

Andrzej Wawrzusiszyn*

MIGRATION POLICY AND THE CROSS-BORDER SECURITY

ABSTRACT

The essence of the modern migration crisis is the rapid increase in the number of migrants traveling to Europe to obtain asylum. 2015 is recognised as the beginning of the crisis, when 1.2 million asylum applications were filed in the EU, although the number of migrants has been steadily increasing for several years. Population flow to and within the European Union was almost out of control, and short-term blockades and restrictions were introduced at the borders of individual Member States to change the selection of migrants brought chaos and misunderstandings. This phenomenon has led to diplomatic impasse, humanitarian threats and, above all, a serious reduction in cross-border security. The crisis has exposed one of the greatest weaknesses of the European Union - the lack of a common migration policy.

The European migration program, combined with efficient management of the EU's external borders, is becoming a solution. Its fulfilment starts to bring first effects.

Keywords: European Union, cross-border security, migration crisis, threats and challenges, migration program

INTRODUCTION

One of the fundamental goals of the European Union is to conduct a complex and modern European migration policy based on solidarity. Such a policy tries to provide a balanced approach towards both legal and illegal migration (Article 79 and 80 of the Treaty on European Union). A recent migration crisis rendered the above goals difficult to achieve. A provision of security in Europe which is one of the most important objectives of the European Union requires that entrance and residence opportunities available to foreigners, particularly to those undesirable ones, are rationed. A growing phenomenon of illegal migration is closely connected with problems of organised crime, terrorist and extremist activities which are fuelled by migrants who penetrate these criminal structures and with introducing social and ethnic conflicts specific for the country of origin into the country of residence. The phenomenon is

* University of Warmia and Mazury in Olsztyn, e-mail: andrzej.wawrzusiszyn@uwm.edu.pl

accompanied by such perils as human trafficking, exploitation of adults and children forced to work in inhumane conditions (e.g. mendicancy), sexual exploitation of women and children, organ trade, such forced criminal activities as robbery, illegal drug trade or terrorism.

This is a crucial moment for Europe to mobilise all its energy in order to stop dangers connected with the phenomenon of migration. Some symptoms of the successful solution can be seen in a new migration policy which in combination with the efficient management of the external borders of the European Union starts to bring the first results.

MIGRATION CRISIS IN EUROPE

The direct causes of the migration crisis are: the result of the impossibility of putting an end to civil wars in Syria, Libya and Afghanistan; the result of conflicts in Africa (Sudan, South Sudan, Eritrea, Nigeria) stemming from the contradictory interests of empires, particularly of the United States, the European Union, Russia, rich Arab countries, and of those empires allies (Israel, Turkey, Iran and Syria). The crisis has begun in connection with the Arab Spring and accompanying demonstrations on a huge scale which resulted in overthrowing governments in Libya, Tunisia and Egypt. Governed with an iron fist of the dictators, the above Arab countries started to slide into chaos and destabilisation which is always a good opportunity for the radical organizations to intensify their activities. Such a process was clearly visible in Syria and Iraq where the existing conflict set very good conditions for the operations of the extremists connected with the so-called Islamic State (Piwowarski & Wawrzusiszyn, 2016). Military conflicts which were raging on the aforementioned territories only precipitated migration processes and movements of people in the direction of the richest European countries. A demographic factor is closely connected with the socio-economic condition the countries in the region. The numerous family model adopted in the Middle East was not coordinated with the level of socio-economic development of some countries in the region. In turn, the objective lack of employment for men in Arabic countries at the coast of the Mediterranean Basin explains the overrepresentation of men in relation to women with children in the current migration wave (according to the unofficial data the ratio amounts to 4:1). It proves that the main cause of the current migration wave is to a great extent an economic factor (Jagnieža, 2015). One should not forget though that migrants are also people who escape to safe countries from their fatherlands where their lives are in danger because of their race, religion, nationality, political beliefs or membership in a particular social group.

From a broader perspective two main processes which weaken the European integrity can also be identified as causes of the migration crisis:

- the so-called revolt of the masses which is responsible for the decline of traditional, conservative, patriotic and family values that in the past were occupying the highest layer of the value hierarchy and replacing them with hedonistic values such as wealth, money or career;
- dissemination of the ideology of atheist humanism amongst the elites – today such ideas as multiculturalism, political correctness, ultratolerance are commonly accepted in Western academia, media and political discourse.

