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Migration Crisis in the European Union: Origins, Consequences and Directions of Change in Asylum Law

1. Introduction

In 2022, EU Member States issued nearly 3.7 million new residence permits, excluding the influx from Ukraine. This is an increase from 2.9 million in 2021 and 3 million in 2019. Additionally, there were 875,000 new asylum applications, not counting Ukrainian applicants, which is a 52% rise from 2021 and a 38% increase from 2019. By January 1, 2022, the EU had 23.8 million non-EU citizens residing within its borders, accounting for 5.3% of the EU's total population of 447 million. The majority of these non-EU residents live in Germany, Spain, France, and Italy. When including individuals with EU citizenship, there are now 38 million people born outside the EU living in the Union, comprising 8.5% of the population. If EU citizens who migrate within the bloc are also considered, the total share of foreign nationals living in the EU rises to 12.5%. This percentage is lower than in several other high-income countries, such as Switzerland (30.2% non-nationals), Australia (29.2%), Iceland (20.1%), Norway (16.1%), and the United States (13.5%), but exposes the scale of immigration pouring in to developed western countries[2].

The scale of the current immigration crisis is becoming a bone of contention among the European Union countries. For the purpose of further analysis, the starting point for the discussion on this topic should be defining the basic concepts, including *migration*, *asylum seeker,* and *refugee*. Migration is the movement of people from one place to another with the intention of settling in a new location. Migration can be voluntary or involuntary and can have various causes, including economic, environmental, and social factors[3].

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2 https://ec.europa.eu/eurostat (accessed: 21.03.2024).

3 https://www.europarl.europa.eu (accessed: 16.04.2024).

The difference between an asylum seeker and a refugee is often a subject of confusion since both terms are often used interchangeably or incorrectly. An asylum seeker is someone who is seeking international protection but whose claim for refugee status has not yet been determined[4]. In contrast, a refugee is someone who has been recognized under the *1951 Convention relating to the status of refugees* to be a refugee. The Convention defines a 'refugee' as any person who:

> (...) owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it (...)[5].

The definition of 'refugee' does not cover other individuals or groups of people who are forced to leave their country for other reasons as the United Nations High Commissioner for Refugees explains:

> Migrants, especially economic migrants, choose to move in order to improve the future prospects of themselves and their families. Refugees have to move if they are to save their lives or preserve their freedom. They have no protection from their own state – indeed it is often their own government that is threatening to persecute them. If other countries do not let them in, and do not help them once they are in, then they may be condemning them to death – or to an intolerable life in the shadows, without sustenance and without rights[6].

Among the provisions of the Geneva Convention, particularly significant for individuals seeking protection is Article 33, which prohibits the expulsion or return of refugees to the borders of countries where their lives would be endangered due to race, religion, nationality, membership in a particular social group, or political opinions, except in cases where they pose a threat to the security of the state[7]. These provisions are further detailed for the European Union in the so-called Dublin Regulations, specifically Dublin III from 2014. According to these regulations, the first EU country to which a potential refugee arrives is responsible for processing their asylum application (EU Asylum Policy, 2014)[8].

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4 I. Kim, *Refugees and Asylum Seekers,* New York 2019, p. 221.

5 P. Weiss, *The Refugee Convention*, Oxford 1951, p. 80.

6 https://www.unhcr.org (accessed: 24.04.2024).

7 F. Mehmood, *Taking Non-Refoulement Seriously: Why the Extraterritoriality of Article 33 (1) of the Refugee Convention Needs to be Addressed*, London 2019, p. 79.

8 S. Musiał, *Państwa Unii Europejskiej wobec kryzysu migracyjnego w Europie*, Gdynia 2019, p. 123.

However, the legal interpretations of asylum policy vary among EU member states, despite their commitment in 1999 to establish a common asylum system. This led to revisions of the 1990 Dublin Convention, with updates first in 2003 (Dublin II) and later in 2014 (Dublin III). A key effort towards unifying the EU' s asylum system involves the introduction of lists of so-called safe countries of origin. Based on the 1951 Geneva Convention, the EU Council Directive of December 1, 2005, on asylum procedures and European Commission regulations move in this direction. According to their interpretation, a safe country of origin is one considered safe if it has a democratic system and there are no persecutions, no use of torture, inhuman or degrading treatment or punishment, no threat of violence, and no armed conflict (Council Directive 2005/85/EC, 2005). The establishment of a common EU list of safe countries has faced considerable difficulties, illustrated by the fact that only 12 out of 28 EU countries have created their own list of safe countries as a preliminary step[9].

