

## **Policy Proposal of Hungary and Poland**

As it was previously mentioned, in the last few years, Europe has been challenged by one of the largest crises it has so far experienced. Unprecedented inflow of migrants during the period 2013-2016 materialized into 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. Having said this, Hungary and Poland need to stress the value of the increased pressure on reasonable migration management and the consequent decrease in the migrant stock. Since the peak of the crisis in 2015, the absolute numbers of arriving migrants have been reduced by more than 90 % (European Commission, 2018) and reasonable voices are starting to be heard from various corners of Europe once again.

Furthermore, in the last few years, multiple countries have followed the suit and strengthened their grip on the domestic migration agenda. We believe that the actions of Austria, Italy, Bulgaria or Denmark have been a sign of the positive change of the increased meaning of national interests and safehood and will in the end result into a more reasonable and lawful migration policies all around Europe.

With this in mind, Hungary and Poland are proposing the following actions to tackle the current issues:

### **1. Migration management**

First, we would like to stress that member states and the European Commission have agreed on further reducing the number of incoming illegal arrivals by improving the border management, easing the means of readmissions and streamlining the returns to safe countries. Therefore, Hungary and Poland propose the following agenda:

#### **a) 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 (Migration and Home Affairs - European Commission, 2019).

#### **b) Strict separation of economic migration and asylum seekers**

Under our proposal, migrants arriving from safe-listed countries that are not able to prove that they are being prosecuted should not in any case be allowed to continue their way past the asylum screening procedures further into the EU. Pursuant to the Article 78 of the TFEU and the subsequently established European Asylum Support Office, the operating body must be able to truly assess whether an individual is eligible for a refugee status or not. For this to be valid, a real potential harm or a threat in the country of origin must be proven. Under the current rules, if the examining body is not able to prove these conditions to be valid, the claimant must be returned to the country he or she originated from.

Therefore, we believe that the demand of Poland and Hungary to simply follow the current framework is more than reasonable.

### **c) External hotspots**

In this topic, Hungary and Poland would like to support creation of a system of external hotspots that would be optimally located based on the most frequent travel routes of the current migration channels. In these 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 to pursue a regular employment via a route of economic migration. Migrants with uncertain country of origin would be detained at the hotspots and correctly processed before a lawful decision on their case is taken. However, these detainees, provided they decide to stop seeking asylum in the European Union, would be free to leave the camp at any time. It is important to stress that these hotspots would need to be operated with close cooperation with the host countries and certain forms of compensation are expected. Poland and Hungary could imagine a loosening of visa requirements, monetary compensation or strengthening of a free-trade cooperation as a form of this compensation.

Further, the system of hotspots would be modelled based on the Australian model (Australian Human Rights Commission, 2013). Poland and Hungary would like to stress that it is important to avoid sensationalist media articles about the current humanitarian situation in the Australian centres. Rather, we would like to focus on following through with an actual proposed model of the detention centres that the Australian government accepted. This proposal stresses, e.g. that all detainees are to be treated with humanity and with respect for the inherent dignity of the person. Poland and Hungary stress that these detention centres should be compliant with the provisions of the European Convention on Human Rights.

### **d) Financial and human support**

The above-mentioned provisions should be complemented with an increase in the external border security. Increased financial funds should be allocated towards this issue to complement the external hotspots in its functionality. All of the detained migrants should be returned to a specified hotspot and his case is to be handled there. Therefore, 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) and an increased share of the funds being allocated towards border countries for the sole purpose of strengthening the security of external borders. Currently, there is only about 650 employees working at Frontex (FRONTEX, 2019). Hungary and Poland would like to see this number to increase and complement the work of the national guards in the member states that border with countries outside of the European Union.

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

A question of solidarity has been raised on numerous occasions during the discourse. Poland and Hungary would like to state that it acknowledges the burden that border states are currently experiencing. Unfortunately, we are strongly against any quota distribution system that has been proven to not work (Grün, 2018). We feel obliged to comply with the demands and requirements of our population (CBOS, 2017, p. 2; Rothwell, Foster and Csekö,

3.10.2016) and we cannot sacrifice our national cohesion and integrity for the sake of external forces.

Therefore, following the last meeting with the member states and the European Commission, we are glad to see that the European Council acknowledged the failure of the quota system. We remain positive about the possibility of finding an alternative efficient solution to support the member states who are overburdened. Henceforth, Hungary and Poland propose 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. Therefore, rather than proposing a punishment-style agreement, we would like to introduce a scheme that encourages the able countries to accept a certain volume of migrants and be properly compensated for it. However, this agreement is conditional on strict functioning of the external borders processing system and the correct functioning of the hotspots outside of the European Union. This would limit the financial exposure in the future.

### **3. Conditionality and the MFF.**

As it was stressed in the common joint proposal by the stakeholders, it is imperative that the European Union maintains at least the current level of the cohesion funds. Hungary and Poland emphasize that the cohesion funds are fundamental for the economic convergence inside the European Union - 25-30% of real V4 GDP convergence with the EU average comes from cohesion policy investments (Visegrad Group, 2016, p. 7) - and that the decrease in their share might result in a significant detriment of certain poorer regions.

Furthermore, Hungary and Poland already expressed their joint disagreement with the current proposal of some member states to introduce conditionality into the MFF framework. As it was previously stressed, 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.

Finally, we consider the proposals made to be the right measures on the way to a more effective European migration policy. We hope to be able to agree soon on a new MFF reflecting the priorities of a Union that protects, empowers and defends.

## References

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