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Visegrad Fund

POLICY PAPER

Immigration and Border Management in the EU: View from France and the V4

Jolanta Szymańska

- **Since the peak of the migration crisis in 2015, the European Union has intensified its efforts to better manage migration flows and protect its external borders. Although there is no doubt that some progress has been made, divisions between the Member States on migration strategy make it difficult to find a compromise on the most controversial reforms. While France puts the emphasis on "responsibility and solidarity", opting for a more ambitious EU policy on migration, the V4 countries (Czech Republic, Hungary, Poland, Slovakia) have prioritised the "security" approach, stressing the need to preserve national competences in Justice and Home Affairs (JHA). The France-V4 blame game over the issue has put into question an EU-wide long-term solution on migration and may even lead to the introduction of a multi-speed approach to migration policy.**
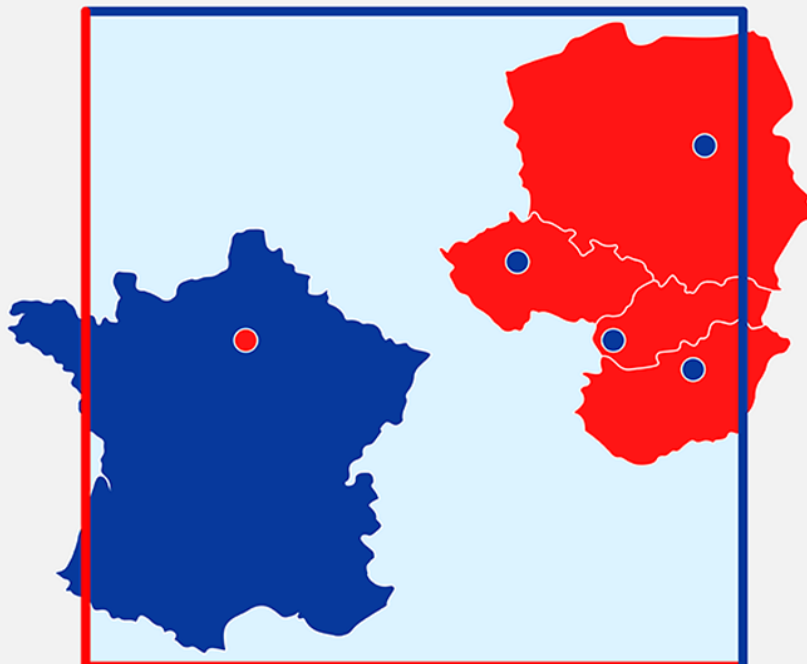
The EU's Response to Migration Challenges

The mass inflow of migrants revealed the weaknesses in European migration policy, especially the structural dysfunction within the "Dublin system", which determines which EU Member State is responsible for the examination of an asylum application, and deficits in the border-control system in the EU. The situation in 2015 exposed the interdependence of the Member States' migration systems, proving that when national border and asylum systems in frontline countries fail to work effectively, ad hoc EU assistance is not enough. The lack of effective EU tools to manage the crisis threatened Schengen, forcing the European Commission (EC) to implement measures to protect passport-free travel in Europe.

In response to the migration challenges, in May 2015, the EC presented a comprehensive migration agenda.[1] The internal dimension of the strategy was focused on the Common European Asylum System. To address the problem of disproportionate asylum and migratory pressure, the EC proposed two EU-coordinated ad hoc relocation programs for frontline Member States. It also initiated a debate about Dublin Regulation reform that would introduce a structured solidarity mechanism (a permanent relocation mechanism) triggered to help any EU Member State experiencing a migration-related crisis (the EC's "Dublin+" proposal[2]). The external pillar of the strategy was focused on border management, such as strengthening the EU's presence at sea, reforming Frontex, and developing existing JHA IT systems (Schengen Information System, Eurodac, Visa Information System) and creating new-ones (Entry-Exit system, ETIAS—European Travel Information and Authorization System for Conducting pre-border checks for visa-free travellers; ECRIS-TCN, the European Criminal Records Information System to third-country nationals[3]), fighting people smuggling in the south-central Mediterranean and strengthening cooperation with third countries (countries of origin and transit) to reduce the incentives for irregular migration.

