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Irregular Migration to the Member States of the European Union as a Challenge to National and Regional Security in the 21st Century

Nieregularna migracja do państw członkowskich Unii Europejskiej jako wyzwanie dla bezpieczeństwa narodowego i regionalnego w XXI wieku

Abstract
Irregular migration to the Member States of the European Union constitutes one of the key challenges to national and regional security in the twenty-first century. The intensification of migratory pressure, particularly after 2015, has exposed the limitations of existing migration management mechanisms as well as the complexity of threats related to border protection, public order, and the stability of asylum systems. The abstract analyses EU migration policy from legal, institutional, and operational perspectives, with particular emphasis on the New Pact on Migration and Asylum, return procedures, readmission mechanisms, and the role of the Frontex agency. The research hypothesis assumes a shift in priorities towards strengthened border control and cooperation with third countries, at the expense of internal solidarity mechanisms and human rights protection standards. The conclusions indicate a growing fragmentation of EU migration policy and the need to balance security interests with the norms of international law and the fundamental values of the European Union.

Keywords: migration, irregular migration, security, European Union

Abstrakt
Nieregularna migracja do państw członkowskich Unii Europejskiej stanowi jedno z kluczowych wyzwań dla bezpieczeństwa narodowego i regionalnego w XXI wieku. Nasilenie presji migracyjnej, szczególnie po 2015 roku, ujawniło ograniczenia dotychczasowych mechanizmów zarządzania migracją oraz złożoność zagrożeń związanych z ochroną granic, porządkiem publicznym i stabilnością systemów azylowych. W streszczeniu analizie poddano politykę migracyjną UE w ujęciu prawnym, instytucjonalnym i operacyjnym, ze szczególnym uwzględnieniem Nowego Paktu o Migracji i Azylu, procedur powrotowych, mechanizmów readmisji oraz roli agencji Frontex. Postawiona hipoteza zakłada przesunięcie priorytetów w stronę kontroli granic i współpracy z państwami trzecimi, kosztem solidarności wewnętrznej i standardów ochrony praw człowieka. Wnioski wskazują na postępującą fragmentaryzację unijnej polityki migracyjnej oraz potrzebę wyważenia interesów bezpieczeństwa z normami prawa międzynarodowego i wartościami UE.

Słowa kluczowe: migracja, nieregularna migracja, bezpieczeństwo, Unia Europejska

Introduction

Irregular migration constitutes one of the most serious challenges to the security of the Member States of the European Union in the 21st century. The increase in migration flows, particularly after 2015, has highlighted the limitations of existing migration management instruments and revealed the complexity of the threats associated with this phenomenon. The influx of persons crossing the external borders of the European Union without the required legal authorisation has become not only an operational issue, but also a political and social concern.

The so-called "migration crisis" of 2015 demonstrated this vividly: frontline states such as Greece and Italy were confronted with an unprecedented inflow of asylum seekers and migrants, which overwhelmed reception capacities and created severe challenges for asylum procedures. In Greece, the sudden arrival of over 850,000 migrants in 2015 alone exposed the structural deficiencies of both national institutions and the Common European Asylum System (CEAS), while in Italy the disembarkations on Lampedusa and Sicily became a symbol of the Union's limited preparedness.[1] These pressures translated into internal political polarisation, including the rise of parties such as *Alternative für Deutschland* in Germany or *Lega Nord* in Italy, which explicitly linked irregular migration with threats to internal security and cultural identity.[2] At the same time, the disproportionate burden placed on southern Member States exacerbated divisions within the Union, as reflected in the failure to implement the 2015 relocation mechanism, which was legally challenged by several Central European governments. The crisis thus revealed the vulnerability of the EU's solidarity principle and intensified disputes over burden-sharing, directly undermining the cohesion of the Union.

The aim of this article is to identify the principal challenges associated with irregular migration to the Member States of the European Union and to examine the measures undertaken by the Union in response to threats to security, public order, and the integrity of the external borders. Within the EU framework, the integrity of external borders is understood not in terms of territorial sovereignty in the classical sense of international law, but rather as the effective control, management, and protection of the Union's external frontiers as a shared responsibility under the Schengen system. The Schengen Borders Code requires Member States to exercise such control in a manner that guarantees both security and the free movement of persons within the Union. In contrast to earlier scholarship that focused primarily on the 2014–2016 migration crisis, this paper extends the temporal scope to 2021–2025

[1] European Migration Network, *Annual Report on Migration and Asylum 2023 – Highlights*, European Commission, Brussels 2024, p. 33.

[2] C. Mudde, *The Far Right Today*, Cambridge 2019, pp. 4–7.

and situates irregular migration within the context of hybrid threats at the Union's eastern frontier and the gradual implementation of the New Pact on Migration and Asylum. The contribution of this study is twofold: first, it establishes a clear conceptual distinction between irregular border detections and asylum applications; second, it offers a concise comparative analysis of how two Member States have translated EU-level priorities into national practice under hybrid pressure.