The European process of building a common legal system for accepting refugees collapsed due to the mass, uncontrolled influx of migrants from the Middle East and North Africa in 2015[10]. The lack of a cohesive asylum system particularly affected southern Europe, especially Italy and Greece, the EU's border states. According to the Dublin III Convention, these countries were responsible for processing asylum applications and accepting refugees, who must register upon arrival. However, the growing wave of migrants overwhelmed the Italian and Greek administrations, leading to their failure to enforce this requirement. As a result, there was an uncontrolled movement of migrants to northern Europe, mainly to Germany[11]. Those who arrived from Greece could no longer be deported back there because a 2011 ruling by the European Court of Human Rights deemed the conditions in Greek camps "inhuman"[12]. Consequently, a 2013 ruling by the German Constitutional Court prevented such deportations. Thus, at that time, immigration to and within the EU remained practically uncontrolled.

In this crisis, the EU decided on a step that deviated from existing legal procedures and introduced new ones based on the EU legal system, founded on the values and solidarity among its members. Faced with a humanitarian disaster, the European Council, in September 2015 made the decision of the so-called relocation of 160.000 refugees – according to the appropriate key – from camps in Italy and Greece to other EU countries[13]. This legal act, which upon its adoption by a qualified majority vote of the EU Council sparked considerable

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9 *Ibidem*, p. 128.

10 R. Byrne, *Understanding the Crisis of Refugee Law: Legal Scholarship and the EU Asylum System*, Cambridge 2020, p. 871.

11 E. Salachi, *The Immigration Crisis in Italy: A Convergence of Crises and What it Means for Globalization*, p. 4.

12 G. Gallanis, *New Report Condemns Greek Government's "Inhuman" Treatment of Refugees,* Michigan 2020, p. 1.

13 S. Sabic, *The Relocation of Refugees in the European Union*, Berlin 2017, p. 5.

opposition from member states, underwent multiple amendments, and its interpretation became more of a political stance of individual countries rather than binding law. These differences in interpreting the decision meant that out of the planned 160.000 relocations by the end of September 2017, only about 25.000 individuals had been relocated by the end of July that year. Importantly, Poland, Hungary, and the Czech Republic did not accept a single refugee from their allocated quotas (Poland was assigned approximately 7.000)[14]. Consequently, the European Commission initiated infringement proceedings against these states for failure to fulfill their obligations as EU member states.

The legal situation and migration crisis became a dramatic challenge to the solidarity among European Union countries, especially since in public opinion, the immigrants arriving in Europe are seen not as asylum seekers but as illegal immigrants. In general terms, 'illegal immigrants' are individuals who enter a country without fulfilling the legal prerequisites for entry, such as lacking a valid visa[15]. Nevertheless, Article 14 of the 1948 Universal Declaration of Human Rights guarantees everyone the right to seek asylum, and the 1951 Refugee Convention prohibits states from penalizing those who enter 'illegally' if they come directly from a territory where their life or freedom is at risk. The UNHCR emphasizes that individuals who have a genuine fear of persecution should be recognized as refugees, rather than being stigmatized as 'illegal immigrants'. Persecution often forces individuals to seek safety through illegal entry or by using falsified documents, making it crucial to understand their plight beyond mere legal labels[16].

Entering the European Union without authorization for the purpose of seeking asylum is not considered a crime. Asylum seekers do not violate any European laws simply by arriving on boats or without official authorization. Article 31 of the Refugee Convention explicitly states that refugees should not face penalties for arriving without valid travel documents[17]. What might normally be deemed illegal (such as entering a country without a visa) should not be classified as such under the Convention when a person is seeking asylum. European Union Members and international laws recognize these provisions because it is often unsafe or impracticable for asylum seekers to obtain travel documents or use authorized routes. Refugees, by definition, are individuals fleeing persecution, often at the hands of their own governments[18]. For many, applying for a passport or exit visa, or visiting the Polish, French or German Embassy for a visa, poses significant risks to their safety and their families.

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14 Y. Maccanico, *Eight Report on Relocation and Resettlement*, London 2017 p. 3.

15 United Nations, *Universal Declaration of Human Rights*, New York 2015, p. 30.

16 UNHCR, *Handbook on Procedures and Criteria for Determining Refugee Status and Guidelines on International Protection*, Geneva 2019, p. 22.

17 G.S. Goodwin-Gill, *Article 31 of the 1951 Convention Relating to the Status of Refugees: Non-Penalization*, Detention and Protection, Oxford 2001, p. 1.