The effect of these processes is the demographic crisis – young people value wealth higher than a family and treat children as a cost rather than as an investment and an assent on the part of institutions for the excessive, conflict-provoking and deculturalization-inducing

interference of the representatives of various cultures (“The Position of the Polish Geopolitical Society,” 2015). Also the European Union itself contributed considerably to the migration crisis due to the lack of common migration policy. The situation was exacerbated by serious opinion differences between leaders of the European Union member states, by calling into question – by the countries opposite to the “open door” policy – the implementation of the internationally binding law and also by the negative attitude of the Visegrád Group states and Denmark towards obligatory quotas and relocation of migrants.

From the scholarly point of view the current situation is another phase in the clash of civilisations the causes of which are long-term social processes that weaken the cultural strength of populations which compose a particular civilisation, in this case the Western civilisation. Taking advantage of the cultural regress of its neighbours, the Muslim world conducts the so-called Hegira. In accordance with the Muhammad’s recommendations Muslims undertake an organised trip in order to increase their influence on the thereby occupied, culturally alien territories so as to include them into the Ummah (nation, community; in the religious, Islamic meaning of the word – community of Islamic people) (“The Position of the Polish Geopolitical Society,” 2015).

During the beginning of the Arab Spring at the end of 2010, migration from the North Africa and the Middle East to Europe intensified. However only in 2014 the scale of the process reached an unprecedented level, starting thereby the migration crisis. In 2015 1,82 million attempts of illegal crossing of the external border of the European Union were reported, what amounts to a six-fold increase in comparison with the previous year. Still, not all cases of illegal crossing were registered. Moreover, it is estimated that at least 3,5 thousand people in 2014 and 3,8 thousand in 2015 lost their lives or went missing during attempts to cross the Mediterranean Sea. In comparison, in 2013 only 600 such cases were reported. Amongst the increasing number of migrants coming to Europe the biggest group are people who need an international protection. Only in 2015 1,3 million applications for asylum were submitted in the European Union countries, Norway and Switzerland which gives two times bigger number than in the previous year. Thus a two-dimensional crisis is taking place in Europe. On the one hand, it is a migration crisis in a demographic sense which is characterised by the inflow of a big number of people in a short period of time. On the other hand, it is the biggest refugee crisis since the Second World War which is characterised by the increasing number of people leaving countries of origin or countries of last residency in order to find asylum. (Pachocka, 2017).

CROSS-BORDER DANGERS

The biggest danger in the modern Europe is the illegal migration. Especially Italy, Spain and Greece as well as many other countries complain about this process. Paths of smuggling people constantly evolve and the conditions of this practice infringe on human dignity. The main beneficiary of this process are gangs of smugglers who earn huge profits on smuggling people to Europe. A precise estimation of the scale of illegal migration to Europe is not available due to the hidden nature of the very phenomenon in question and it is therefore good to remember that all the data which is published in various sources includes only a general estimation. The citizens of the third countries who want to enter the European Union territory more and more often turn to organisations which specialise in helping people to reach

this territory. According to the Europol Executive Director Rob Wainwright, only 10% of migrants arriving to Europe do it on their own account. The rest 90% use services of firms which specialise in helping people to reach the European continent. In the majority of cases these tasks are performed by the criminal groups.

The dominant role in the practice play international criminal networks which have many members and operate in a large geographical area. The data collected by Europol informs about almost 40 thousand suspects involved in the smuggling of migrants. Suspects come from more than 100 countries – mainly from Bulgaria, Egypt, Hungary, Iraq, Kosovo, Pakistan, Poland, Romania, Serbia, Syria, Tunisia and Turkey. According to the general estimations, in 2015 smuggler networks organising illegal transportation of migrants to Europe earned from 3 to 6 billion euros (Wawrzusiszyn, 2016).

Organisations smuggling numerous groups of people use newer and newer methods and constantly search for new places or ports which are vulnerable to their penetration and can be used for smuggling people, weapons or drugs. These big smuggler gangs, rather than small vice rings, due to bribery and corruption are increasingly more connected with the influential political and business circles. Their operations involve participation of both illegal organisations and legal institutions. Their mode of operation depends to a considerable extent on the region in which smuggling is performed, on the resources devoted to fighting illegal migration by particular member countries and on the needs of migrants paying for such services. The advancement of their operations matches the efforts of the member countries trying to pre-empt illegal immigration. Smuggler gangs operate as if they were big travel agencies organising boat trips for the tourists. Some of them offer migrants even two cruises per week on ships able to take on board up to 200 people. According to the data of the United Nations High Commissioner for Refugees, more than a million migrants come to Europe by sea in 2015 (Wawrzusiszyn, 2016).

The practice is accompanied by such perils as human trafficking, particularly women and children trafficking, sexual exploitation of women and children, organ trade, such forced criminal activities as robbery, illegal drug trade or terrorism. Smuggling migrants creates a peril for people's life and health and is one of the forms of the cross-border crimes.