Irregular migration challenges this integrity by undermining the effectiveness of border management systems, creating situations in which unauthorised crossings bypass formal entry procedures, thereby weakening the credibility of the EU's common legal framework. This phenomenon not only disrupts the functioning of the Schengen Area, as evidenced by the temporary reintroduction of internal border controls by several Member States since 2015, but it also raises questions about solidarity and trust between Member States, which are essential for the sustainability of the EU's border regime.

The research problem addressed in this study focuses on the extent to which the European Union's declared priorities in the field of irregular migration, including the reinforcement of border control instruments, return procedures and cooperation with third countries, as set out in documents such as the New Pact on Migration and Asylum, are being effectively implemented. The study also examines whether the institutional, legal and financial measures adopted at the EU and Member State levels are adequate to achieve these objectives, and how this shift in emphasis affects the balance between security considerations, intra-Union solidarity mechanisms and human rights protection standards.

This article is based on an analysis of European Union legal acts, strategic documents, statistical data (including Eurostat), and reports of EU institutions and international organizations. Before moving to the analysis of the EU's institutional and legal responses, it is necessary to clarify the terminology, as conceptual ambiguity often complicates both academic debate and political discourse on migration. The research applied a dogmatic-legal method, content analysis of policy documents, and a comparative analysis of solutions adopted within migration and asylum policy frameworks.

Terminological Aspects of Migration Issues

The precise definition of the phenomenon of migration constitutes a significant analytical challenge. This results primarily from the multidimensional and dynamic nature of migration processes, which are the subject of interest of many academic disciplines — ranging from demography, through sociology and political science,

to economics and security studies. The diversity of research approaches, differing operational definitions, and theoretical frameworks leads to the absence of a single, universally accepted definition of migration.[3] The term migration is the broadest concept and refers to the movement of populations within a given country or between different countries, aimed at changing the place of residence either permanently or temporarily,[4] driven by political, ethnic, religious, or economic factors.[5] Therefore, emigration can be defined as leaving one's homeland for material, religious, or political reasons and settling abroad. In this context, it is also important to address the issue of refugeeness. Under international law, a refugee is defined as a person who, "owing to a 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."[6]

The diversity of legal statuses of foreigners residing in a state of which they are not citizens constitutes a significant element of contemporary migration policy. This categorisation includes both individuals who migrate voluntarily — for employment, educational or family reasons — and those forced to leave their country of origin due to persecution, armed conflict, or humanitarian disasters. This category also encompasses the right to territorial asylum, which consists in "granting permission to enter and reside to foreigners who are discriminated against or persecuted for their beliefs, political activity, religious or scientific work. States have the discretion to grant asylum, which means that such a person cannot be subjected to extradition."[7]

The status of an asylum seeker in Poland is granted when it is necessary to ensure the protection of a foreign national and when it is justified by an important interest of the Republic of Poland.[8] The diversity of forms in which foreigners are present in the host state means that migration policy must take into account not only border and security issues, but also human rights, social integration, and

[3] S. Castles, H. De Haas, M. J. Miller, *The Age of Migration: International Population Movements in the Modern World*, Basingstoke 2014, pp. 28–30.

[4] According to the United Nations, short-term migration usually refers to stays between three months and one year, while long-term migration denotes residence exceeding twelve months. United Nations Statistics Division, *Recommendations on Statistics of International Migration*, Revision 1, UN, New York 1998.

[5] P. Lubiewski, *Nielegalna imigracja. Zagrożenia bezpieczeństwa część 1*, Szczytno 2016, p. 13.

[6] *Konwencja dotycząca statusu uchodźców sporządzona w Genewie dnia 28 lipca 1951r*. https://www.amnesty.org.pl/wp-content/uploads/2016/04/Konwencja_Dotyczaca_Uchodzcow.pdf [date of access: 20.06.2025].

[7] R. Bierzanek, J. Symonides*, Prawo międzynarodowe publiczne. Wydanie 8 zmienione*, Warszawa 2005, p. 264.

[8] I. Malinowska, *Wymiar prawny uchodźctwa. Status uchodźcy z perspektywy praw człowieka*, [in:] *Uchodźcy w Europie. Uwarunkowania, Istota Następstwa*, eds. K.A. Wojtaszczyk, J. Szymańska, Warszawa 2017.

inter-institutional coordination. It is also important to define precisely what migration policy entails. Migration policy can be understood as the entirety of state actions related to the movement of people across space, both in the context of the admission of foreigners (immigration) and the policy towards its own citizens residing outside the country's borders — regardless of whether their stay is permanent or temporary. This policy includes measures concerning the integration of migrants, emigration policy, support for the return of nationals to their country of origin regardless of their legal status, as well as regulations related to the granting of citizenship[9].

