons 4.0 license – Attribution-
Noncommercial-No Derivative Works

4. The future of the European Migration and Asylum Policy



Judyta Cabańska

Poznań University of Economics and Business
Institute of International Business and Economics
Department of European Studies
judyta.cabanska@ue.poznan.pl

Abstract

Purpose: Migration is a complex issue, with many facets that need to be weighed. Five years after the 2015 refugee crisis and the European Agenda on Migration, the EU still lacks a common migration and asylum policy. The aim of the chapter is to discuss the future of the migration and asylum policy in the European Union.

Design/methodology/approach: The chapter analyzes the current migration situation in Europe, the impact of Covid-19 on migratory flows in Europe, challenges faced by the EU, and legislative initiatives proposed under the New Pact on Migration and Asylum. The text indicates key challenges related to migration faced by the European Union and provides an overview of the legislative proposals that seek to address the identified gaps.

Findings: Covid-19 pandemic highlighted the need for the EU to be prepared to address situations of force majeure and broader crises, which impact migration and asylum management systems. The Pact on Migration and Asylum sets out the Commission's new approach to migration, addresses border management, and ensures more coherence to integrate the internal and external dimensions of migration policies.

Originality and value: The chapter attempts to contribute to the literature on international migration by delivering analysis results of Covid-19 pandemic's impact on the migration flows in Europe and the analysis of EU's new approach to migration and asylum policy.

Keywords: migration, asylum, COVID-19, Pact on Migration and Asylum.

Suggested citation

Cabańska, J. (2021). The future of the European Migration and Asylum Policy. In E. Mińska-Struzik, & B. Jankowska (Eds.), *Toward the "new normal" after Covid-19 – a post-transition economy perspective* (pp. 54–62). Poznań University of Economics and Business Press. <https://doi.org/10.18559/978-83-8211-061-6/14>

4.1. Introduction

The outbreak of the Covid-19 virus quickly escalated into a global pandemic, resulting in a crisis that affects people worldwide. The measures taken by EU's Member States heavily restricted individual mobility and fundamental rights. The overcoming of the global crisis is to justify such measures, but we should examine how these steps shape future migration and asylum policies. Covid-19 already significantly impacts migration and asylum policies, while the pandemic produced divergent reactions from Member States.

Five years on from the refugee crisis of 2015 and the European Agenda on Migration, the EU is still lacking a common migration and asylum policy. Migration is a complex issue, with many facets that must be weighed together: the safety of people who seek international protection and the concerns of countries at the EU's external borders, which worry that migratory pressures will exceed their capacities, and which need solidarity from others. In September 2020, the European Commission proposed the New Pact on Migration and Asylum. The Pact sets out a new framework that ensures the fair sharing of responsibility and solidarity among Member States while providing certainty for individual applicants (European Commission, 2020b). The European Commission's proposal will be then discussed in the European Parliament and Council of the EU. Highly dependent on migrant labor in many sectors, the EU Member States will have to work out appropriate regulations.

The aim of this chapter is to discuss the future of the migration and asylum policy in the European Union. I analyze the current migration situation in Europe, the impact of Covid-19 on migratory flows in Europe, challenges faced by the EU, and legislative initiatives proposed under the New Pact on Migration and Asylum. These elements indicate key challenges in relation to migration faced by the European Union and provide an overview of the legislative proposals that seek to address the gaps identified.

4.2. The current migration situation in Europe

Since the migration crisis of 2015, the number of arrivals and composition of flows significantly changed. The number of irregular arrivals to the EU decreased from over 1.8 million in 2015 to around 142,000 in 2019 (a decrease of 92%). The most common routes of arrivals to Europe were Mediterranean routes and Canary Island route (UNHCR, 2020b).

Between January 1 and December 31, 2019, 123,700 refugees and migrants arrived via the three Mediterranean routes; 13% less compared to arrivals in 2018

(Figure 1). Most crossed Mediterranean routes from Turkey and North Africa (UNHCR, 2019).

