

## THE MIGRANT CRISIS – THE GREAT CHALLENGE OF THE EUROPEAN UNION

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### Abstract:

*The refugees' crisis puts pressure on the whole European system. The means of managing this crisis will influence the further evolution of the European Union. The entire treaty system of the EU, referring to asylum seekers and refugees, had to be transformed and upgraded in order to face the dimension of the 2015 phenomenon. EU's interstate internal solidarity was severely challenged and the future configurations of the refugees' crisis still ask for enormous efforts on behalf of the European Union institutions.*

**Keywords:** refugee crisis management, regional conflicts, insurance measures for refugees' existence, European solidarity, risks and opportunities for refugees' inclusion

At almost 65 years since the initiation of the European project, the European Union is going through the most difficult period in its history. But we have to say from the beginning, this crisis that the old continent is seen handcuffed, is one of non-violence, held its own evolution toward civilization and welfare.

Three major conflictual aspects are outlined more strongly today, once went out from the great danger of the economic crisis of 2008-2010.

The crisis of solidarity, the crisis of EU projection in the future, and on the background of two, the refugee crisis. Practically and obviously the

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last of them is putting pressure on the entire European project, both questioning the solidarity between the European states and also the projection on the future of European construction. Starting from the pursuit of fundamental principles of the modern world, such as freedom, prosperity and respect for human rights, the EU is seen today in front of a considerable effort required to maintain these ideals, or reported to its own citizens, to the citizens of other states or for the refugees' crisis, to the citizens of other continents.

Intercommunity solidarity crisis, suffered during the year of 2015, is not a crisis likely to cause long-term concerns. The very term "crisis" explains certain behaviors of conservation in two stages, of the affected countries. In a first step, the countries crossed by thousands or tens of thousands of refugees daily, facilitated the route of these people to the concerned countries, based on a phenomenon later called, such as "Wave through approach"<sup>1</sup>. Later, countries like Greece, Albania, Hungary, Croatia or Slovenia, have resorted to various measures to strengthen the national security, observing, more or less, a European regulation applicable in such situations <sup>2</sup>.

At this point, we shall make the first assumption of this material: the Dublin Regulation, even by changes brought until 2015, was not taking into account a crisis of a magnitude as perceived later as being "the greatest crisis of refugees from the second World War ."<sup>3</sup> For these reasons, configurations and reactions that states had during the crisis, could not be controlled nor, much less, coordinated, in a situation which that exceeded any prediction. During 2015, more than one million refugees or immigrants have entered the European Union territory, where it is today.

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<sup>1</sup> Back to Schengen, COM (2016) 120 final, Brussels, 04.03.2016, p. 7; [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/schengen/docs/communication-back-to-schengen-roadmap\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/schengen/docs/communication-back-to-schengen-roadmap_en.pdf) , accessed on 09.09.2016.

<sup>2</sup> Dublin Regulation, <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=URISERV:l33153&from=RO>, accessed on 09.09.2016;

<sup>3</sup> Back to Schengen, COM (2016) 120 final, Bruxelles, 04.03.2016, p. 2.

## The preview of an anticipated crisis?

In some publications in the last year<sup>4</sup>, we have tried to show that in institutional terms, the EU set up in time some programs that sought to strengthen, on the one hand, and to secure on the other hand, the obtained status quo, the continental peace and the safety of their citizens. Whether we talk about the European Security Strategy or the European Neighborhood Policy, along with many other documents produced by the European institutions, the EU as a whole has correctly assessed the potential risks and was involved in projects that cultivate and strengthen the stability spaces within its own borders or in the "distant neighborhood."

"Violent conflicts or the frozen ones, which remain also at our borders, threaten the regional stability. (...) The conflict can lead to extremism, terrorism and state failure; it provides opportunities for organized crime. Regional insecurity can fuel the demand for weapons of mass destruction." <sup>5</sup>

Five years later, the High Representative for the Common Foreign and Security Policy, Javier Solana, showed the European Council a "Report on the implementation of the European Security Strategy". Starting from the reality on the ground, the report highlights the EU contribution to the global peace and security: "Drawing on a unique range of instruments, the EU already contributes to a more secure world. We have worked to build human security, by reducing poverty and inequality, promoting good governance and human rights, assisting development, and addressing the root causes of conflict and insecurity. The EU remains the biggest donor to countries in need."<sup>6</sup> Did not remain unhighlighted, the regional conflicts included in 2003 in the chapter "threats" within ESS. "Conflicts in the Middle East and elsewhere in the world remain unsolved, others have flared up even in our neighborhood. State failure affects our security through crime, illegal immigration and, most recently, piracy."<sup>7</sup>. And the

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<sup>4</sup> Dorin Dobra, "Overview of the European future", On-line Journal *Modelling the New Europe*, Issue no. 15, June 2015.