The International Organization for Migration (IOM) defines migration policy as a set of legal norms, regulations, and measures established by states in order to manage migration flows. It encompasses matters related to the entry and stay of foreigners, their integration in the host country, as well as return to the country of origin and reintegration processes.[10] In public discourse, the concept of migration policy is often replaced by the term migration strategy. However, from a terminological perspective, policy is a broader concept from which strategy subsequently derives. This demonstrates that in EU law irregular migration is not only a legal category but also a policy instrument, shaping the scope of state obligations and the political framing of migration governance.

While the above categories capture the complexity of migration phenomena, the key concept for the purposes of this article is irregular migration. Within EU law, there is no single codified definition of irregular migration, but the term is used consistently across legal and policy documents. The Schengen Borders Code defines an "unauthorised crossing of the external border" as an entry outside authorised border crossing points or during unauthorised hours. Similarly, Directive 2008/115/EC on common standards and procedures in Member States for returning illegally staying third-country nationals uses the notion of "illegal stay" to describe the presence of a third-country national on the territory of a Member State without fulfilling the conditions of entry, stay or residence. In EU practice, therefore, irregular migration encompasses both illegal entry into the territory of the Union and illegal residence within it. This approach is complemented by the International Organization for Migration, which defines an irregular migrant as a person who enters or remains in a country without the necessary authorisation under national or international law.

[9] M. Duszczyk, *Ewolucja polskiej polityki migracyjnej w zakresie migracji zarobkowych po 1 maja 2004 r.*, [in:] *Migracje i polityka migracyjna. Polska w kontekście europejskim*, eds. M. Duszczyk, P. Kaczmarczyk, Warszawa 2013, pp. 19–21.

[10] International Organization for Migration (IOM), *Glossary on Migration*, „International Migration Law" 2019, no. 34, p. 146, https://publications.iom.int/system/files/pdf/iml_34_glossary.pdf [date of access: 10.06.2025].

Irregular Migration to the European Union as a Security Challenge for Member States in the 21st Century

In 2015, the European Union experienced a migration crisis.[11] In the media, this situation was portrayed as a refugee crisis or an asylum crisis. It should be emphasised that the European Union is once again facing the greatest challenge related to the influx of people since the end of the Second World War.[12] As a result, the term illegal migration or irregular migration has appeared in media discourse. In the academic literature, there is no consensus on a single clear definition of irregular migration. However, certain criteria have been adopted that help to structure the issue:

1. "the way irregularity arises (illegal border crossing, exceeding the permitted period of stay, refusal to apply for protection, breach of the obligation to leave the territory, unsuccessful deportation, birth of a child to parents with irregular status),
2. duration of stay (temporary or circular migration),
3. types of legal infringements (illegal entry, stay, or employment),
4. modes of migration (smuggling, trafficking, voluntary or forced irregular migration),
5. individuals and their motivations (family reasons, refugees, or unregulated labour migration.)[13]

The International Organization for Migration defines an irregular migrant as a person who enters or remains in the territory of a state in breach of that state's migration laws, regardless of the reasons for that situation.[14] This definition is particularly useful in the EU context, where the phenomenon is regulated through both international law and Union law, and where the distinction between "illegal entry" and "illegal stay" has direct policy consequences**.** The proposed definitions avoid terminology that could carry negative connotations and thereby provoke additional emotions within society.

In public discourse, particularly in the media, the term "illegal migration" is more commonly encountered and is often used as a tool for shaping a specific social narrative. This term is not neutral — it plays a role in constructing a particular image

[11] Crisis phenomena are an inherent element of the processes of European integration, and their increasing diversity and frequency result both from the hybrid nature of the European Union and from the exhaustion of the original visions and development strategies of the integration project, vide: K. A. Wojtaszczyk, J. Nadolska, J. F. Czub, *Kryzysy w procesie integracji europejskiej i sposoby ich przezwyciężania*, „Przegląd Europejski" 2014, no. 3(33), pp. 10–11.

[12] More precisely, it constitutes one of the greatest challenges in the domain of border security and societal cohesion, while other crises such as the financial downturn of 2008 or the COVID-19 pandemic posed different but equally systemic pressures.

[13] P. Lipold, *Nieregularna migracja do Unii Europejskiej. Tendencje i wyzwania*, Warszawa 2022, p. 30.

[14] International Organization for Migration (IOM), *Glossary on Migration*.., op. cit., p. 126.[date of access: 20.06.2025].

of the migration phenomenon, reinforcing associations with threats to public order or state security. In fact, from the perspective of international and EU law, the use of the term "irregular migration" is more appropriate, as it reflects the complexity of the legal situation of persons crossing borders without the required authorisation. Issues related to migration and in particular irregular migration have, for at least a decade, constituted one of the key areas of both internal and external policy of the EU Member States. This topic has also secured a lasting place in national and EU-level election campaigns, in which migration issues are used as a tool for mobilising the electorate. The practice of "fear-mongering" about migrants and refugees has, in many countries, become the norm in political rhetoric, serving to legitimise calls for tightening border policies and restricting the rights of foreigners. While irregular migration generates real challenges for border management and asylum systems, these risks are frequently amplified in political narratives, which present migration as an existential threat rather than a governance problem.