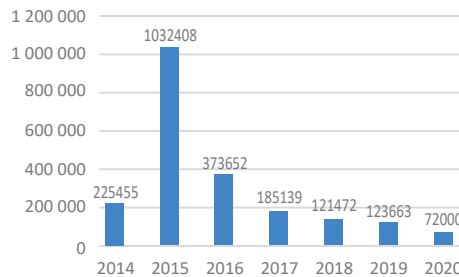


Figure 1. Total yearly arrivals to Europe through the Mediterranean routes and the Canary Islands route

Source: Own elaboration based on (UNHCR, 2020a).

On the Central Mediterranean route, the number of irregular migrants dropped by 40% in 2019 (roughly 14,000) compared to 2018, with most migrants coming from Tunisia and Sudan. The total number of irregular migrants on the Western Mediterranean route – including the Western African route – dropped by 54% (roughly 27,000 people) compared to 2018, most of them coming from Morocco and Algeria. In contrast, there appeared significantly more arrivals in 2019 compared to 2018 via the Eastern Mediterranean route (around 83,000; 47% more) and via the Western Balkan route (around 15,000; 159% more). Nevertheless, these figures are still much lower than those of the 2015–2016 crisis (European Commission, 2020a). In 2019, 56% of arrivals were men, 17% women, and 27% children. Due to the high risks associated with crossing the Mediterranean Sea, most estimate that 1336 people died or went missing between January 1 and December 31, 2019, a 41% decrease compared to the 2277 deaths in the same period in 2018. Most deaths occurred between North Africa, Italy, and Malta, but also between North Africa and Spain (UNHCR, 2019).

Asylum applications have not followed the decreasing trend in irregular arrivals. It means that the ratio of asylum applications to irregular arrivals is higher than it was in 2015. In addition, the share of migrants from countries of origin whose nationals have a low chance of being granted international protection has increased. With a consistently high number of asylum applications in the past years, the pressure on national asylum systems remains high, especially in those Member States that can find it a challenge to rapidly process all asylum applications.

Noteworthy, every year, 400–500,000 foreign nationals are ordered to leave the EU because they entered or are staying irregularly. Eurostat (2020) data show

that the number of third-country nationals found to be irregularly present in the EU substantially decreased by 70% from 2015 to 2019. However, the number of third-country nationals who returned decreased by only 3% and the number of actually returned third-country nationals decreased by 18% between 2015 and 2019. On average, only one-third of them goes back to their home country or to another third country through which they traveled to the EU.

4.2.1. The impact of Covid-19 on arrivals to Europe

The Covid-19 pandemic and measures to contain it profoundly impacted mobility and migration (Figure 2). The pandemic has produced divergent reactions from Member States (Dimitriadi, 2020).

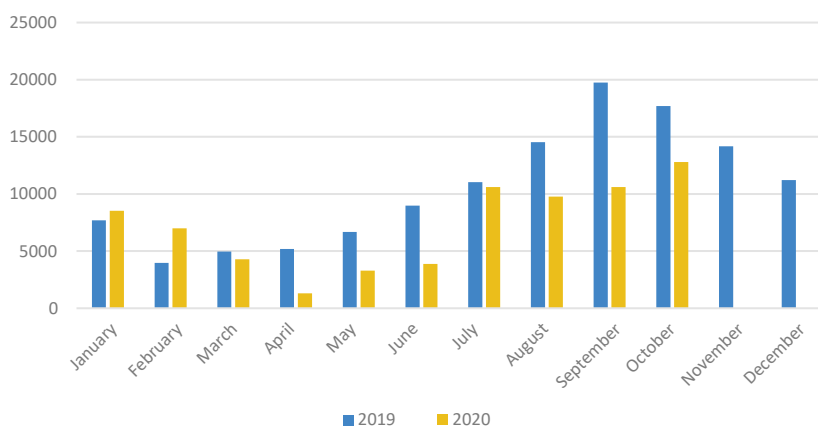


Figure 2. Total monthly arrivals through the Mediterranean routes and the Canary Islands route, 2019–2020

Source: Own elaboration based on (UNHCR, 2020a).