Faced with a lack of political will among the Member States to deliver on their obligations to relocate and resettle asylum-seekers, as well as a disagreement between them about the shape of the Common European Asylum System reform, the EU has focused its efforts on the external dimension of its strategy. A statement signed by the EU and Turkey in March 2016 has become one of the main pillars of the EU's crisis-management policy, essentially limiting the flow of migrants to the EU. The Union also strengthened its activities on its external borders : most non-citizens are now checked, identified, and registered according to EU regulations after national border guards in the frontline countries received financial support from the EU budget, and resources and assets available for Frontex operations increased. Currently, the agency is coordinating three permanent operations—*Indalo* in Spain, *Themis* in Italy, and *Poseidon* in Greece—and many temporary activities.[4] As a result of these efforts, in 2018, the total number of illegal border crossings in the EU fell to 150,114 and was 92% below the peak number in 2015.[5]

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[1] Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions—A European Agenda on Migration, Brussels, 13 May 2015, COM(2015) 240 final.

[2] See: J. Szymańska, *Prospects for Compromise on Reform of the Common European Asylum System*, PISM Bulletin, No. 12 (952), 2 February 2017.

[3] See: J. Szymańska, *Information Systems in EU Migration Management*, PISM Bulletin, No. 122 (1193), 5 September 2018.

[4] Communication from the Commission to the European Parliament, the European Council and the Council—Progress report on the Implementation of the European Agenda on Migration, COM(2019) 126 final, Brussels, 6 March 2019.

[5] See: J. Szymańska, K. Wasilewski, *The Challenges of the EU-Turkey Migration Deal*, PISM Bulletin, No. 93 (1164), 19 July 2018.

Figure 1. Detections of irregular crossings at Europe's borders.
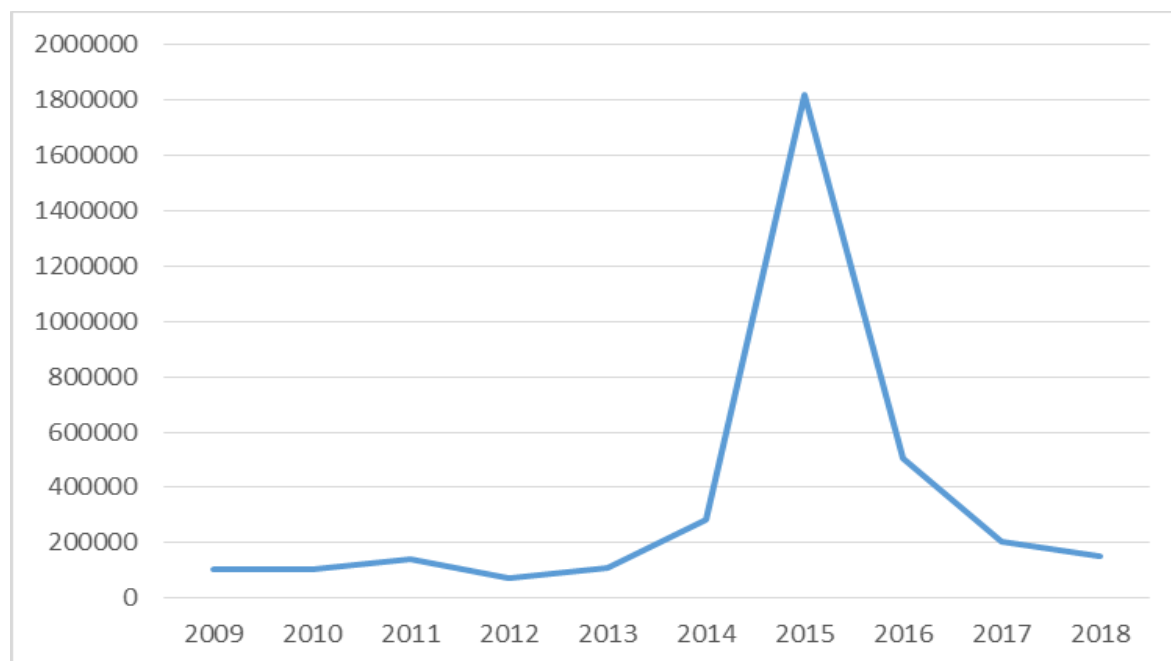
Source: Frontex

Besides some ad hoc solutions, the EC initiated a wider reform of the EU border-protection system. The package of reforms presented at the end of 2015 included the establishment of a European Border and Coast Guard (EBCG) with the European Border and Coast Guard Agency (EBCGA) at the centre of the system. The idea was to strengthen the position and independence of the EU border agency from the Member States. The Commission planned to increase the agency's operational capacity and empower it to enter a Member State during a crisis, even against the wishes of that state's government.

On 6 October 2016, Frontex was relaunched as the European Border and Coast Guard Agency. However, under the final deal between the Member States and the European Parliament, the EU border agency did not gain the right to conduct operations within or on a Member State's border without its consent. The reform was focused on strengthening the agency's budget and staff, which are planned to be doubled by 2020. Frontex was also expected to gain a reserve of 1,500 experts who could be deployed within five days when there is a need for rapid border intervention.