18 G. McFadyen, *The Contemporary Refugee: Persecution, Semantics, and Universality*, Glasgow 2012, p. 31.

In urgent situations, refugees may have to flee without notice, making it impossible to secure travel documents or use authorized channels. Additionally, some refugees lack identity papers or cannot meet visa requirements, further limiting their ability to obtain legal travel documents. Western countries maintain stringent policies that effectively prevent citizens from countries where persecution is rampant from obtaining temporary visas. These policies leave many individuals seeking refuge in Europe with no lawful means of entry. Allowing asylum seekers to enter a country without travel documents is similar to permitting medical ambulance drivers to exceed speed limits—under normal circumstances, it may be illegal, but exceptions are made to safeguard lives in peril.

2. Origins of the Migration Crisis

Persecutions based on ethnic, religious, racial, political, and cultural grounds force people to leave their country. A significant factor is war or conflict, the threat of conflict, and government persecution. Individuals fleeing armed conflicts, human rights abuses, or persecutions are more likely to be humanitarian refugees, influencing where they settle, as some countries have a more liberal approach to humanitarian migrants than others[19]. Such individuals are likely to relocate to the nearest safe haven country accepting asylum seekers. The foundation of international humanitarian law is the Geneva Conventions, which govern conduct during armed conflict and seek to limit its consequences[20].

The primary driver of the migration crisis has been conflicts in the Middle East and Africa, notably the Syrian civil war, which has displaced millions of people. Political instability and persecution in countries such as Afghanistan, Iraq, Eritrea, and Somalia have also contributed to the mass exodus of refugees seeking safety in Europe. In recent years, many people have been fleeing to Europe to escape conflict, terrorism, and persecution in their own countries. Out of 384.245 individuals who applied for asylum and were granted protection status in the EU in 2022, more than one- quarter came from war-torn Syria, with individuals from Afghanistan and India constituting the second and third largest groups, respectively[21].

Economic hardship and lack of opportunities in many African and Middle Eastern countries have motivated people to migrate in search of better livelihoods. These economic migrants often use the same routes as refugees, complicating the distinction between economic migrants and asylum seekers. Economic migration is associated with poor labor standards, high

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19 J.D. Guillot, *Exploring…*, p. 2.
20 N. Lubell, *Guidelines on Investigating Violations of International Humanitarian Law: Law, Policy, and Good Practice*, Geneva 2019, p. 1.
21 https://ec.europa.eu/eurostat (accessed: 24.06.2024).

unemployment rates, and the overall economic conditions of a country[22]. Pull factors include higher wages, better employment opportunities, improved living standards, and educational prospects. When economic conditions are unfavorable or likely to worsen, more people are likely to emigrate to countries offering better prospects. According to the International Labour Organization (ILO), in 2019, the number of migrant workers, defined as individuals migrating for employment purposes, was approximately 169 million worldwide, constituting over two-thirds of all international migrants. More than two-thirds of all migrant workers were residing in high-income countries[23].

Economic drivers to migrate are also connected with demographic changes, influencing the decision to leave the homeland. A country with a rapidly growing population often faces challenges in providing sufficient jobs, housing, and social services. High birth rates can strain resources and infrastructure, leading to higher unemployment rates and competition for limited opportunities. In such scenarios, individuals choose to migrate to search for better job prospects, higher wages, and improved living conditions, often selecting destination countries where economic growth offers more promising futures.

Environmental degradation and climate changes have exacerbated migration flows either[24]. Droughts, desertification, and natural disasters have displaced communities, particularly in Sub-Saharan Africa, compelling them to migrate to more stable environments. The environment has always been a driving factor behind migration, as people flee natural disasters such as floods, hurricanes, and earthquakes. With climate change expected to exacerbate extreme weather events, even more individuals may relocate in the future. According to the International Organization for Migration, "environmental migrants are persons or groups of persons who, predominantly for reasons of sudden or progressive change in the environment that adversely affects their lives or living conditions, are compelled to leave their habitual homes, or choose to do so, either temporarily or permanently, and who move either within their country or abroad"[25]. Estimating the number of environmental migrants is challenging, due to various influencing factors such as population growth, poverty, governance, security and conflicts, but conservative estimates indicate a range from 25 million to 1 billion by 2050[26].

The migration crisis has had severe humanitarian consequences, including loss of life during perilous journeys across the Mediterranean Sea and through

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22 D. Ratha, *Leveraging Economic Migration for Development*, Washington 2019, p. 22.

