THE POSITION OF EUROPEAN PARLIAMENT ON THE MIGRANT CRISIS IN EUROPE

**Keywords:** European Parliament, crisis, migration, refugees, European Union

**ABSTRACT:** The migrant crisis in Europe, which reached its zenith in 2015, made EU politicians realize the urgent need for a more effective migration policy that would rely more on supranational cooperation. Absence of this policy triggers migrant influx to Europe, in particular of unqualified labour force, and enhances illegal migration from which organized criminal groups profit enormously. Moreover, uncontrolled migration processes give rise to a number of social, economic, political and cultural problems all across the EU, and thus nurture the Eurosceptic mood. This leads to societal negation of the European integration project and provides fertile soil to the spread of radicalism and xenophobia. The aim of the study is to capture the position of European Parliament on recent migrant crisis. The Parliament, a democratically legitimate body, which claims the right to represent European societies, advocates adoption of systemic EU approach to migration which should be based on the respect of human rights and creation of legal migration pathways for refugees and workers needed by Europe. The solution of the present migrant crisis is sought by the EP in moving towards a common, comprehensive European immigration policy and enhanced solidarity of EU member states in response to increased influx of refugees from conflict zones.

Europe is a continent which for tens of years has been experiencing strong migration processes. The development of European integration, in line with the neofunctionalist logic of spill-over, increased the interest of