<sup>5</sup> European Security Strategy, A sure Europe in a better world, Bruxelles, December 2003. <http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf>, accessed on 09.09.2016.

<sup>6</sup> European Security Strategy, Bruxelles, 2009, p. 9.

<sup>7</sup> *Ibidem*, p. 8.

end of the material available for the Council, the security and stability of the remote neighboring countries is assumed as an overall objective of ESS.

"The ESS acknowledged that Europe has security interests ITS beyond immediate neighborhood. In this respect, Afghanistan is a particular concern. Europe has a long-term commitment to bring stability."<sup>8</sup>

"Surprised, therefore, in the "threats" chapter, the instability in the Middle East have its well placed positioned in the European Security Strategy since 2013. Today, a year since the Great Migrant Crisis, we can only wonder whether the EU has done enough prevent and control, more exactly where it was possible to act more constantly to prevent the outflow of refugees in 2015. The EU approach and involvement in the events of "Arab Spring" may provide some explanation, but the main question remains: "How could EU to involve more to prevent and eventually to diminish the migration of millions of people in the conflict zone?"

### **Year 2013 – "The comprehensive approach" of the Syrian crisis**

In 2013, the phenomenon of "Arab spring", was already set up its major results across the entire region. Becoming, day by day, obviously that the size of the crisis situation was still evolving, and further evaluation needed assessments and direct proportionated measures. Once again, the European institutions proved to be able to correctly assess and even predict the possible consequences of the conflicts in the region and the document dedicated to this issue took the form of the Commission Communication entitled "Towards a comprehensive EU approach to the Syrian crisis." The pace of the deterioration of the Syria conflict in recent months is such that a humanitarian catastrophe is spreading throughout the whole region."<sup>9</sup>

Moreover, on the basis of international relations and the positioning towards the EU crisis, in the chapter on the measures to be taken, the European Commission announces the humanitarian position towards the Syrian refugees. We emphasize this paragraph as having enormous implications for the further development of the "refugee crisis": "From the beginning of the crisis in April 2011 until the end of 2012, some 32,000

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<sup>8</sup> *Ibidem*, p. 18.

<sup>9</sup> JOIN (2013) 22 final, Bruxelles, p. 1.

<http://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:52013JC0022>, accessed on 10.09.2016.

persons claiming to be Syrian nationals applied for protection in the EU, with an estimated further 7,500 in 2013 so far. Currently, there seems to be a general consensus that Syrians present in the EU should not be returned to Syria, irrespective of their legal status. Recently, the High Commissioner for Refugees called, in a letter addressed to the Commission and the Member States, for the humanitarian admission of 10,000 Syrian refugees from countries in the Middle East and North Africa and for the resettlement of an additional 2,000 Syrian nationals, mainly particularly vulnerable refugees, including serious medical cases and disabled persons.

The Commission calls on Member States **to respond positively to this call by making resettlement or humanitarian admission places available to these people**. In addition, the Commission calls on Member States to **adopt a generous attitude towards the granting of humanitarian visas to persons displaced by the Syrian crisis** who have family members present in the EU, and also to **admit any Syrians arriving at the external borders of the Union**. Currently, eleven countries which are part of the Schengen area impose airport transit visas on Syrian nationals. In light of the current circumstances, the Commission believes that it is not appropriate to add Syria to the common list of countries subject to the airport transit visa requirement as requested by certain Member States in the framework of the on-going annual revision of the national airport transit visa requirements."<sup>10</sup>

Without negatively assessing the whole presented paragraph, we emphasize that in 2013, the declared intentions were the right attitude. Institutionally speaking, more that were set measures both to stabilize the situation in Syria and complementary, funds and actions to strengthen the capacity of Turkey to host refugees from the conflict zone. "Turkey has needed to carry a significant financial burden of approximately EUR 600 million to date, with little support from the international community. The EU has pledged an overall package of EUR 27 million, notably to support UNHCR and local organisations and communities to deal with the refugees."<sup>11</sup>

We have underlined the provisions of the Communication in 2013, because we believe that, politically speaking, we have contributed to the configurations of the crisis during the year of 2015. The humanitarian

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<sup>10</sup> *Ibidem*, p. 8.