23 International Labour Organization, *ILO Global Estimates on International Migrant Workers Results and Methodology*, Geneva 2021, p. 11.

24 A. Wright, *Environmental Degradation as a Cause of Migration: Cautionary Tales from Brazil*, Sacramento 2012, p. 181.

25 International Organization for Migration, *Environmental Migrants and Global Governance: Facts, Policies and Practices*, Geneva 2017, p. 1.

26 International Organization for Migration, *Migration and Climate Change*, Geneva 2008, p. 12.

overland routes. Migrants often face exploitation, trafficking and deplorable conditions in transit and detention centers but the arrival of large numbers of migrants has sparked political and social tensions within the EU. Populist and nationalist movements have gained traction, often using anti-immigrant rhetoric. These tensions have led to polarized societies and have impacted elections and policies in several member states. A notable illustration of growing discontent can be observed in Ireland, where protesters have voiced slogans like " Ireland is full". At the end of 2023, there was rioting in Dublin. In several parts of the country, there have even been arson attacks on buildings that were due to be converted into refugee shelters. According to a recent poll carried out for *The Irish Times*, 63% of the population now wants a stricter immigration policy[27].

The sheer volume of asylum applications has overwhelmed the asylum systems of many EU countries, leading to delays, backlogs, and inconsistent application of asylum laws. The uneven distribution of asylum seekers among member states has further exacerbated these issues. In response to the crisis, the EU has implemented several policy and legal reforms aimed at improving the management of asylum applications and enhancing cooperation among member states. However, these measures have often been contentious and insufficient in addressing the root causes of migration.

3. Changes in Asylum Law

The Dublin Regulation, which determines the member state responsible for examining an asylum application, has been a focal point of reform. Criticized for placing disproportionate pressure on border countries like Greece and Italy, reforms have sought to create a more equitable distribution mechanism, although consensus has been difficult to achieve.

The Common European Asylum System (CEAS) aims to harmonize asylum procedures, standards, and rights across the EU. Revisions to the CEAS have included measures to enhance the protection of asylum seekers, improve procedural efficiency and establish a more unified approach to asylum[28].

4. Safe Third-Country Agreements

In addition, the EU has pursued agreements with third countries to manage migration flows. These agreements, such as the EU-Turkey Statement of 2016, aim to return irregular migrants to transit countries deemed safe.

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27 https://www.irishtimes.com (accessed: 20.05.2024).

28 P. Bendel, *The Common European Asylum System: Achievements, Failures, Outlooks and Policy Learning from EU and Canada*, Ottawa 2014, p. 2.

While reducing immediate migration pressures, these agreements have raised ethical and legal concerns regarding the treatment and rights of migrants[29].

Another example of a third-country agreement is a deal accomplished with Tunisia in the summer of 2023. In exchange for over €1 billion (about $1.1 billion) in financial aid, the country was supposed to prevent migrants from crossing the Mediterranean to reach Europe. However, the agreement has not produced substantial outcomes thus far. Concurrently, relations have stagnated in other aspects, exemplified by Tunisian President Kais Saied's rejection of a multimillion-euro payment from the EU in October, characterizing it as a "handout"[30]. Migration diplomacy gains heightened significance in 2024. The agreements with Tunisia and Turkey are not the EU' s initial endeavors to encourage third countries to prevent migrants from entering Europe. Comparable agreements had previously been established with Libya and recently similar deal with Egypt was finalized, especially since both countries seem to be willing to cooperate with the EU on curbing migration in exchange for financial support.

Apart from extending the number of agreements with countries acting as a buffer to prevent entry into Europe, the EU has invested in strengthening its external borders through agencies like Frontex (European Border and Coast Guard Agency). Enhanced border security measures aim to prevent irregular migration, but they have also led to criticism over human rights violations and the militarization of borders.

5. Direction of changes

The challenge of excessive immigration extends beyond EU countries. The United Kingdom faces a comparable situation and is implementing measures to mitigate the issue. The British government has resolved to deport migrants who enter the country illegally to Rwanda. In this East African country, authorities will determine whether to grant immigrants local protection status or not. The Conservative government, under Prime Minister Rishi Sunak, proceeded with this plan despite a previous court ruling against it and has signaled its intention to disregard any future judgments by the European Court of Human Rights on the matter.

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29 M. Gkliati, *The EU-Turkey Deal and the Safe Third Country Concept before the Greek Asylum Appeals Committees*, Munich 2017, p. 213.