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European Community in the issue of migration. The conclusion and implementation of the Schengen Treaty, as well as incorporation of the Schengen **acquis communautaire** into the main body of EU law, the Treaty of Amsterdam, laid down foundations for a common migration policy. This policy, once the domain of sovereign countries, began to take on a supranational character due to, *inter alia*, removal of internal borders within the EU, and the emergence of terrorist threat and unfavourable demographic trends. It became necessary to strengthen control on Europe's external borders, implement efficient identity proving methods, enhancement of the information and data exchange procedure (Pacek, Bonikowska, 2007, pp. 50–54). The goal of EU was to implement a modern and comprehensive European migration policy, based on solidarity of all member states, fair sharing of responsibility within the EU to ensure a sustainable approach to legal and illegal migration alike, as well as promote firmer collaboration with third countries (Chateau, 2016). Development of a common migration policy was also necessitated by globalization of local labour markets. This triggers a necessity to open the European job market to the global market, since the free flow of workforce within the EU turned out to be insufficient to ensure competitiveness of European economy. It must be emphasized that for the aging European society to maintain the current level of social security and pension coverage, increasingly more immigrants will be needed since at the current migration rate, it is projected that in 2060 the working population will shrink by 50 mln (Bandurowski, 2014, pp. 87). This situation puts the EU members, especially the wealthy ones, under strong pressure of migration processes, which on the one hand bring economic benefits, and on the other, generate numerous problems affecting the country's security and political stability. These problems, being in particular a derivative of irregular migration processes, spread onto the entire EU, becoming the most important subject of the political discourse today. Immigrant influx forces all member states to undertake joint action in order to solve these problems. It is apparent especially now, since the 2015 migrant crisis has posed a huge challenge to European solidarity and the EU system. This crisis is a consequence of events that took place over the recent years in Northern Africa and the Middle East. They are referred to as the Arab Spring, a revolutionary wave
of pro-democracy protests and political upheavals aimed at overthrowing authoritarian regimes in some Arab countries, which unfortunately led to military conflicts and civil wars raging to the south of Europe. The outbreak and unrest of the Arab Spring was followed by a huge refugee displacement, with refugees exceeding 16 mln in the Middle East and North Africa under the care of UN. Only in the countries neighboring with Syria there are more than 4 mln Syrian refugees today. Such a huge number of desperate refugees in close vicinity of the EU, triggered the biggest migration crisis in Europe since the second world war. According to the International Migration Organization (IMO), the number of immigrants coming into Europe in 2015 magnified almost fivefold as compared to 2014. Majority of the migrants entered Europe illegally, mostly via Greece (over 820 thousand) and Italy (approx. 150 thousand) (Czachór, Jaskulski, 2015, pp. 2–3). Influx of over one million immigrants made it necessary to develop solutions and mechanisms necessary to control the situation and counteract negative consequences of irregular, uncontrolled migration. It became a must to create a long-term strategy to prevent similar situations in the future. It must be stressed that the huge, irregular migrant influx led to political polarization within the EU member states and the public opinion’s general distress, which results in growing tension and disturbing increase in racial, ethnic and religious incidents. The EU response to the migrant crisis was adoption of a new European Agenda on Migration on 13 May 2015 by European Commission (EC). The document states that Europe should continue to be a safe haven for those fleeing persecution, as well as an attractive destination for qualified workforce. This goal calls for a balance between the values on which the EU is founded and the necessity to secure its borders, as well as the need to create the right conditions for Europe’s economic prosperity and social cohesion. This calls for, according to the EC, a set of core measures and consistent, common EU policy (Komunikat, 2015, pp. 2). To attain that, the EC Agenda proposes to reduce incentives for irregular migration, to manage external borders ensuring at the same time that human lives are saved and security is guaranteed through increasing the competence of Frontex, European border control agency, paired with a common asylum policy, implementation of a new policy on legal migration so that Europe
remains an attractive destination for economic migrants. As it comes to immediate actions, the Agenda suggests to increase the budget for Frontex joint operations (Poseidon and Triton), to implement a temporary distribution scheme for persons from outside the EU who are in clear need of international protection, to create a relocation scheme for migrants from the EU states that received the highest volumes of arrivals (Morozowski, 2016). It should be noted that the effectiveness of EU actions in this area depends on the joint support of all member states, since pursuant to Art. 78 section 3 TFEU (Treaty on the Functioning of the European Union), in case EU is faced with a sudden mass inflow of nationals of third countries, an emergency scheme as proposed by the European Council, in consultation with the European Parliament (EP) (Treaty, 2012) can be adopted. The Treaty further specifies that the competence in this field is shared by the EU with member states, in particular with regard to the number of migrants which can legally enter individual member states for work purposes. Pursuant to Art. 78 section 3 TFEU, on 14 September 2015 the European Council adopted a decision establishing a temporary and exceptional relocation mechanism, after considering the opinion of European Parliament issued on 9 September 2015. In the statement, and a legislative resolution, the EP stipulated that it can adopt Art. 78 section 3 TFEU as a legal basis only as an emergency measure, which should be followed by a proper legislative proposal to structurally deal with any future emergency situations of this kind. The EP insists that Art. 78 section 2 TFEU, requiring the ordinary legislative procedure, be the legal basis for further resolutions, and thereby giving EP the position of an actual co-decision maker in the establishment of permanent relocation (Rezolucja legislacyjna, 2015a). On 17 September 2015 adopted a proposal to relocate 120,000 asylum seekers from Greece, Italy and Hungary to other EU member states (Rezolucja legislacyjna, 2015b). This allowed the Justice and Home Affairs Council to take a decision establishing a temporary and exceptional relocation mechanism from Italy and Greece to other EU member states (Decyzja, 2015). This means that although pursuant to the Treaty of Lisbon, an ordinary legislative procedure was activated with regard
to legal and illegal migration, thus giving the same weight to the EP and the European Council as co-legislators, in case of the current migrant crisis, the role of EP boils down mostly to being an institution of political influence. It must be emphasized that EP is the only EU institution that has democratic legitimacy to represent all European societies. This implies that EP may invoke the wishes of Europe's public opinion, at the same time shaping them with a broad range of opinion-shaping measures (parliamentary debates, resolutions, reports, recommendations). This allows the Parliament to influence the European Council's decisions and decisions of member states on the current migrant crisis management policy beyond its competences conferred on it by the Treaty. This enables the EP to influence decisions beyond the scope of its powers and competences coming from the Treaty. The basic instrument of influence are the resolutions adopted by EP. Resolutions, the largest in volume, are adopted during the Parliament's plenary sittings, and can be classified as legislative (regarding legislative proposals) and non-legislative – all remaining ones. EP tries to shape the EU migration policy mostly through adoption of non-legislative resolutions. These documents, although not being part of a decision-making process and devoid of legal validity, allow the Parliament to express its position on the migrant crisis and indirectly influence the way it is handled.