The European Union and its Member States are an attractive destination for migrants and refugees from various parts of the world, primarily from the Middle East, Africa, and Asia. Interest in particular EU countries varies, which is linked to the classic theory of migration push and pull factors. This theory divides the causes of migration into two groups: those that push people out of their place of residence and those that attract them to a new location.[15]

To better capture the scope of the phenomenon, it is important to distinguish between irregular border crossings and asylum applications. According to Frontex, more than 1.8 million irregular border crossings were detected in 2015, the highest number ever recorded in the EU.[16] Although the figures declined in subsequent years, they began to rise again in the early 2020s**,** indicating a renewed increase in migratory pressure rather than a new peak. These numbers illustrate the direct scale of unauthorised entries. However, they must be read together with asylum application figures, which reflect institutional pressures rather than border flows. The combined use of both indicators provides a fuller and more precise picture of migratory pressure.[17]

At the same time, another important indicator of migratory pressure is the number of asylum applications lodged in the EU.[18] The simultaneous use of data

[15] A. Kołodziejak, W.Trybuł, *Konsekwencje migracji do Unii Europejskiej*, [in:] *Rocznik bezpieczeństwa międzynarodowego*, eds. K. J. Helnarska, G. Motrycz, Warszawa 2017, p. 95.

[16] Frontex, *Risk Analysis for 2016*, Warsaw 2016, p. 5–6. https://www.frontex.europa.eu/assets/Publications/Risk_Analysis/Annula_Risk_Analysis_2016.pdf [date of access: 20.08.2025].

[17] Frontex, *Risk Analysis for 2023*, Warsaw 2023, p. 18; Frontex, *Annual Risk Analysis 2024*, Warsaw 2024, p. 12. https://www.frontex.europa.eu/assets/Publications/General/ARA_2023.pdf [date of access: 20.08.2025].

[18] European Migration Network (EMN), *Annual Report on Migration and Asylum 2023 – Highlights*, Brussels 2024, p. 33.

on irregular border crossings and asylum applications allows for a more nuanced understanding of migratory pressures, linking unauthorised entry flows with their institutional consequences for asylum systems. Although methodologically distinct, both indicators are frequently conflated in EU policy debates, where irregular entry statistics are often used interchangeably with asylum figures to justify restrictive measures. In this article, these two dimensions are treated as complementary but analytically separate, in order to ensure conceptual clarity and more accurate assessment of EU migration governance.

These data do not directly represent the number of irregular crossings, but they reflect the burden on asylum systems that results from irregular entries and subsequent secondary movements within the Union.

Table 1. Number of asylum applications submitted to EU Member States in 2020–2023

Country	2020	2021	2022	2023
Austria	13400	37800	109775	55605
Belgium	12905	19545	32100	29260
Bulgaria	3460	10890	20260	22390
Cyprus	7065	13260	21590	11660
Czechia	790	1055	1335	1130
Germany	102525	148175	217735	329035
Estonia	45	75	2940	3980
Greece	37860	22660	29125	57895
Spain	86380	62050	116135	160460
Finland	1445	1355	4815	4450
France	81735	103790	137510	145095
Croatia	1540	2480	2660	1635
Hungary	90	40	45	30
Ireland	1535	2615	13645	13220
Italy	21330	45200	77200	130565
Lithuania	260	3905	905	510
Luxembourg	1295	1365	2405	2615
Latvia	145	580	545	1625
Malta	2410	1200	915	490
Netherlands	13660	24730	35500	38320
Poland	1510	6240	7700	7720
Portugal	900	1350	1975	2600
Romania	6025	9065	12065	9875
Sweden	13595	9015	13180	8945
Slovenia	3465	5220	6645	7185
Slovakia	265	330	500	370
Norway	1325	1595	4650	5135

Source: European Migration Network (EMN), *Annual Report on Migration and Asylum 2023 – Highlights,* Brussels 2024, *p.33*, https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-publications/emn-annual-reports_en [date of access: 20.06.2025].