30 J. Lehmann, A. Dimitriadi, *The Tunisian Red Flag: Lessons from the EU-Tunisia Strategic Partnership for the External Dimension of EU Asylum Policy*, Berlin 2023, p. 3.

6. Toward Unified Asylum Policy

The increasing immigration challenge is causing effective migration management, asylum seekers, and protection of external borders to become a priority for the EU. For this reason, the European Union has been working on a new Pact on Migration and Asylum to improve existing asylum and migration regulations. In May 2024, European Union legislators passed sweeping reforms to the bloc's migration laws, aiming to resolve longstanding disagreements on managing unauthorized entries and diminish the far-right's electoral appeal ahead of the upcoming EU Parliament elections in June. In a sequence of 10 votes, European Parliament members ratified the regulations and policies comprising the Pact on Migration and Asylum. These reforms tackle the contentious matter of responsibility for migrants upon arrival and the potential obligations of other EU countries to provide assistance.

European Parliament President Roberta Metsola, a former lead lawmaker on migration who helped pave the way for the reform package expressed his enthusiasm: "It has been more than 10 years in the making. But we kept our word. A balance between solidarity and responsibility. This is the European way". In a similar tone spoke German Interior Minister Nancy Faeser describing the voting results as a "major and very important success":

> After years of tough negotiations, we have agreed on this comprehensive package. We have thus overcome a deep division in Europe (…) We continue to protect people fleeing terrible wars, terror, torture and murder. But this responsibility for refugees will be spread across more shoulders in future[31].

Under the newly passed legislation, every member state will be required to contribute to supporting EU countries identified as facing significant migratory pressure. This designation applies to nations where the influx of asylum seekers creates disproportionate burdens compared to the EU-wide situation, necessitating immediate solidarity measures. Under the new legislation, an annual solidarity pool will be established, requiring all EU countries to contribute either through relocating applicants or beneficiaries of international protection from benefitting member states to contributing ones, or through financial contributions. Each member state' s contribution will be calculated based on population size (50%) and GDP (50%), with the type of contribution left to the discretion of each country. Member states experiencing migratory pressures will inform the Council and the Commission of their intention to utilize the pool, enabling them to request a partial or complete deduction from their own solidarity contributions.

The new regulation establishes a minimum requirement of 30,000 applicants for relocations and sets the financial contribution at €600 million.

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31 https://www.theguardian.com (accessed: 10.04.2024).

If there are not enough pledges for relocations, a member state with individuals who need to be transferred to the responsible member state based on responsibility criteria may be asked to process applications for international protection, instead of participating in relocations, if the responsible member state is a beneficiary state.

The adopted reform fundamentally changes EU asylum and migration regulations. Directive 2024/1346 on asylum of 14 May 2024 (Recital 2) indicates that the EU's common asylum policy is based on the full implementation of the Geneva Convention relating to the Status of Refugees of 28 July 1951, as amended by the New York Protocol of 31 January 1967 (hereinafter referred to as the "Geneva Convention"), including the principle of non-refoulement[32]. According to the principle of non-refoulement, a migrant who has been denied refugee status cannot be deported to a country where they would face persecution. In such cases, the state should provide alternative forms of protection, such as tolerated stay, which exists in the laws of many countries, including Polish law. The directive, under the Common European Asylum System (CEAS), establishes a system for determining the member state responsible for examining applications for international protection, common standards for asylum procedures, reception conditions and procedures, and the rights of persons benefiting from international protection. Specifically, the Directive sets out rules for granting immigrants access to health, education, and material benefits, encompassing accommodation, meals, clothing, and personal hygiene items, provided either in kind or through financial support.

Additionally, immigrant children are to be provided with access to education at a level equivalent to that available to the host country's citizens, until a measure of expulsion is executed against these minors or their parents. The state also undertakes to ensure access to the labor market no later than six months from the date of registration of the application for international protection, as well as access to language courses, civic education courses, or vocational training courses that Member States consider appropriate to assist in independent living and communication with relevant authorities or to find employment. Another obligation is to provide necessary healthcare, delivered by general practitioners or, if necessary, by specialists. Such necessary healthcare must be of appropriate quality under the Directive and must include at least emergency medical care, basic treatment of illnesses including serious mental disorders, and healthcare related to sexual and reproductive health, essential in cases of serious health issues[33].

One of the most frequently cited provisions of the Directive under discussion is its point 11, which imposes an obligation on Member States to adopt

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32 2024/1346 Directive (EU) 2024/1346 of the European parliament and of the council of 14 May 2024 laying down standards for the reception of applicants for international protection.