Travel restrictions are passed to contain the virus, including by prohibiting entry of residents from other countries, and some countries have closed their borders entirely. The pandemic substantially reduced the number of irregular arrivals to the EU in the past months (Frontex, 2020). Migration processing and assistance to asylum seekers slowed down. These mobility restrictions forced the International Organization for Migration and the United High Commissioner for Refugees to temporarily suspend refugees' resettlement travels (IOM, 2020).

4.3. Challenges faced by the EU

Given the current migration situation, this part describes the resulting challenges faced by the EU. A sustainable system that would work for all Member States was never implemented to ensure immediate reactivity to external factors, especially in times of crisis. There is no structured mechanism in the Common European Asylum System (CEAS), whereas the pressure on individual Member States varies greatly.

First, there is a lack of an integrated approach at the EU-level that is effectively translated into national asylum and migration policies. Despite increased cooperation in the implementation of the CEAS, Member States' asylum and return systems operate mostly separately. Notwithstanding the assistance from EU agencies, effective structures for coordinating the migration and asylum policy are still wanting. There is no coordination at any of the stages of migration management process, from arrival through the processing of asylum requests to the provision of reception conditions and the handling of returns (European Commission, 2020d).

Another problem lies in weaknesses of the current Dublin III Regulation. Consequently, there is a lack of effective rules for sharing responsibility for asylum applicants across the EU. The current rules on the shift of responsibility provide an incentive for irregular migration and allow applicants for international protection to influence this shift. Currently, when the EU implements instruments for the deportation of foreigners that gained much importance (Soysüren & Nedelcu, 2020), the rules of the Dublin system should be clearer.

In addition, we must note that fragmented and voluntary solidarity among Member States disproportionately strains first entry Member States. Efforts to address the pressure of Member States through relocation solidarity measures dealt only with applicants for international protection. Mixed arrival flows to the EU make it all the more necessary to consider the widening of relocation to other categories of migrants. In such situations, relocation cannot be the only effective response to deal with the realities presented by such flows and should also be addressed by different forms of solidarity. On the legislative side, negotiations of the CEAS proposals led to no agreement among Member States, especially due to divisions on the issue of compulsory relocation of applicants for international protection. Finding an agreement among Member States is a key for the more effective management of migration (European Commission, 2020d).

Moreover, the problem remains that there is no dedicated mechanism to address crisis situations like the Covid-19 pandemic. Every system requires a framework for dealing with extreme situations. Despite the improvements implemented after the 2015 crisis, the EU remains unprepared to address crisis situations.

4.4. Overview of legislative acts and proposals on migration and asylum

In 2016, the European Commission presented a set of legislative proposals to complete the reform of the Common European Asylum System. The asylum reform consisted of seven legislative proposals: the recast Dublin Regulation, the recast Eurodac Regulation, the Regulation establishing the European Union Agency for Asylum, the Asylum Procedure Regulation, the Qualification Regulation, the recast Reception Conditions Directive and the Union Resettlement Framework Regulation. All of them aimed to move toward an efficient, fair, and humane asylum policy framework that could function effectively also in times of a sudden increase in numbers of arrivals. Whereas significant progress and provisional political agreement among co-legislators was reached on the Qualification Regulation, the Reception Conditions Directive, the Union Resettlement Framework Regulation, the Eurodac Regulation and the first proposal establishing the EU Agency for Asylum, less progress was achieved on the Dublin and the Asylum Procedures Regulations (Cymbranowicz, 2020).

Although the number of irregular arrivals to the EU has dropped since 2015, structural challenges still exist. Moreover, the recent Covid-19 pandemic highlighted the need for the EU to be prepared to address situations of force majeure, which impact migration and asylum management systems.

4.4.1. Analysis of the initiatives under the New Pact on Migration and Asylum

In September 2020, the European Commission presented the New Pact on Migration and Asylum that includes the following proposals:

- Proposal for a Regulation on Asylum and Migration Management;
- Amended proposal for a Regulation on establishing a common procedure for international protection in the Union;
- Amended proposal for a Regulation on the establishment of “Eurodac”;
- Proposal for a Regulation introducing a screening of third country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817;
- Proposal for a Regulation addressing situations of crisis and *force majeure* in the field of migration and asylum.