The distinction between border crossings and asylum applications is crucial. Taken together, these indicators provide a more complete picture of migratory pressure: crossings illustrate the scale of unauthorised entries, while applications show how Member States' asylum systems are affected in practice. This dual perspective also helps to explain the discrepancy between empirical data and political discourse, in which threats are often overstated or instrumentalised. Moreover, irregular border crossings represent an immediate challenge for border management authorities, whereas asylum applications reflect the longer-term institutional and financial burden associated with reception, adjudication, and integration processes. The correlation between these two indicators is not linear, as not all irregular entrants apply for asylum, and not all asylum applicants have crossed borders irregularly, which further complicates measurement and policy responses. Academic studies have emphasised that political actors frequently conflate these categories, using overall asylum figures as a proxy for irregular entries in order to strengthen securitised narratives. In reality, the two dimensions interact but remain analytically distinct, and a nuanced approach is required to avoid misleading generalisations. Recognising this distinction is essential for designing evidence-based policies that simultaneously uphold border integrity and safeguard the right to seek international protection.

The diversity of interest in individual EU Member States stems from multiple factors, including the presence of established diasporas, language, historical links, employment opportunities, and the accessibility of asylum procedures and administrative practices. Germany, France, Spain, and Italy have long received the highest numbers of applications for international protection within the EU, which is partly attributable to their economic strength and geographical location.[19]

Between 2023 and 2025, the Member States of the European Union undertook a range of measures aimed at strengthening the protection of the external borders, reducing irregular migration, and combating migrant smuggling. Particular importance was attached to infrastructure investments and legislative changes, which may serve as effective tools for controlling migration flows and enhancing internal security. Noteworthy in this context are the actions taken by Poland as a country that forms part of the EU's eastern border. The crisis at the Polish-Belarusian border, which began in the second half of 2021, represents an example of a complex phenomenon of a hybrid nature,[20] in which migration

[19] European Migration Network (EMN), *Annual Report on Migration and Asylum 2023 – Highlights*, Brussels 2024.

[20] "Belarus aimed to undermine the international standing of Poland, Lithuania, and Latvia by portraying them as countries reluctant to accept refugees and migrants. This was also an attempt to test the position of these three states within the EU and NATO. Moreover, the Belarusian diplomatic service undertook

flows were used as a tool of political pressure on the European Union.[21] These actions formed part of a broader strategy pursued by the Belarusian authorities in response to the sanctions imposed on Belarus due to human rights violations and breaches of democratic principles.

The instrumentalisation of migration consisted in facilitating the arrival of third-country nationals, primarily from the Middle East and Africa, onto the territory of Belarus and subsequently directing them towards the borders of the European Union's Member States, most notably Poland, Lithuania, and Latvia. Poland's response has been the subject of extensive criticism in reports issued by EU institutions, UNHCR, and human rights NGOs, which highlighted possible inconsistencies with both domestic and international legal standards. This assessment relies on secondary sources and does not include original fieldwork; the Polish case is therefore presented primarily as an illustrative example of the broader tensions within EU migration governance.

Poland's actions were repeatedly criticised by institutions such as the European Parliament and the UNHCR, which highlighted violations of the principle of non-refoulement. As the European Parliament explicitly stated, Member States must "ensure that EU asylum and return law and international human rights law are respected […] including access to asylum, legal aid and civil society organisations."[22] In its resolutions of 2021 and 2022, the European Parliament condemned the practice of push-backs at the Polish–Belarusian border as incompatible with EU and international obligations, stressing that access to asylum procedures must be guaranteed at all times.[23] Similarly, the UN High Commissioner for Refugees repeatedly urged Poland and other frontline Member States to respect the right to seek asylum, recalling that non-refoulement is a cornerstone of both the 1951 Geneva Convention and EU law.[24] Human rights NGOs, including Amnesty International and

a range of efforts to discredit, in particular, Poland and Lithuania in other international organisations, including the United Nations and the Organization for Security and Co-operation in Europe (OSCE)," see: A. M. Dyner, *Kryzys graniczny jako przykład działań hybrydowych*, https://www.pism.pl/publikacje/kryzys-graniczny-jako-przyklad-dzialan-hybrydowych [date of access: 20.06.2025].

[21] These actions are primarily targeted at Poland and Lithuania, that is, the countries that have actively supported the Belarusian opposition following the announcement of the election results and have provided shelter to Sviatlana Tsikhanouskaya after the 2020 presidential elections. See: B. Fraszka: *Sytuacja na granicy polsko-białoruskiej: przyczyny, aspekt geopolityczny, narracje*, https://warsawinstitute.org/pl/sytuacja-na-granicy-polsko-bialoruskiej-przyczyny-aspekt-geo-polityczny-narracje/ [date of access: 22.06.2025].

[22] European Parliament, *Resolution RC-B9-0482/2021 – At the border between Belarus and the EU*, Strasbourg, 6 October 2021, point 15, https://www.europarl.europa.eu/doceo/document/RC-9-2021-0482_EN.html [date of acces: 10.09.2025].

[23] *Joint motion for a resolution B9-0482/2021 – At the border between Belarus and the EU*, 6 October 2021, https://www.europarl.europa.eu/doceo/document/B-9-2021-0482_EN.html [date of acces: 10.09.2025].