33 *Ibidem*.

reception conditions for applicants for international protection that are sufficient to ensure them an adequate standard of living and comparable living conditions in all Member States. According to this provision, harmonizing the reception conditions for these applicants should help to reduce secondary movements influenced by differences in reception conditions. In other words, immigrants should receive equivalent benefits regardless of the country they reside in.

The Regulation – in particular The Return Border Procedure Regulation (EU) 2024/1349 is designed to speed up the asylum process and boost the return of irregular migrants to their home countries. This agreement aims to deal with asylum requests within a maximum of 12 weeks. In case of rejection, asylum seekers would have to be returned forcibly to their home country within the same period. It is worth noting, that this regulation represents a notable development in European Union (EU) migration policy, aimed at streamlining the process of returning migrants who do not qualify for international protection. This is seen as crucial for managing migration flows effectively and maintaining border security. It can be argued that implemented rules are essential for safeguarding EU borders and upholding the integrity of the common European asylum system. It enables Member States to manage migration responsibly while ensuring the protection of EU external borders[34].

Another act voted successfully in May was Screening Regulation (EU) 2024/1356, which introduces a comprehensive screening process for third-country nationals at external borders. This regulation enables Member States to screen apprehended illegal migrants from third countries, both at the external borders and within their territory. The screening process includes health checks, identity checks, security checks, and the collection of biometric data. It concludes with the appropriate referral of third-country nationals to either asylum procedures or return protocols, as applicable. It is important to emphasize that an effective and streamlined screening regulation will allow Member States to swiftly identify individuals who are unlikely to qualify for international protection, thereby facilitating the rapid return of third-country nationals who are refused entry. The entire process of verifying migrants is expected to be completed within seven days, including fast-track deportation for those not permitted to stay[35].

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34 2024/1349 Regulation (EU) 2024/1349 of the European parliament and of the council of 14 May 2024 establishing a return border procedure, and amending Regulation (EU) 2021/1148.

35 2024/1356 Regulation (EU) 2024/1349 of the European parliament and of the council of 14 May 2024 introducing the 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.

7. A critical Look at Ratified New Pact

The idea of having a common, predictable rulebook to handle the irregular arrivals of asylum seekers has been on the table since the 2015–2016 migration crisis started, although the newly adopted law raises concerns among a wide range of parties making doubtful the success of reforms. Firstly, the New Pact demands European solidarity. Member states are required to either accept thousands of asylum seekers from frontline states like Italy and Greece or offer financial support or other resources to the most burdened countries.

Hungary has vowed already not to take any irregular migrants "regardless of any migration pact", and Polish Prime Minister Donald Tusk has rejected as "unacceptable" the mechanism of taking in some asylum seekers or paying into an EU fund for frontline states. "We will protect Poland against the relocation mechanism", Tusk said. Non-compliance poses a significant risk to the reform, which was meticulously negotiated to ensure that all countries contribute in some form. If member states start disregarding the rules, the system of "mandatory solidarity" will quickly collapse and become ineffective, stripping the New Pact of its core principle. Ylva Johansson, the European Commissioner for Home Affairs, has already cautioned that the Committee will initiate legal action against defiant countries. However, this process is slow and can take years before the European Court of Justice delivers a verdict.

In the meantime, the implementation of the New Pact has led to significant gains for anti-immigration parties across many EU member states, which also makes a doubtful success of implementing the new law. Many parties have capitalized on the growing public discontent with the mandatory solidarity measures, high crime rates committed by immigrants and lack of a clear path to stop immigrants flow. As a result, anti-immigration voices have gained traction in national elections and increased their influence within the European Parliament. The backlash against the New Pact has thus amplified anti-immigration rhetoric and policy proposals throughout the EU, challenging the bloc's unified approach to migration.

European citizens consider immigration to be a significant issue that needs to be addressed in order to improve their future quality of life. The correlation between migration and crime is frequently highlighted, with recent 2022 statistics from Germany, the largest country with a significant immigrant population, indicating an overall increase in crimes committed by non-Germans. Data from 2022 reveals a 10.7% rise in the total number of crime suspects compared to 2021. Out of 2.093.782 crime suspects, over a million (1.309.906) held German citizenship, while nearly 800,000 (783.876) were suspects without German citizenship. German crime suspects increased by 4.6%, whereas non-German crime suspects saw a 22.6% increase[36].