Although Frontex has multiplied its operations, in the EC's opinion it still does not meet the desired level.[6] According to the EC report on the implementation of the European Agenda on Migration, "the Agency still regularly faces a lack of human resources and technical equipment, and the shared responsibility of both Member States and the Agency is not carried through into providing the resources required".[7] In 2018, the Member States covered only 49% of the border guards and 45% of the equipment needed for Frontex activities on land borders and 96% of the border guards and 60% of the technical assets for sea border activity. The crisis undermined mutual trust between Schengen members and, as a result, since 2015 border controls have been maintained by France, Austria, Germany, Denmark, Sweden, and Norway.[8] Moreover, some

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[6] T. Tammikko, *Proposed Frontex Reform and Its Impact*, FIIA Briefing Paper, January 2019.
[7] Communication from the Commission to the European Parliament, the European Council and the Council—Progress report on the Implementation of the European Agenda on Migration, *op. cit.*
[8] Temporary Reintroduction of Border Control, https://ec.europa.eu/home-affairs/what-we-do/policies/borders-

Schengen states demand a further loosening of the rules allowing the reintroduction of border controls at internal borders.[9]

To address these problems, in September 2018, the Commission proposed to reinforce the EBCG.[10] This time, the proposal did not include any significant changes in the agency's right to intervene (according to the proposal, Frontex could still only operate in a Member State with permission). The essence of the reform is to equip the agency with a standing corps of 10,000 border officers to ensure that Member States can rely on EU operational support at all times. Still, the proposal divides the Member States, with some arguing that the measure is very costly and may affect Member State sovereignty.

There is less controversy about the importance of development aid in alleviating EU migration problems. Both EU institutions and Member states emphasize the importance of improving the quality and quantity of development assistance to address the root causes of migration. In his State of the Union address in 2018, European Commission President Jean-Claude Juncker proposed an EU-Africa trade pact as part of a "partnership of equals" between the EU and Africa. Although many EU leaders supported Juncker's idea, signaling a stronger involvement in Africa, current statistics on development aid collected by the OECD do not confirm this is happening. Although the EU remains the world's leading provider of official development assistance (ODA), figures from 2018 show a decrease in overall ODA.[11]

France and EU Migration Policy

Migration policy is an important element of France's European agenda. In several speeches on the future of Europe, French President Emmanuel Macron referred to the recent crisis, presenting the French view on how to deal with the long-lasting challenge of migration.[12] In his Sorbonne speech, he called for a pan-European approach, stressing that "only with Europe can we effectively protect our borders, take in those eligible for asylum decently, truly integrate them, and at the same time quickly return those not eligible for such protection".[13]

In the Meseberg Declaration, Macron supported the proposal to reform the Dublin Regulation and the creation of a European asylum office that would be responsible for the harmonisation of procedures and processing of asylum applications lodged at the EU's external borders. With regard to border protection, he opted for a European border police force that would gradually replace the national border services. The standing corps would "ensure rigorous management of borders across Europe and the return of those who cannot stay". Macron also called for an EU partnership with Africa, promising an essential increase in French development aid. Additionally, he proposed the introduction of a European financial transaction tax to obtain funds for development policy.[14]

In the area of migration, Macron believes in "a Europe that protects both its values and its borders". As explained in the EU Renewal Call, his idea of Schengen reform lies in the assumption that "all those who want to be part of Schengen should comply with obligations of responsibility (border controls–*J.S.*) and solidarity (a single asylum policy

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and-visas/schengen/reintroduction-border-control_en [accessed: 09 July 2019].

[9] For more, see: J. Szymańska, *Exceptions Become the Rule: Internal Border Control Checks in the Schengen Area*, PISM Bulletin, No. 17 (1088), 31 January 2018.

[10] Proposal for a Regulation of the European Parliament and of the Council on the European Border and Coast Guard and repealing Council Joint Action no 98/700/JHA, Regulation (EU) no 1052/2003 of the European Parliament and of the Council and Regulation (EU) no 2016/1624 of the European Parliament and of the Council, COM (2018) 631 final, Brussels 12 September 2018, p. 4.

[11] *Europe remains the world's biggest development donor—€74.4 billion in 2018*, Brussels, 11 April 2019, http://europa.eu/rapid/press-release_IP-19-2075_en.htm [accessed: 09 July 2019].

[12] For more, see: M. Makowska, M. Szczepanik, J. Szymańska, *Future of Europe: No Common Vision on the Horizon*, PISM Policy Paper, No. 2 (172), May 2019.