[24] UNHCR, *UNHCR urges States to end stalemate at Belarus-EU border and avoid further loss of life*, 22.10.2021,

Human Rights Watch, also documented instances of summary expulsions and ill-treatment of migrants, which further intensified the debate on whether unilateral national responses undermine the Union's credibility in upholding its legal standards.

In contrast, Finland's measures were primarily framed as preventive and security-oriented, focusing on physical infrastructure, electronic surveillance, and the temporary closure of border crossings with Russia. These steps attracted comparatively less criticism regarding compliance with asylum guarantees than the practices observed in Poland. The Finnish case thus serves as a contrastive example of preventive rather than coercive measures, illustrating the diversity of instruments applied by Member States under conditions of migratory pressure.

Taken together, the two cases underscore the divergent ways in which Member States operationalise EU migration policy under hybrid pressure. Poland illustrates a coercive and securitised approach that has attracted sustained legal and humanitarian criticism, while Finland exemplifies a preventive and infrastructure-based strategy that, although restrictive, has provoked comparatively less controversy. The juxtaposition of these responses highlights both the adaptability and the fragmentation of the Union's migration governance, as well as the continuing tension between national sovereignty and supranational legal commitments. At the same time, the divergent national practices observed in Poland and Finland feed into a broader political dynamic within the Union. The handling of irregular migration has become increasingly intertwined with public perceptions of insecurity, contributing to a climate of mistrust and polarisation across Member States.

The community of European Union Member States is currently facing challenges that expose significant limitations in the capacity of institutions to effectively manage migration and refugee crises. In many EU countries, an increasingly prevalent discourse of fear and distrust can be observed, reflecting the so-called politics of fear — a phenomenon in which migration becomes a symbolic carrier of broader social, cultural, and identity-related tensions. The deepening ineffectiveness of joint crisis response efforts has contributed to a serious deficit of public trust in political elites and EU decision-making structures.[25] The interplay between real challenges, such as the management of asylum systems, and perceived threats, constructed in media and political rhetoric, contributes to the erosion of trust in EU institutions. This ambiguity is often exploited by radical movements to strengthen narratives of insecurity.

https://www.unhcr.org/news/news-releases/unhcr-urges-states-end-stalemate-belarus-eu-border-and-avoid-further-loss-life [date of accese 10.09.2025].

[25] P. Borkowski, *Wymiar polityczny uchodźctwa-wybrane problemy w kontekście europejskiego kryzysu migracyjnego*, [in:] *Uchodźcy w Europie*..., op. cit., p. 43.

In this context, the wave of refugees — particularly intensified after 2015 and following the Russian invasion of Ukraine in 2022 — began to be perceived not only as a humanitarian challenge but also as a threat to cultural identity and social security. Migrants became, in a sense, a "projection" of Europe's fears — both real and those shaped by the media. Immigrants and asylum seekers are very often portrayed as existential threats to an imagined homogeneous nation — to its culture, values, as well as to the security and stability of society.[26] The foreigner — whether a refugee or an immigrant — becomes a metaphor for the collapse of order, loss of control, ineffective governance, and a threat to social cohesion.[27]Although Poland was not directly affected by the consequences of the 2015 migration crisis, mainly due to its geographical location, these events marked the beginning of a shift away from the Europeanisation of migration policy towards its nationalisation. Migration issues were then incorporated into the current political agenda, which was linked to ongoing election campaigns. In place of the EU approach, a sovereigntist narrative was introduced, in which migrants were portrayed as an existential threat to the state and society.[28]

In recent years, the Member States of the European Union have witnessed a marked increase in Eurosceptic attitudes and radical tendencies. These processes are particularly evident in the context of social tensions related to migration and growing inequalities. The intensifying political radicalism takes various forms — from populism to nationalism — and is increasingly expressed in opposition to further European integration, criticism of liberal values, and the promotion of discriminatory and xenophobic attitudes.[29]

In the rhetoric of radical groups, migrants are portrayed as a threat to the socio-cultural order of host countries. Particular emphasis is placed on the alleged failure of migrants to conform to dominant social and moral norms, and on their reluctance to culturally adapt, especially with regard to Christian traditions, education, and democratic values. In this perspective, migration becomes not only a political challenge but also a symbolic one associated with a civilisational conflict and the potential loss of national identity.[30]

This process contributed to the erosion of the idea of European solidarity, which, although proclaimed, proved to be limited and fragmented in practical application. This was particularly evident in the lack of agreement on the relocation

[26] R. Wodak, *The Politics of Fear: What Right-Wing Populist Discourses Mean*, London 2015, p. 2.
[27] Ibidem, p. 81.
[28] A. Nitszke, *Poland's Response to the Migration Crisis*, „Athenaeum. Polish Political Science Studies" 2023, vol. 79(3), strona?.
[29] C. Mudde, op. cit. pp. 4-7.
[30] Z. D. Czachór, *Wzrost antyimigracyjnego radykalzimu i eurosceptycyzmu jako wyzwanie dla przyszłości Unii Europejskiej,* [in:] *Uchodźcy w Europie…*, op. cit., p. 232.

of refugees and the asymmetry of burdens between Member States. In the official EU policy discourse on integration, the concept of solidarity gradually lost its original meaning, shifting from a principle of collective responsibility to an instrument often used to legitimise national interests. The term, initially shaped by the founding fathers of the European Communities, conveyed the lofty idea of collective action in support of economic development and the deepening of political integration.