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36 https://www.bka.de/DE/AktuelleInformationen/Statistiken (accessed: 9.04.2024).

Crime rates committed by foreign nationals have increased due to an influx of refugees, migrants and asylum seekers. Immigrant suspects are disproportionately represented in the police crime statistics, since they commit 37.4% of total crimes but represent only 12.7% of the total population. Within 62% of crimes committed by German citizens, it is unknown the number of people being German but deriving from non-European roots[37].

One factor contributing to the higher representation of migrants in crime statistics is their demographic profile, including age, gender, and socio-economic circumstances. On average, migrants in Germany tend to be younger and predominantly male. Additionally, challenging living conditions, limited access to job and housing markets and cultural disparities further heighten their statistical likelihood of committing violations.

The German example illustrates distinctly the situation in Western Europe countries, which for decades kept their borders open for immigrants from culturally different landscapes. This can be a close future for countries, in which politics for immigrants is completely different.

Mass immigration also causes tensions resulting from the clash of values and norms. European countries, each with their own set of deeply ingrained cultural and social norms, often find themselves at odds with the values and practices of newcomers. Issues such as gender equality, freedom of expression, and secularism starkly contrast with the beliefs and traditions of immigrant communities. This divergence leads to misunderstandings, conflicts, and, in some cases, radicalization on both sides. Differences in cultural norms and values play a significant role. European societies find themselves in conflict with the practices of those immigrants' values. Issues such as religious expression, gender roles and social customs create friction when there is a lack of mutual understanding and respect, especially when people from different cultural landscapes do not want to learn and adapt to the hosting country's core principles.

The sheer scale and rapid pace of recent immigration have also highlighted significant integration challenges related to social cohesion. European native citizens face the pressing issue of how to effectively integrate immigrants while maintaining social cohesion. Unfortunately, this process is fraught with difficulties, often leading to social fragmentation and the development of parallel societies. Differences in language, culture, and social norms create barriers to effective communication and mutual understanding. These barriers lead to the isolation of immigrant communities. Immigrants do not integrate into the broader society and form parallel societies. These are communities that operate largely independently of the host society, maintaining their own cultural norms, social structures, and economic systems. While these parallel societies can provide a sense of community and support for immigrants, they also contribute to social fragmentation. Parallel societies exacerbate existing

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37 *Ibidem.*

tensions and create new ones. They lead to misunderstandings and mistrust between different cultural groups. The lack of interaction and integration between immigrants and the host society fosters stereotypes and prejudices on both sides.

Large-scale immigration brings concern about the capacity of healthcare, education, and housing systems to accommodate increasing numbers of immigrants. This is a significant driver of anti-immigration sentiment recently. Many native residents fear that an influx of immigrants will overwhelm these public services, leading to longer waiting times, reduced quality of care, and overcrowded facilities. In healthcare, the worry is that hospitals and clinics will become overburdened, making it harder for citizens to receive timely and adequate medical attention. In education, there is anxiety that schools struggle to accommodate a growing number of students, potentially resulting in larger class sizes, strained resources and challenges in maintaining educational standards. Additionally, the need for language support and integration programs for immigrant children places extra demands on schools. Housing is another critical area of concern, as the demand for affordable housing exceeds supply, leading to increased competition, rising rents and real estate prices. This exacerbates existing housing shortages and creates tensions between long-term residents and newcomers. These perceived strains on essential services fuel anti-immigration sentiment, as native residents feel that their access to these services is being compromised. This le d to a rise in political movements and parties that advocate for stricter immigration controls gain popularity.

Mass immigration poses also significant challenges to the labor market by saturating it with a large influx of new workers. This situation often exceeds the available job opportunities, leading to heightened competition among both native and immigrant workers. As a result, there is downward pressure on wages and working conditions, as employers have a broader pool of candidates willing to accept lower pay. The competition for jobs inten sifies as immigrants and native workers compete for the same positions. High levels of immigration also strain public resources such as job training programs, unemployment benefits and other social services designed to support job seekers. This strain can limit the effectiveness of these programs, making it more challenging for immigrants and native workers alike to secure employment and necessary assistance. Certain sectors, particularly those reliant on low-skilled labor, such as agriculture, construction, and hospitality, may experience pronounced shifts in employment patterns due to mass immigration. This can create an oversupply of labor in these sectors, further contributing to wage stagnation and reduced employment opportunities.