The proposal for a Regulation (or Pact) on Asylum and Migration Management sets out a common framework based on integrated policymaking. The aim of this

regulation is to address the lack of unified approach to implementing EU's asylum and migration policies. It provides a comprehensive approach to migration management, which follows the principles of solidarity, integrated policymaking, and responsibility sharing. The proposed system provides for a monitoring structure based on Member States' reports on the implementation of the common framework. This will allow for a comprehensive view of the situation in the EU. Moreover, the Pact introduces an effective and coordinated screening of people apprehended in connection with unauthorized crossing of external borders. The Pact proposes that all such third-country nationals are immediately screened, with identity and health checks and registration captured in Eurodac (European Commission, 2020c).

Additionally, the Pact consists of the proposal of a seamless asylum return procedure. The European Commission has proposed to bring together the rules on the return and asylum procedure in a single legislative instrument. Moreover, some noticed that the individual assessment of each asylum application with full respect of fundamental rights – such as the principle of *non-refoulement* – must always be ensured.

The new Pact contains a more comprehensive approach to solidarity. It has introduced new forms of solidarity. The main pillars of this new approach are relocation and return sponsorship. The solution proposed responds to the need of broadening solidarity beyond the relocation of asylum seekers and to include the relocation of other categories of migrants and answer to a wider range of situations. In addition, in order to address the challenges related to migrants rescued at sea, the Pact proposes to extend the principle of solidarity to SAR operations, building on voluntary contributions. The European Commission will establish the measures to be taken by Member States. The share of such contributions will be calculated based on a distribution key of 50% GDP and 50% population. For SAR operations, the implementing act setting out a solidarity pool of contributions will also be foreseen.

The new proposal includes more efficient responsibility rules for robust migration management. There is a proposal that the current responsibility criterion linked to first entry can remain, but a criterion on responsibility for examining an application registered after entry following a SAR operation would be added. In terms of respect for fundamental rights, there is a proposition of the right to family reunification, which reinforces the rights of unaccompanied minors and makes them a priority for relocation.

In order to address identified data gaps, the new Pact proposes new rules. The amended proposal for a Regulation on the establishment of “Eurodac” aims to provide for more efficient data processing.

The European Commission also noted that in the light of lessons learned from the Covid-19 pandemic, the EU requires flexibility in situations of force majeure.

The proposal for a regulation that establishes procedures and mechanisms addressing situations of crisis aims to ensure that the EU has at its disposal specific rules that can be applied to ensure effective solidarity in situations of crisis in national asylum and return management systems (European Commission, 2020d).

4.5. Conclusions

The Covid-19 pandemic highlighted the EU's need for preparation to situations of force majeure and broader crises, which impact migration and asylum management systems. The Pact on Migration and Asylum sets out the Commission's new approach to migration, addresses border management and ensures more coherence to integrate the internal and external dimensions of migration policies. The European Commission proposal must still make its way through the legislative process in the European Parliament and European Union Council.

One of the most important changes is that the Pact allows Member States to opt out from participating in the relocation of asylum seekers and refugees within the European Union, by offering them the possibility to instead provide financial support to other Member States. The viability of this scheme may raise doubts. Another concern is that border security has been prioritized over access to asylum. While emphasizing the principle of *non-refoulement* as enshrined in international refugee law, the Pact simultaneously introduces measures clearly meant to complicate the possibility for individuals to seek protection in the EU (Kirişçi, Erdoğan, & Eminoğlu, 2020). However, because the measures taken during the Covid-19 pandemic largely restricted mobility and individual freedom, there remains a risk of stricter migration and asylum policy.