Over time, however, its use increasingly took on an instrumental character serving to legitimise the particular interests of Member States rather than genuine cooperation in the spirit of shared responsibility.[31] In moments of particular tension and destabilisation such as the migration crisis (2015–2016), the COVID-19 pandemic (2020–2022), or the energy crisis following the full-scale Russian aggression against Ukraine (from 2022 onwards), the idea of European solidarity was put to a severe test. Although formally it remains one of the foundations of the European Union, its practical implementation often became fragmented. Faced with crises, Member States increasingly acted in accordance with the principle of national interest, which resulted in the refusal to share responsibility or attempts to withdraw from previously accepted mechanisms of cooperation.

European migration policy

The migration policy of the European Union constitutes one of the most complex and dynamic areas of common policy, shaped in response to changing social, political and internal security conditions. Its primary objective is to manage migration flows in a manner that ensures a balance between the right to international protection and the need to safeguard the integrity of external borders and the security of Member States. This policy covers both issues related to legal immigration, the integration of foreigners and the protection of refugees, as well as measures aimed at counteracting irregular migration, migrant smuggling and human trafficking. European migration policy is implemented through a set of legal acts, political strategies and operational mechanisms, which include, among others, the Common European Asylum System, visa policy, return procedures, and cooperation with third countries in the field of migration control and readmission.[32] Solidarity mechanisms and responsibility-sharing among Member States play a key role

[31] T. G. Grosse, J. Hetnarowicz, *Solidarność – zapomniana wartość Unii. Kryzys uchodźczy(migracyjny) a podziały między państwami członkowskimi,* [in:] *Uchodźcy w Europie…*, op. cit., p. 221.

[32] European Commission, *New Pact on Migration and Asylum – Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions*, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020DC0609 [date of access: 20.06.2025].

in this context; however, as demonstrated by recent experience, their practical implementation has encountered significant challenges, particularly in the context of migration crises (2015–2016), the crisis at the EU's eastern border, and the consequences of the war in Ukraine.

The European migration policy is based on a set of harmonised legal frameworks and cooperation mechanisms aimed at ensuring consistency in the actions of Member States in managing migration flows and protecting external borders. One of the pillars of these efforts is the Common European Asylum System, designed to ensure a uniform approach to granting international protection, determining responsibility for examining asylum applications, and establishing minimum standards for the reception of asylum seekers. This system aims to limit so-called secondary movements and to promote a more equitable distribution of responsibilities among the Member States. An integral part of the EU migration policy is also the harmonised visa policy, aimed at ensuring transparency and uniformity in the rules governing entry into the Schengen area. This policy is supported by the implementation of information systems facilitating the exchange of visa data and more effective monitoring of the movement of persons across the EU's external borders.[33]

Return procedures and readmission measures concerning third-country nationals lacking legal residence within the European Union constitute a pivotal component of the EU's comprehensive migration management framework. This policy is founded upon harmonised return standards adopted across EU member states, fostering a coordinated approach to the return of third-country nationals who do not have legal grounds to remain within the Union. A key element of this framework is structured cooperation with countries of origin, aimed at facilitating the identification, issuance of travel documents, and readmission of their nationals. Furthermore, the policy is supported by the operational involvement of European Union agencies, most notably the European Border and Coast Guard Agency which provides logistical, technical, and human resources to member states, enhancing the efficiency and effectiveness of return operations. In recent years, the mandate of Frontex has been significantly expanded to include not only support in voluntary and forced return procedures but also in negotiating readmission agreements and return-related capacity-building in partner countries.[34]

[33] European Commission, *Common European Asylum System (CEAS) and Visa Policy*, https://home-affairs.ec.europa.eu/policies/migration-and-asylum/common-european-asylum-system_en [date of access: 22.06.2025].

[34] European Commission, *Return and Readmission*, https://home-affairs.ec.europa.eu/policies/migration-and-asylum/return-and-readmission_en [date of access: 24.06.2025].