Many Europeans feel that their national identity and cultural heritage are threatened by the influx of immigrants, leading to a backlash against multiculturalism. First, immigrants bring diverse cultural practices, languages, and religions that differ from those traditionally dominant in European societies. This diversity challenges the perceived homogeneity of national cultures and

identities, leading to concerns about dilution or erosion of traditional customs and values. Second, the rapid pace of immigration creates visible changes in local communities, altering familiar landscapes and social dynamics. This fosters a sense of insecurity and loss among native populations who fear that their way of life is being fundamentally altered without their consent. These perceptions and concerns can fuel a backlash against multiculturalism, which advocates for the recognition and celebration of cultural diversity within society. Overall, the perceived threat to national identity and cultural heritage from immigration contributes significantly to a backlash against multiculturalism in Europe.

8. Conclusion

In conclusion, the migration crisis in the European Union presents a complex tapestry of origins, consequences and evolving legal frameworks, epitomized by the recent New Pact. Understanding the crisis requires recognition of its roots in geopolitical instability, economic disparities, and environmental challenges, which propel individuals towards Europe in search of safety and opportunity. These factors underscore the humanitarian imperative at play, necessitating a balanced approach that addresses both humanitarian needs and societal concerns. The consequences of the migration crisis are multifaceted. European nations' concerns over national identity, cultural preservation, labor market dynamics, and crime rates have heightened societal anxieties. These apprehensions underscore the importance of effective policy responses that uphold humanitarian values while addressing legitimate societal concerns. The New Pact on Migration and Asylum represents a step forward in EU policy, aiming to streamline asylum procedures and enhance border management. However, its effectiveness remains uncertain, particularly in fully resolving the mass immigration challenge and expecting solidarity among member states. Looking ahead, navigating the migration crisis requires a comprehensive approach that acknowledges the interconnectedness of security, humanitarian, and economic dimensions. Policy reforms must strengthen external border controls without compromising asylum rights and sign safer third-country agreements with transit countries returning those who passed on their way to Europe countries considered as "safe". Moreover, addressing public perceptions and concerns is crucial. Efforts to set up yearly limits for accepted newcomers are key. Ultimately, while the New Pact represents progress, its success hinges on robust implementation and sustained political will.

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Migration Crisis in the European Union: Origins, Consequences and Directions of Change in Asylum Law

Abstract

The European Union (EU) has faced a significant migration crisis over the past decade, driven by conflicts, economic disparities, and environmental changes. This paper examines the origins of the migration crisis, its consequences for the EU, and the subsequent changes in asylum law. By analyzing policy responses and their effectiveness, the paper aims to provide insights into the future directions of asylum law in the EU. The migration crisis in the European Union has been one of the most pressing challenges of the 21st century. This crisis, which peaked in 2015, has seen millions of people seeking refuge in Europe due to wars, persecution, and poverty in their home countries. The influx has strained the EU's asylum systems, exposed weaknesses in its migration policies, and sparked political and social tensions across member states. This paper aims to analyze the origins of this crisis, its multifaceted consequences and the evolving legal framework for asylum within the EU.

Keywords: EU migration policy, border security, mass migration, international legal standards, political and social tensions

Kryzys migracyjny w Unii Europejskiej. Geneza, konsekwencje i kierunki zmian w prawie do azylu

Streszczenie

Unia Europejska (UE) w ciągu ostatniej dekady zmaga się z poważnym kryzysem migracyjnym, spowodowanym konfliktami, nierównościami ekonomicznymi i zmianami klimatycznymi. Niniejszy artykuł analizuje przyczyny tego zjawiska, jego skutki dla UE oraz zmiany w prawie do azylu. Artykuł analizuje działania podjęte przez Radę UE i ocenia skuteczność realizowanej polityki imigracyjnej. Kryzys migracyjny w UE jest jednym z najważniejszych wyzwań XXI w. Katastrofa związana z niekontrolowanym napływem imigrantów osiągnęła swoje apogeum w 2015 r. Doprowadziła do tego, że miliony ludzi szukają schronienia w Europie z powodu wojen, prześladowań i biedy panującej w krajach pochodzenia. Napływ migrantów obciążył systemy azylowe UE, ujawnił słabości polityk migracyjnych i wywołał napięcia polityczne i społeczne w państwach członkowskich. Niniejszy artykuł ma na celu analizę przyczyn tego kryzysu, jego złożonych skutków oraz ewolucji prawa do azylu w UE.

Słowa kluczowe: polityka migracyjna UE, bezpieczeństwo granic, masowa migracja, międzynarodowe standardy prawne, napięcia polityczne i społeczne