References

- Cymbranowicz, K. (2020). The development of the European Union in the areas of migration, visa and asylum after 2015. Priorities, effects, perspectives. *Migration Studies – Review of Polish Diaspora*, (175)/2020, 67–95. <https://doi.org/10.4467/25444972SMPP.20.004.11795>
- Dimitriadi, A. (2020). The future of European migration and asylum policy post Covid-19. *FEPS Covid response papers*. Foundation For European progressive studies. Retrieved from <https://www.feps-europe.eu/resources/publications/745-the-future-of-european-migration-and-asylum-policy-post-covid19.html>
- European Commission (2020a). *Communication from the Commission on a New Pact on Migration and Asylum*. European Commission, Brussels. Retrieved from <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52020DC0609&from=EN>

- European Commission. (2020b). *Migration. New Pact on Migration and Asylum*. European Commission, Brussels. Retrieved from https://ec.europa.eu/info/sites/info/files/new-pact-on-migration-and-asylum-package_1.pdf
- European Commission (2020c). *New Pact on Migration and Asylum: Questions and answers*. European Commission, Brussels. Retrieved from https://ec.europa.eu/commission/press-corner/detail/en/qanda_20_1707
- European Commission (2020d). *Proposal for a regulation of the European Parliament and of the Council on asylum and migration management and amending Council Directive (EC)2003/109 and the proposed Regulation (EU)XXX/XXX [Asylum and Migration Fund]*. European Commission, Brussels. Retrieved from <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1601291023467&uri=SWD%3A2020%3A207%3AFIN>
- Eurostat (2020). *Migration and migrant population statistics*. Retrieved from https://ec.europa.eu/eurostat/statistics-explained/index.php/Migration_and_migrant_population_statistics
- Frontex (2020, October 28). *Situation at EU external borders in April – Detections lowest since 2009*, Retrieved from <https://frontex.europa.eu/media-centre/news-release/situation-at-eu-external-borders-in-april-detections-lowest-since-2009-mJE5Uv>
- IOM (2020). *The impact of Covid-19 on migrants*. Migration Factsheet No. 6., International Organization for Migration. Retrieved from https://www.iom.int/sites/default/files/our_work/ICP/MPR/migration_factsheet_6_covid-19_and_migrants.pdf
- Kirişci, K., Erdoğan, M., & Eminoğlu, N. (2020). *The EU's "New Pact on Migration and Asylum" is missing a true foundation*. Retrieved from <https://www.brookings.edu/blog/order-from-chaos/2020/11/06/the-eus-new-pact-on-migration-and-asylum-is-missing-a-true-foundation/>
- Soysüren, I., & Nedelcu, M. (2020). European instruments for the deportation of foreigners and their uses by France and Switzerland: the application of the Dublin III Regulation and Eurodac. *Journal of Ethics and Migration Studies, special issue: Precarious Migrants, Migration Regimes and Digital Technologies: the Empowerment-Control Nexus*. <https://doi.org/10.1080/1369183X.2020.1796278>
- UNHCR (2019). *Refugee & migrant arrivals to Europe in 2019 (Mediterranean)*. United Nations High Commissioner for Refugees. Retrieved November 10, 2020 from <https://data2.unhcr.org/en/documents/details/74670>
- UNHCR (2020a). *Mediterranean situation*. United Nations High Commissioner for Refugees. Retrieved from <https://data2.unhcr.org/en/situations/mediterranean>
- UNHCR (2020b). *Europe situations: data and trends arrivals and displaced populations*. United Nations High Commissioner for Refugees. Regional Bureau for Europe. Retrieved from <https://data2.unhcr.org/en/documents/details/83170>

CONTENTS

Foreword (*Ewa Mińska-Struzik, Barbara Jankowska*) <https://doi.org/10.18559/978-83-8211-061-6/0>