<sup>11</sup> *Ibidem*, p. 15.

opening announced, the correctly politically attitude assumed by a European official document, have all contributed to strengthening the view that in the European continent, the refugees can find protection and peace and also ensuring respect for fundamental living conditions.

### **Europe, victim of its own success?**

If always concerns about the European security could take into account the regional instability as a risk factor, certainly none of the European establishment could not foresee the great exodus of refugees from the year of 2015. Leaving Turkey to go to Greece, and from there, on the mainland, it was the main source of exodus of more than a million of people with whom Europe had to be faced, later accommodated, fed and maintained a certain standard of living. Today, it remains to ask how and why it was possible such an exodus, obviously qualified as a "humanitarian crisis", but, especially, why Europe, and more specifically its center, was converted to a destination of refugees.

The answer to this question can stand as a confirmation also in one EU official document, namely "Commission Communication to the Council" dedicated to the emergency support granted to the countries receiving refugees." Today, more than 60 million people have been displaced as a result of war, protracted conflict or severe natural disasters. Between January 2015 and February 2016, over 1.1 million people – refugees, asylum seekers and migrants – have made their way to the European Union, either escaping conflict in their countries of origin or in search of a better and safer life."<sup>12</sup>

Withdrawal of population before inter-ethnic and religious conflicts is therefore the source of mass refuge and the seek for a better and safer life is the motivation for the EU as a final destination.

From this perspective, our question regarding the current situation of the EU as a "victim of its own success" in a interstate and supranational draft, that has managed to create a space of welfare and continental peace, becomes easier to understand. Because as it may seem obvious or not, the current situation shows that regional instability, also being from another continent, endangers, or at least puts pressure on a system from thousands

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<sup>12</sup> COM (2016) 116 final, Bruxelles, 2.03.2016, p. 2.

[http://ec.europa.eu/echo/files/EU\\_Emergency\\_Support/EC\\_Communication\\_Provision\\_en.pdf](http://ec.europa.eu/echo/files/EU_Emergency_Support/EC_Communication_Provision_en.pdf)  
accessed on 10.09.2016.

of kilometers away, just because of the reality of its tender : peace and prosperity. Assessment under the chapter "threats" of the regional instability, proved to be correct, but the exact configuration of the phenomenon of "mass migration" could not be provided.

Today, however, the EU is facing with an urgent reality: more than a million refugees are already in its territory, Turkey continues to record substantial inflows with risk of moving towards Europe, Greece records real difficulties in managing the reception and accommodation of refugees and in the Middle East, conflicts are far from being resolved.

### **Refugees: a burden or an opportunity?**

Today, at the end of 2016, on a realistic assessment of the situation, is underlined, that first are need to be provided asylum to over one million refugees and, later, are required legislative mechanisms to ensure a better coordination of a possible new humanitarian crises of this kind. Nothing that happens today in the same areas of conflict can not provide any assurance that the migration phenomenon shall continue, though perhaps at a lower intensity than that registered in 2015. "Migration has been and will continue to be one of the defining issues for Europe for the coming decades. Underlying trends in economic development, climate change, globalisation in transport and communications, war and instability in neighbouring regions, all mean that people will continue to seek to come here – for refuge, for a better life or following their close family. European countries will continue to stand steadfast in meeting their legal and moral commitment to those who need protection from war and persecution. And, as their own demographics evolve, they will need to take advantage of the opportunities and benefits of attracting foreign talents and skills."<sup>13</sup> The realistic note, is therefore included in the Communication on the "Possibilities to reform the system of European common asylum and to improve the legal channels for migration." Furthermore, making reference

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<sup>13</sup> COM (2016) 197 final, Bruxelles, 06.04.2016, p. 2;  
[http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160406/towards\\_a\\_reform\\_of\\_the\\_common\\_european\\_asylum\\_system\\_and\\_enhancing\\_legal\\_avenues\\_to\\_europe\\_-\\_20160406\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160406/towards_a_reform_of_the_common_european_asylum_system_and_enhancing_legal_avenues_to_europe_-_20160406_en.pdf), accessed on 10.09.2016.

to population figures registered in the EU, the phenomenon is seen as one that can bring "opportunities and benefits."

For a minimum clarification of the context of communication to which we refer, we specify that this is one of the steps of the overall effort of the EU equitable and solidary solutions of distributing the refugees throughout the European Union, effort framed in the broader context of the European Agenda on Migration <sup>14</sup>.