The New Pact on Migration and Asylum, proposed by the European Commission in 2020 and gradually implemented by the Member States, reached an advanced stage of operationalisation of several of its core components by mid-2025. The Pact represents an attempt to establish a coherent and durable model of migration governance that balances the responsibilities of frontline states with mechanisms of solidarity and shared accountability across the European Union as a whole.[35] Among the significant achievements of the Pact is the introduction of enhanced identification and registration procedures for migrants at the EU's external borders. In particular, the implementation of mandatory screening procedures including identity verification, health checks, and the collection of biometric data has significantly improved the efficiency and coordination of migration management operations.[36] These measures are intended to facilitate swift decision-making on the applicable migration or asylum procedures and to strengthen security checks, thereby supporting both humanitarian and security objectives of the Union.[37]

It should be emphasised that while the New Pact establishes a common EU framework, the operational reality remains strongly shaped by national migration policies, which often prioritise security considerations and domestic political agendas. This coexistence of supranational objectives and unilateral national measures highlights the persistent fragmentation of the EU's migration governance system. As a result, the effectiveness of the Pact depends not only on legal harmonisation at the EU level, but also on the willingness of Member States to align national practices with common standards.

Irregular migration remains a significant and enduring challenge for the security of the European Union's Member States, requiring an integrated legal, institutional, and operational approach. The conducted analysis confirms that the EU migration policy is evolving towards strengthening border control instruments, improving return procedures, and intensifying cooperation with third countries. At the Union level, these priorities are explicitly articulated in the New Pact on Migration and Asylum and in successive European Council conclusions, which

[35] European Commission, *New Pact on Migration and Asylum – Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions*, COM(2020) 609 final, Brussels 2020.

[36] Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 introducing a screening of third-country nationals at the external borders (Screening Regulation), OJ L 330, 23.12.2022, pp. 1–31.

[37] European Commission, *Pact on Migration and Asylum: Commission report assesses progress and next steps halfway through 2025*, Brussels 11 June 2025, https://home-affairs.ec.europa.eu/news/pact-migration-and-asylum-commission-report-assesses-progress-and-next-steps-halfway-through-2025-06-11_en [date of access: 24.06.2025].

emphasise the need to reinforce the Schengen Borders Code, accelerate return procedures, and expand Frontex's mandate as a European Border and Coast Guard.[38]

The Common European Asylum System (CEAS) also provides a harmonised legal framework that defines common minimum standards for asylum procedures and reception conditions.[39] EU migration governance thus operates simultaneously at two levels: through Union-wide instruments such as the Pact, CEAS and Frontex, and through national policies shaped by domestic political agendas. This dualism creates a structural tension: while the Union strives to establish a coherent system based on solidarity and shared responsibility, Member States often privilege unilateral security-driven measures, particularly in times of crisis.[40]

The national examples cited in this article — for instance, Poland's response to the Belarus border crisis or Finland's construction of border barriers — are therefore intended to illustrate how Member States interpret and apply EU-level priorities in practice, highlighting both the convergence and fragmentation of European migration policy. The effectiveness of these instruments is contingent not only on formal adoption at the EU level but also on the political willingness of Member States to align their domestic practices, a condition which remains uneven and contested. As a result, the effectiveness of the EU framework depends not only on legislative harmonisation, but also on the political will of individual states to implement common standards faithfully, which remains a major challenge in the field of migration governance.[41]

The analysis has also shown that intra-EU solidarity mechanisms and solutions based on the protection of human rights encounter significant limitations in practice. The implementation of the New Pact on Migration and Asylum, although it serves as a tool for organising the EU's migration management framework, does not eliminate the asymmetry of burdens between Member States, nor does it resolve all tensions related to the distribution of responsibilities.

The measures undertaken indicate the need for further efforts to balance the security interests of Member States with humanitarian obligations, while ensuring that the measures applied comply with the EU's legal acquis and international

[38] European Council, *European Council Conclusions*, Brussels, 24–25 June 2021, EUCO 7/21; European Commission, *New Pact on Migration and Asylum – Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions*, COM(2020) 609 final, Brussels 2020.

[39] European Commission, *Common European Asylum System (CEAS)*, https://home-affairs.ec.europa.eu/policies/migration-and-asylum/common-european-asylum-system_en.

[40] D. Thym, *European Realities of Migrant Reception: Solidarity and Security in the EU Legal Framework*, "Common Market Law Review" 2020, vol. 57, no. 5, pp. 1455–1492.

[41] N. Zaun, *EU Asylum Policies: The Power of Strong Regulating States*, „Journal of European Public Policy" 2018, vol. 25, no. 7, pp. 1069–1087.

legal standards. It remains essential to monitor the effects of the adopted legal and political solutions and to assess their impact on the cohesion of EU migration policy in the long term. Future research should therefore assess not only the quantitative outcomes of EU migration policy, such as reduced numbers of irregular entries, but also its qualitative implications for the rule of law, human rights standards, and the resilience of European integration. This calls for closer interdisciplinary cooperation between legal, political science and security studies approaches in order to capture the evolving nature of migration governance.

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