[13] *Sorbonne speech by Emmanuel Macron*, http://international.blogs.ouest-france.fr/archive/2017/09/29/macron-sorbonne-verbatim-europe-18583.html [accessed: 09 July 2019].

[14] Ibidem.

with common acceptance and refusal rules–*J.S.*) under the authority of a European Council for Internal Security".[15] In one interview, Macron even suggested that the Schengen zone should be limited, saying: "It would be better to have fewer countries in the zone. I don't want to have in the Schengen area countries that are satisfied with the free movement of people and goods, but want to evade the responsibilities that go with that".[16] Although Macron did not mention any particular country, there is no secret that he blames mainly Central Eastern European Members, especially the Visegrad countries, for not showing solidarity with the Southern Member States by boycotting EU relocation programs and opposing Dublin Regulation reform. On many occasions, he also criticized the Italian government for its decision to close the country's ports to migrant-rescue vessels.

But despite Macron's pro-migrant rhetoric, the French authorities are very inconsistent in dealing with migration. As emphasized by Matthieu Tardis, although Macron promotes a humanist and open approach, some members of his government offer a different rhetoric, putting the emphasis on selection procedures and an effective return policy.[17] When it comes to content, the French government adopted immigration and asylum reform aimed at reducing immigration to the country (both traditional refugees and economic migrants).[18] On the EU level, France has shown a reluctance to implement automatic relocation schemes. Moreover, it has made an attempt to better control its borders (intra-Schengen borders) under the state of emergency declared after the Paris attacks of November 2015, which is difficult to recognize as an example of European solidarity.

V4 View on EU Migration Policy

The V4 countries' experience of very rapid transformation from poor countries that generated emigration into relatively wealthy countries that attract immigration determines the specific characteristics of V4 policy on migration at the European level.

When it comes to the European migration crisis, V4 countries have adopted a hard line, opposing the mandatory quota system and any form of top-down allocation of asylum-seekers across the EU. They argue that relocation is a form of "encouragement" for further migrant arrivals and is counter to Europe's interests. Moreover, they consider this mechanism to be ineffective and dividing Europe. The V4 rejected participation in the relocation schemes adopted in 2015 (in practice, Hungary and Poland have not relocated any person and the Czech Republic and Slovakia have relocated only a few). Hungary and Slovakia were seeking the annulment of one of the Council decisions on relocation but the Court of Justice of the European Union dismissed their complaints. In 2016, Hungarian Prime Minister Viktor Orbán even called a referendum related to the EU migrant relocation plans, [19] (98,36% of voters rejected the immigrant quotas but with a low participation rate of 44,04%).

The V4's general view is that the EU should focus its efforts on protecting its external borders and "coping with the problems of refugees in the place where they are". In the debate about the Common European Asylum System reform, the V4 countries have presented their own idea of "effective solidarity" ("flexible solidarity"), a counter-proposal to the EC's "Dublin+" proposal. According to the V4 proposal, the EU response to migration challenges should consider the Member States' specific experiences and potential, and enable them to decide on specific forms

[15] E. Macron*, For European renewal*, https://www.elysee.fr/emmanuel-macron/2019/03/04/for-european-renewal.en [accessed: 09 July 2019].

[16] *Macron suggests limiting Schengen zone in response to migration*, https://polandin.com/42370523/macron-suggests-limiting-schengen-zone-in-response-to-migration [accessed: 09 July 2019].

[17] M. Tardis, *Is France Taking the Lead on EU Asylum Policy*, https://www.clingendael.org/publication/france-taking-lead-eu-asylum-policy [accessed: 09 July 2019].

[18] Ł. Jurczyszyn, *Immigration and Asylum Policy Reform in France*, PISM Bulletin, No. 62 (1133), 26 April 2018.

[19] V. Jóżwiak, *Hungary's Referendum on EU Immigrant Quotas*, PISM Bulletin, No. 66/2016, 29 September 2016.

of their contribution to migration management—such as dealing with the causes of the crisis, protection of borders, or accepting refugees..[20]

V4 officials often compare refugees from the Middle East and Africa who come to Southern and Western Europe to the inflow of Ukrainians to Central Europe, arguing that CEE Member States' effort to cope with the latter should be taken into consideration in the EU response to the migration crisis. For example, Polish Prime Minister Mateusz Morawiecki has argued that Poland already contributes a lot "to easing tensions on the Eastern Flank of the European Union. (…) some people seem to forget that there is a war in Ukraine and that there is a huge population coming from the Donbas area to Poland. These are homeless people; these are people whom we treat as if they were refugees".[21] However, this view has not been received well in Southern and Western Europe. According to Eurostat data, most of the Ukrainians come to Poland to work, not to seek asylum. In 2017, Poland was the top country for employment-related permits in the EU,[22] saving the Polish labour market beset by a demographic deficit and further empowering the country's economy.

