
POLAND AND HUNGARY POLICY PROPOSAL



BACKGROUND

- Europe has been challenged by one of the largest crises it has so far experienced.
- As a result, we observed an inter-governmental crisis where multiple affected member states resorted to national solutions safeguarding their national interests pursuant safe and stable conditions at their home territories.
- Since the peak of the crisis in 2015, the absolute numbers of arriving migrants have been reduced by more than 90 % (European Commission, 2018).



HUNGARY AND POLAND PROPOSALS

1. Migration management

- Creation of a list of safe countries
- Strict separation of economic migration and asylum seekers
- External hotspots
- Financial and human support

2. Post-crisis migration situation : the concept of solidarity

3. Conditionality and the MFF



I- MIGRATION MANAGEMENT

Creation of a list of safe countries of origin

- A successful **creation of a list of countries** out of which an arrived asylum seeker would not be eligible for a granted asylum.
- Claimants would be returned to their home countries upon arrival and would be encouraged to apply via traditional means dealing with economic migration.



I- MIGRATION MANAGEMENT

Strict separation of economic migration and asylum seekers

- Under our proposal, migrants arriving from safe-listed countries should not in any case be allowed to continue their way past the asylum screening procedures further into the Schengen area.
- Under the current rules (*Article 78 of the TFEU and the subsequently established European Asylum Support Office*), if the examining body is not able to prove the conditions to be valid, the claimant must be returned to the country he or she originated from.
- The demand of Poland and Hungary to **only follow the current framework** is more than reasonable.



I- MIGRATION MANAGEMENT

External hotspots

- Asylum seekers would have the opportunity to **both apply for an asylum in the European Union and to apply for a visa** into the European Union in case of economic migration.
- **Close cooperation with the host countries** and certain **forms of compensation** are expected (*e.g. loosening of visa requirements, monetary compensation or strengthening of a free-trade cooperation*)
- **System based on the Australian model** (Australian Human Rights Commission, 2013) and **compliant with the provisions of the European Convention on Human Rights.**



I- MIGRATION MANAGEMENT

Financial and human support

- Increase in the external border security
- Hungary and Poland would like to see a **significant increase in the number of operating officers in the European Border and Coast Guard Agency (FRONTEX)**
- An increased share of the funds being allocated towards border countries
- increase the number of FRONTEX employees (currently 650).



2 - POST-CRISIS MIGRATION SITUATION - THE CONCEPT OF SOLIDARITY

- **strongly against any quota distribution system** that has been proven to not work (as acknowledged by the European Council)
- Proposition : a **one-time compensation scheme** that would **financially reward countries**,
 - 1) that are currently overburdened, so they are able to process the already arrived stock of migrants,
 - 2) that would be available to accept a certain share of migrants on a **voluntary basis**.
- **Incentive** system rather than a punitive-style agreement.



3 - CONDITIONALITY AND THE MFF

- It is imperative that the European Union **maintains at least the current level of the cohesion funds.**
- **Cohesion funds are fundamental.**
- **Disagreement** with the current proposal of some member states to introduce **conditionality** into the MFF framework.
- Building a financial framework based on **subjective criteria might prove easily politically exploitable and uncertain** → this is **contrary to the basic principles of the European Union law** set by the case law of the European Court of Justice which stresses the **importance of the legal certainty principle*** (Chalmers, et al., 2006).

*Under this principle, a subject to the law must be able to correctly and certainly deduce what and how law regulates its conduct. Currently, there are not direct provisions that would regulate, e.g. how the judicial system in the European Union should work and therefore, all of the conditionality European Commission rulings would have no structured base.



Thank you for your attention !



REFERENCES

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