Motives of the people smugglers depend on the age and the sex of the victim:

- women are usually recruited for brothels, street prostitution, smuggling activities, forced labour in the households and farms, hard manual labour,
- children are usually recruited for street begging, slave labour, illegal adoption, sexual exploitation and prostitution, child pornography, small forced criminal activities, smuggling and dealing illegal products such as drugs and child pornography,
- men are recruited for very hard slave labour, mainly in secluded places, forced making up for incurred debts and committing crimes,
- a separate goal of human traffickers is organ trade (Bryk, Kobylas & Malinowska, 2014).

A current and still available method of operation of the organised crime groups is the counterfeiting of documents: Schengen visas, IDs, driving licences, residence permissions and passports which easily find their customers in the various countries in the European Union, Africa, Middle East and Asia. Organisations of counterfeiters have their locations in many countries and employ professional equipment in performing their operations. Counterfeited documents cost from 100 euros to even three thousand euros.

ASSUMPTIONS OF THE EUROPEAN AGENDA ON MIGRATION

The member countries are not able to single-handedly manage the migration challenge. Hence, the European Union needs common standards and uniform systems of the shared responsibility for the management of the external borders. In the European Agenda on Migration published by the European Commission in May 2015 (“Communication from Commission to the European Parliament,” 2015) underlined the need of the common management of the external borders in accordance with the objective stated in the Article 77 of the Treaty on the Functioning of the European Union which postulates “the gradual introduction of an integrated management system for external borders”. The main objective of the Agenda is to effectively manage the process of crossing the external borders and to undertake a challenge connected with migration, to counteract potential dangers at these borders and therefore to contribute to the fight against serious transborder crimes and to provide a high level of internal security in the European Union. The Agenda includes a complex plan of improving the migration management in all its aspects. The realisation of the Agenda is divided into two main stages:

- introduction of immediate solutions,
- creating a programme of long-term actions.

The first part of the European Agenda is the answer to the humanitarian tragedy, particularly in the Mediterranean Sea Basin. It pertains to the following issues:

- strengthening the Frontex operations Triton and Poseidon in the years 2015–2016,
- successful targeting criminal smuggling networks,
- starting the relocation system for persons applying for asylum in Europe,
- setting up the hotspot approach consisting in quick identification, registration and fingerprinting incoming migrants as well as coordinating their return.

In turn the long-term programme is based on four pillars concerning management and safety of the European Union external borders:

- reducing the incentives for illegal migration,
- border management – saving lives and securing external borders,
- building common European asylum policy,
- a new policy on legal migration.

The European Union devoted 10 million euros from its budget to realise the adopted objectives.

REALISATION OF THE EUROPEAN AGENDA ON MIGRATION

Long-term actions are particularly crucial for stopping the migration crisis. Within the first pillar of the European Agenda on Migration active and reasonably conducted external policy of the European Union is of critical importance. It consists of the following dimensions:

- the root causes of the illegal and forced migration are on the part of the third countries: the role of the EU Delegations dealing with migration is being strengthened in the key countries and the network of the European migration liaison officers is being extended with the purpose of gathering, exchanging and analysing information in

- a close cooperation with the local authorities and society; around 100 million euros has been devoted to the European Union external cooperation assistance;
- the fight against smugglers and human traffickers: actions to fight criminal networks of smugglers and human traffickers have been undertaken via broader cooperation with third countries (the majority of smugglers are based outside Europe); UE Agencies help in surveilling and pursuing smugglers and in confiscating their assets; the existing European Union legal framework to tackle migrant smuggling and those persons who profit from it have been improved, e.g. prohibited the employment of third-country nationals who have no right to stay in the EU;
 - returns: intensified actions due to which third countries can better meet their obligations concerning management of returns of their citizens; prepared “Return Handbook” contains guidelines concerning meeting obligations by country institutions dedicated to performing tasks connected with returns, including such institutions as police, border guard, migration administration organs, employees of detention centres and monitoring bodies.

The most important step within the second pillar was launching the European Border and Coast Guard Agency at the end of 2016 (“Regulation on the European Border and Coast Guard,” 2016). The Agency has legal personality and is independent in implementation of its technical and operational mandate. The European Border and Coast Guard was established by the European Border and Coast Guard Agency and national authorities of member states responsible for border management, including coast guards as far as implementation of their border control tasks is concerned. The main objective of the Agency is to provide the effective functioning of the integrated management of the European Union external borders. The key role of the Agency is to establish a technical and operational strategy for implementation of integrated border management at Union level, to oversee the effective functioning of border control at the external borders and to conduct the risk assessment.