Part I

CHALLENGES AT THE SUPRANATIONAL AND NATIONAL LEVEL

1. The economy battling Covid-19. A macroeconomic approach (*Tadeusz Kowalski*) <https://doi.org/10.18559/978-83-8211-061-6/11>
2. How Covid-19 impacted the European integration processes? The case of EU Cohesion Policy and budget (*Ida Musiałkowska, Piotr Idczak*) <https://doi.org/10.18559/978-83-8211-061-6/12>
3. The European Union's Common Commercial Policy and the Covid-19 pandemic: reactions and challenges (*Grzegorz Mazur*) <https://doi.org/10.18559/978-83-8211-061-6/13>
4. The future of the European Migration and Asylum Policy (*Judyta Cabańska*) <https://doi.org/10.18559/978-83-8211-061-6/14>
5. Central Bank policy toward the Covid-19 pandemic: Seeking patterns among the most powerful central banks (*Anna Matysek-Jędrych, Katarzyna Mroczek-Dąbrowska*) <https://doi.org/10.18559/978-83-8211-061-6/15>
6. International portfolio diversification during the Covid-19 onset: A study of correlations among CEE post-transition and developed countries (*Paweł Śliwiński*) <https://doi.org/10.18559/978-83-8211-061-6/16>
7. Foreign direct investment and the Covid-19 pandemic: the real economy perspective and theoretical implications (*Marian Gorynia, Piotr Trąpczyński*) <https://doi.org/10.18559/978-83-8211-061-6/17>
8. The impact of Covid-19 on the finances of multinational enterprises from the perspective of Balance of Payments transactions (*Monika Andrzejczak*) <https://doi.org/10.18559/978-83-8211-061-6/18>

Part II

CHALLENGES FOR BUSINESS SECTORS AND INDUSTRIES

1. Internal substitution in the tourism market: Effects of the Covid-19 pandemic (*Agnieszka Niezgoda, Ewa Markiewicz, Klaudyna Kowalska*) <https://doi.org/10.18559/978-83-8211-061-6/III>
2. Effects of the Covid-19 pandemic on sport, video game, and tourism industry: Sentiment analysis of press, Internet articles and Twitter data (*Łukasz Bryl, Justyna Majewska, Szymon Truskolaski*) <https://doi.org/10.18559/978-83-8211-061-6/II2>
3. Goods road transport sector facing pandemic crisis (*Piotr Banaszyk, Sylwia Konecka, Anna Maryniak*) <https://doi.org/10.18559/978-83-8211-061-6/III3>
4. The Polish logistics real estate market as a link in international supply chains during the Covid-19 crisis (*Waldemar Budner*) <https://doi.org/10.18559/978-83-8211-061-6/II4>
5. Covid-19 disruption of European agri-food markets: The case of Poland (*Magdalena Śliwińska, Rafał Śliwiński*) <https://doi.org/10.18559/978-83-8211-061-6/II5>

6. Consumer acceptance of AR technology in e-commerce in the light of the Covid-19 pandemic: A conceptual perspective (*Małgorzata Bartosik-Purgat, Tomasz Grzegorzczak, Wiktoria Rakowska*) <https://doi.org/10.18559/978-83-8211-061-6/II6>
7. Challenges for innovation co-operation in the biopharmaceutical industry during the Covid-19 pandemic (*Łukasz Puślecki*) <https://doi.org/10.18559/978-83-8211-061-6/II7>

Part III

CHALLENGES FOR COMPANIES

1. The adoption of Industry 4.0 solutions as a remedy against the pandemic crisis—the case of Polish companies (*Barbara Jankowska, Ewa Mińska-Struzik*) <https://doi.org/10.18559/978-83-8211-061-6/III1>
2. Future competences in times of an economic crisis (*Anna Łupicka*) <https://doi.org/10.18559/978-83-8211-061-6/III2>
3. The impact of the crisis on the maintenance of sustainable development initiatives: A comparative analysis of local and international companies (*Łukasz Małys*) <https://doi.org/10.18559/978-83-8211-061-6/III3>
4. Women's entrepreneurship in the Covid-19 pandemic (*Alicja Hadryś*) <https://doi.org/10.18559/978-83-8211-061-6/III4>
5. Challenges in currency derivatives management in the OTC market in Poland during the Covid-19 pandemic (*Piotr Wybieralski*) <https://doi.org/10.18559/978-83-8211-061-6/III5>
6. Donation crowdfunding as a source of relief for small businesses (*Marcin Wieczerzycki*) <https://doi.org/10.18559/978-83-8211-061-6/III6>