The equation to ensure asylum in the Union territory is complicated, but when you have to set the length of time for which an asylum seeker has secured this right, and the Union complies with this obligation. "The EU has one of the most protective and generous asylum systems in the world, and the granting of international protection status in EU Member States has in practice almost invariably led to permanent settlement in the EU, while its original and primary purpose was to grant protection only for so long as the risk of persecution or serious harm persists. Once the circumstances in the country of origin or the situation of an applicant change, protection is no longer needed. However, although the Qualification Directive contains provisions on cessation of status, currently they are not systematically used in practice."<sup>15</sup>

All these aspects have made clear the need to reform and reshape the "Dublin Regulation" which I have already stated that it was not intended to deal with a crisis of the magnitude of that in 2015. Precisely for these reasons, this effort of this communication intended to address the shortcomings of practice on asylum, to establish the Member State responsible for examining the asylum application, to strengthen the EURODAC system - for information on the identity of asylum seekers and to prevent secondary movements within the EU territory – those of the joining country in EU and the migration target country.

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<sup>14</sup> COM (2015) 240 final.

<sup>15</sup> COM (2016) 197 final, Bruxelles, 06.04.2016, p. 2.

[http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160406/towards\\_a\\_reform\\_of\\_the\\_common\\_european\\_asylum\\_system\\_and\\_enhancing\\_legal\\_avenues\\_to\\_europe\\_-\\_20160406\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160406/towards_a_reform_of_the_common_european_asylum_system_and_enhancing_legal_avenues_to_europe_-_20160406_en.pdf), accessed on 10.09.2016.



At the same time, the EU has to administrate, as I said, the situation of over one million asylum seekers in its territory. Efforts in this respect, of burden-sharing to ensure living conditions for them are aimed to avoid a crisis, complementary to what may occur in the absence of necessary financial support. "Unfortunately, whilst waiting for these measures to become fully effective, the European Union is facing, for the first time in its history, the potential of wide ranging humanitarian consequences on its own territory. Immediate and exceptional additional coordinated action is required in order to complement and support the Member States' response and ensure that the EU can avert a full-blown humanitarian tragedy within its borders."<sup>16</sup> The very title of the cited document "Communication regarding the provision of urgent support on the Union territory", show the objective of the supported approach.

Returning to the stresses exerted by the "refugee crisis" on the whole European system, we emphasize the reference to what I called "crisis of solidarity" shown between the European countries on the burden of sharing tasks to provide the conditions for asylum in the EU. Precisely in this perspective, we remind that in early of the year 2016 of the more than one million refugees, only a few tens of thousands were resettled in another Member State to have assumed this responsibility.

The appearance presence a major importance from the point of view of the functioning of the whole European system, and the findings of the "First report on the transfer and relocation of the European Commission" did not look very optimistic realities at that time.

Under regulations established were identified as the main obstacles and challenges: the insufficient number of commitments for the acquisition of transfers, long response time to such requests, unjustified rejections of such applications<sup>17</sup>. This type of situation, unsatisfactory, subsequently brought the European institutions in a position to propose penalty measures penalties for countries that do not assume the tasks of resettlement and relocation.

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<sup>16</sup> COM (2016) 116 final, Bruxelles, 2.3.2016, p. 2,

[http://ec.europa.eu/echo/files/EU\\_Emergency\\_Support/EC\\_Communication\\_Provision\\_en.pdf](http://ec.europa.eu/echo/files/EU_Emergency_Support/EC_Communication_Provision_en.pdf), accessed on 11.09.2016.

<sup>17</sup> COM (2016) 165 final, Bruxelles 16.03.2016.

## Conclusions

We sent a material even from our title a "big challenge" when we referred to the "refugee crisis" because, as a close observer of legislative measures of the European institutions have followed the evolution of the Union's efforts in this regard. I have surprised over this development, in addition to some sluggish of the decision-making process, institutionally attributable to the crisis, especially, times and ways to avoid tensions that are inherent in this process.

Today, the end of 2016, we can say that the main effort of the EU institutions was to balance and model problems and solutions to maintain European unity body and ensure its stability.

Currently, the balance between the effort to protect lives of over one million people, and the potential opportunities and benefits of them, still leans toward the first aspect. Only time, and especially the institutional capacity of the EU to rationally shape the whole process will be able to say which is the outcome of the "the largest humanitarian crisis after the Second World War." And directly related to it and which shall be the future of the European Union.

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