In the EP’s opinion, in the context of increasing migrant crisis, the key question is to prevent further deaths at the Mediterranean Sea of migrants trying to enter the EU illegally. Therefore EP insists that the EU and member states take all possible actions and measures to prevent further fatalities at sea, identify the bodies, find the missing ones and inform their families. This is why EP appeals to the EU and member states to provide necessary resources for search and rescue operations. It calls upon member states to show solidarity and involvement by increased funding to the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) and the European Asylum Support Office (EASO) to support operations carried out by these agencies (Rezolucja, 2015a). Appealing for budget
increase of these institutions, the EP reckons that it is necessary if any technical or operational assistance is to be given to member states, including in-kind assistance (such as delegating specialists from other member states, material support) in case of humanitarian threats or rescue operations at sea. Moreover, the EP believes that proper funding of these agencies is crucial to the development of a coordinated EU stand on the migration problem (Rezolucja, 2013). According to the EP, in a long-term perspective, EASO should be transformed into an institution that is the main coordinator of the common European asylum system. For that to happen, it must expand from an organization being a network of experts from various EU states, to a full-fledged EU agency that provides operational support on asylum policies to EU states, in particular to the states with external EU borders. Moreover, EP believes that Frontex should also be replaced by a European Frontier and Cost Guard. Such solution would guarantee integrated management of external borders across entire EU, facilitate efficient migration management and ensure high level of protection to citizens and, at the same time, free movement of persons within the EU (Rezolucja, 2016a). In the resolutions adopted, EP underlines that migration is a global and complex phenomenon, which required far-fetching solutions that take into consideration its main causes, such as: poverty, inequality, injustice, climate change, corruption, poor government and military conflicts. Therefore, it stresses the need to adopt a comprehensive EU approach, underpin the coherence of internal and external EU policies, in particular the Common Foreign and Security Policy (CFSP), development and migration policies. Moreover, EP puts into question the plans to combine development aid with a bigger number of border controls or readmission agreements with third countries. The Parliament believes it is better to open internal borders within the Schengen zone, whilst ensuring effective external border management, and emphasizes that the freedom of movement within Schengen is one of the greatest achievements of the European integration process. EP is particularly objects to the fact that persons in urgent need of protection have limited chances of legally crossing the EU borders, and therefore are forced to turn to smugglers to eventually find protection in Europe, which is directly resultant from such factors as the close down of external borders. There-
fore, EP considers the creation of secure and legal migration pathways for refugees, such as humanitarian corridors or humanitarian visas, reuniting families, making it possible to apply for asylum in EU embassies and consulates to be a priority (Rezolucja, 2015b). EP believes that humanitarian visas give persons seeking international protection access to a third country and a chance to apply for asylum. That is why EP urges member states to create legal venues of entry, such as the granting of humanitarian visas in embassies and consulates located in countries of migrants’ origin or in transit countries. EP believes that European asylum system needs a thorough reform and transformation. First of all, it should forsake the rule that the first entry member state is the country responsible for processing the application for international protection. A central EU system for collecting and allocating asylum applications should be formed so that each applicant is perceived as an asylum seeker in the EU, and not just in a given member state. Moreover, EP is of the opinion that there should be a Common European Asylum System, which would ensure that all member states have a shared responsibility for asylum seekers, that would also determine minimum recognition rates for member states. For EP, the issue of migrant integration is of huge significance. To make integration work, the measures taken should promote social inclusion (place of residence, host country’s language courses, intercultural dialogue, education and vocational training, access to democratic institutions), and definitely not isolation. In the integration process, the key role should be played by local and regional government. EP believes that refugees have both equal rights and equal obligations as EU citizens in the receiving member states. Therefore, integration is a two-way process in which the respect for values the EU is based on, and the respect for fundamental human rights of refugees are complimentary and constitute an integral part of the integration process. Moreover, for the EP another basic tenant of the refugee integration process is family unity, since this is what accelerates actual integration. To meet this requirement, member states should take less time to make decisions on reunifying families. The EP further states that failed asylum seekers, who were denied refugee status or international protection, should be provided with a safe journey back home, with due respect of their fundamental and procedural rights. The journey back home can
occur only if the country is safe for migrants to return to. This is why, the EP advocates that the common EU list of safe countries of origin should have a mandatory status for all member states, and promotes voluntary returns over forced returns. Furthermore, turning back of migrants who could not apply for asylum contravenes with the EU law and international law, and should meet with a decisive reaction from European Commission (Rezolucja, 2016a). What is important, EP pays special attention to the rights of women asylum seekers. It acts on the assumption that women and young girls seeking refugee status are often the target of gender-based discrimination and are more vulnerable to sexual abuse. Therefore, EP advocates that all forms of gender-based violence and discrimination justify the granting of asylum to women hailing from countries where these practices are in place. The EP further suggests that during the examination of asylum applications filed by women, cultural, social and psychological dimensions should be considered, and their needs treated as priority. To meet that goal, EP calls on member states to strengthen the controlling mechanisms of overcrowded refugee camps, in which even minimal standards of recuing gender-based violence are not necessarily in place. This is absolutely necessary, as the EP claims, so as to prevent a situation in which women and children continue to be persecuted in a country that was meant to be a safe haven. Female asylum seekers should receive full protection against any kind of violence and abuse. This refers also to LGBTI women, who are at an even greater risk of violence in detention camps. Therefore, EP appeals to member states to combat harmful stereotypes with regard to the behavior and traits of LGBTI women, and adhere to the EU Charter of Fundamental Rights with respect to such asylum applicants (Rezolucja, 2016b). Another issue of importance for the EP in the context of migrant crisis, is the demand that strong criminal sanctions against human trafficking and smuggling be implemented by member states and third countries. These sanctions should be placed on individuals and groups that exploit migrants who find themselves in a very difficult situation in the EU. EP believes information campaigns targeted at various threats awaiting migrants who have trusted their lives to smugglers should be organized. Counteracting illegal migration and efficiency of such actions depends, in the EP’s view, on strict collaboration of EU
The Position of European Parliament on the Migrant Crisis in Europe