As mentioned above, the V4 puts an emphasis on external aspects of migration policy, arguing that these actions bring the best results in practice. With regard to the external border protection system, the V4 supports the general idea of strengthening Frontex but seems interested in less ambitious reforms than the Western European Member States, even speaking against the transformation of the agency into a truly European police-style guard that might replace national border guards. The V4 opposed the Commission's idea to give Frontex the right to intervene without Member State consent. The V4 states are also skeptical of equipping the agency with a standing corps of

10,000 border officers, arguing that the measure is very costly and that some smaller Member States, such as Slovakia, would not have enough human resources to delegate to the new corps. Fearing that an extension of the agency's competences might affect Member State sovereignty, they argue instead for the need to preserve Frontex's role in supporting national border authorities.

Cooperation with transit countries is considered within the V4 as the most effective tool to address the crisis.[23] In this context, the EU-Turkey deal is highly appreciated by the group members, but the V4's position on this issue is, in fact, ambivalent (or one-sided)—the group's general support for the deal has not been accompanied by refugee resettlement, which is part of the agreement. With regard to cooperation with Libya, the V4 countries contribute financially to that country's border protection, which limits the migration flow on the Central Mediterranean route from Libya to Italy and Malta.

"Coping with the problems of refugees in the place where they are" means that the V4 countries support the idea of increasing EU involvement in the countries of origin of migrants (mainly in Africa). In his speech to the European Parliament, Poland's prime minister proposed the creation of a new "Marshall Plan" for Africa, declaring that his country would participate in it to a greater degree than proportional to its GDP.

Conclusions

Although both France and the V4's positions are considered very clear and situated on the exact opposite side in the EU debate, the real picture is much more nuanced. The French president tries to keep migration high on the political agenda, aiming for a more ambitious EU

[20] J. Szymańska, *Prospects for Compromise on Reform of the Common European Asylum System*, op. cit.

[21] *Polish PM Morawiecki shamelessly misleads CNN viewers on refugees and judiciary "reform"*, OKO Press, 26 January, 2018, https://oko.press/factcheck-polish-pm-morawiecki-shamelessly-misleads-cnn-refugees-and-judiciary-reform/ [accessed: 09 July 2019].

[22] First residence permits issued in the EU Member States remain above 3 million in 2017, Eurostat 25 October 2018,

https://ec.europa.eu/eurostat/documents/2995521/9333446/3-25102018-AP-EN.pdf/3fa5fa53-e076-4a5f-8bb5-a8075f639167 [accessed: 09 July 2019].

[23] V4 Statement on the Future of Europe, https://premier.gov.pl/files/files/v4_statement_on_the_future_of_europe.pdf [accessed: 09 July 2019].

policy on the issue. However, this rhetoric is not supported by an ambitious "humanist and open" migration policy on the national level. This suggests that the French president's strategy on migration is to some extent a "tribute" to Germany, the country considered by Macron as France's main partner in reforming the EU.

Franco-German proposals on migration have encountered significant opposition, mainly from the V4 countries. Their hard stance on migration from Arab and African countries does not mean that they have a similar view on migration in general. But the positive results of ad hoc solutions implemented on the EU level during the migration crisis, as well as the V4's reluctance to transfer new competences to the Union level, limit the chance of carrying out a deep reform of migration policy.

As a result, the EU is still very far from finding a recipe for dealing with future migration challenges. Important issues remain unresolved. Negotiations on the internal dimension of migration policy have reached a stalemate. Problems are also visible in the process of reforming the border protection system; while there is a consensus about the need to ensure more effective border protection, the Member States differ regarding the powers they want to grant the EU border protection agency. General support for an increase in funding for development aid and cooperation with third countries may be challenged in the next budget negotiations as EU countries see also the need to fund other priorities.

The lack of systemic solutions on migration makes the EU particularly vulnerable to changes in the security environment. The blame game over migration strategy may even lead to the introduction of a multi-speed approach to migration policy, encouraging deeper cooperation involving narrower groupings of Member States. This scenario would change the management model of EU Justice and Home Affairs. It could also lead to a progressive disintegration of the Schengen area. In this sense, the migration crisis can have a huge impact on the overall integration project in Europe.

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Co-funded by the
Europe for Citizens Programme
of the European Union

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