The Agency coordinates its operations and cooperate with Europol and Eurojust – agencies responsible for supporting and increasing effectiveness of member states’ operations concerning prevention and combating serious crimes affecting at least two member states. To fulfil its tasks the Agency has at its disposal a rapid reaction pool of coast guard teams and equipment. The pool amounts to 1500 experts who, in a state of emergency, can be deployed in various places in as short time as less than three days.

An important move was to approve, 7 December 2016, of the middle-of-the-road text concerning an amendment of the Schengen Borders Code (“Regulation: Schengen Borders Code,” 2016) mutually agreed upon by the Committee of Permanent Representatives (Coreper) and the European Parliament. The amendment obliges member states to routinely compare the data of all the travellers with the database of lost and stolen documents, including travellers who according to the European Union law are entitled to freely cross external borders, e.g. Union citizens and their family members who are not Union citizens. It is also checked whether travellers are not dangerous for the public order and internal security. At all external borders (land borders, sea borders and air borders) entry and exit checks are compulsory.

The third pillar concerns asylum policy and consists of:

- the review of the asylum procedures: the full review of the asylum procedures allows to implement the Common European Asylum System via a new systematic mon-

itorial process. Working with the Member States and European Asylum Support Office (EASO), the Commission will give further guidance to improve standards on reception conditions and asylum procedures to reinforce protection of the fundamental rights of asylum-seekers, paying particular attention to the needs of vulnerable groups, such as children,

- the assessment of the assumptions of the Dublin system: because the implementation of the Dublin system is not working as it should, the evaluation thereof has been conducted in order to reduce delays and to establish a dedicated network of national Dublin Units; systematic increase of biometric identifiers in the Eurodac system.

Since the European Union is facing a series of economic and demographic challenges while its economy is increasingly dependent on highly-skilled jobs, the forth pillar of the Agenda has been devoted to the policy of legal migration. The following operations are carried out:

- the review of the Blue Card system: works are being carried out on how to make it more effective in attracting talent to Europe; a special platform of cooperation with member states, business and the trade unions concerning economic migration is being established; works on modernisation of the visa policy have been launched and the review of which nationalities require visas have been concluded;
- migrants integration: it refers to persons applying for asylums and refugees; increased funds support targeted initiatives to improve language and professional skills, improve access to services, promote access to the labour market, inclusive education etc.

An important event from the point of view of an analysed programme was Malta Declaration adopted during an informal summit 3 February 2017 by the members of the European Council. The Declaration wants to dynamise cooperation with Libya and limit smuggling of people and inflow of migrants along the Mediterranean route. The most important tasks are identified as follows: training, equipment, support to the Libyan coast guard, efforts to disrupt organised smuggler groups via CSDP, Europol and European Border and Coast Guard missions and operations, supporting the development and improvement of socio-economic situation of local communities in Libya in order to ensure adequate reception capacities and conditions for migrants, enhancing information campaigns addressed at migrants in Libya and at their countries of origin and transit, helping to reduce the pressure on Libya's land borders by working with the Libyan authorities and all neighbours of Libya.

In turn 7 February 2017 the European Council adopted recommendations concerning prolonging temporary internal border control in exceptional circumstances ("Council Implementing Decision," 2016). The Council recommended five Schengen States (Austria, Germany, Denmark, Sweden and Norway) to maintain temporary controls for the maximal period of six months, as from the day of adoption of the Implementing Decision, to address the threat to public order or internal security posed in these states by deficiencies in external border control in Greece and by the secondary movements of illegal migrants entering via Greece to other Schengen states. Internal border controls may be carried out only at those parts of the internal borders where it is considered necessary. Such controls are to be employed as the ultimate measures and they should only be directed towards serious risks and based on the risk analysis and the intelligence data.

Another important event was a Declaration signed 21 May 2017 in Rome which was a starting point for an attempt to stop an exodus from Africa and to solve the problem where

it starts. At the of the meeting of the ministers of home affairs of Chad, Niger and Libya a decision was made to establish centres for migrants in Chad and Niger (transit countries for people from the sub-Saharan Africa who go to Libya) which would fulfil the international standards.

CONCLUSIONS

Within the integrated system of managing the European Union borders a migration programme is being implemented with the objective of improving the migration management which is a crucial challenge today. A system based on the four-level model of access control includes measures used in the third countries, e.g. within the common visa policy, measures used in the neighbours of the third countries, measures used by the border control at the external borders, risk analysis and measures used within the Schengen area as well as returns. Implementation of the programme's assumptions starts bringing effects, however they are still far from what is expected. Demographic data indicates that migration from Africa will still be at the similar level. Thus, Europe needs further-reaching, more courageous and more efficient solutions in order to strengthen the cross-border security.

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