member states with the European Police Office (Europol), the European Union’s Judicial Cooperation Unit (Eurojust), Frontex and EASO. To limit the inflow of refugees and economic migrants, the causes of violence and economic backwardness have to be eliminated in their country of origin. That is why EP appeals to governments of the migrants’ countries of origin to take all possible measure to build efficient state institutions, introduce democracy and the rule of law, fight corruption, and promote human rights. EP also emphasizes that prevention of conflicts and civil unrest, especially in such countries as Libya and Syria, is a prerequisite to reduce migration processes (Rezolucja, 2015a). To meet that goal, EP calls on the EU to strengthen cooperation with partner countries from the Middle East and Africa with regard to humanitarian and financial aid, as well as political and legal assistance. This cooperation should also refer to voluntary return of migrants to their country of origin. EP stresses the need for these countries to observe international law as it comes to saving lives at sea, providing protection to refugees and respecting their fundamental rights (Rezolucja, 2014). Faced with radicalization among certain groups within the EU societies, and growing xenophobia, EP expresses its regret that some leaders of EU states and far right political parties use the present situation to enhance anti-refugee moods and blame the crisis on the EU. Therefore, the EC and member states are called on to take urgent action to counteract anti-migrant violence and hate speeches. Moreover, EP appeals to EU and states’ leaders to take a unanimous stand that would strengthen European solidarity and respect for human dignity. An important issue here is the fact that EP supports the creation of a permanent relocation mechanism for asylum seekers, which could be activated in extraordinary circumstances, firmly advocating that this relocation mechanism should take account of refugee preferences as far as possible. EP also underlines that the EU response to migrant crisis must be based on the principles of solidarity and fair share of responsibility. EU must share the responsibility in a more fair way and demonstrate more solidarity with the other member states which have a much bigger inflow of refugees and asylum seekers. Furthermore, EP gladly accepted EC initiatives regarding relocation of a larger number of asylum seekers. EP stresses that the creation of hotspots is an essential element of the resettlement
mechanism, since they enable the EU to provide protection and streamline humanitarian aid delivery in much less time, as well as provide operational support for the first entry countries (Rezolucja, 2015b).

When evaluating the role of EP in the shaping of EU migrant crisis policy, it must be emphasized that from the formal perspective, including competences conferred under Treaties, it comes down to being, first and foremost, an opinion-giving, consultative institution. Although after the Treaty of Lisbon entered into force, EP became responsible for the legal order of the EU migration policy, with respect to the temporary measures adopted by European Council aimed at minimizing the effects of migrant crisis, EP issues non-binding opinions in form of legislative resolutions, which are an element of the legislative process, and also presents its position through non-legislative resolutions. Upon a thorough analysis of stands on migrant crisis expressed by the institution, it can be concluded that EP advocates the expansion of supranational cooperation mechanisms to cover the entire migration issue. EP believes that a way to handle the migrant crisis is to create a common, uniform supranational migration policy, inclined towards quick integration of migrants and refugees with EU societies in the spirit of respect for fundamental human rights. Having analyzed the resolutions adopted by EP, one can conclude that this institution definitely rejects the vision of Europe as a besieged fortress, and perceives migration as an opportunity for economic and social development of EU states. In the opinions expressed, EP emphasized in particular the humanitarian aspect of the migrant crisis, demanding more solidarity from member states in handling this complex issue, and urging them to take actions that conform with international law and the fundamental law of the EU. The paramount idea which, according to EP, should shape the policy of the EU and its members states on migrant crisis, should be the respect for the rights and dignity of people arriving in Europe. It must be also stated that EP’s attitude towards migrants and refugees reflect the role that EP assigns to itself, that is of an institution that acts as a guardian of democracy and human rights in Europe and worldwide. For this very reason, the EP attitude towards immigration is definitely positive and pro-migrant, which contrasts strongly with opposite social moods present in European societies, as well as the position of many EU member states.
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