

The contemporary migratory movement in the European Union: challenges and benefits for Poland

O movimento migratório contemporâneo na União Europeia: desafios e benefícios para a Polônia

Witold Rewera¹

Patricia Grazziotin Noschang²

Abstract

One of the main destinations for people who leave their homes whether voluntarily or forced is the European Union. It can be observed that both in voluntary and forced migrations, and especially in the second one, the European Union is the final destination of these displaced persons. However, the absence of an efficient migratory policy, has generated a chaotic scenario of illegal immigrants, disrespect for international regulations, and deprecated lives for economic reasons. The aim is to demonstrate that the EU's asylum policy is not adequate and needs reform. Using the deductive approach and bibliographic technique and data analysis, the work presents the difficulties of a concise European Union policy on immigration and its effects in Poland.

Keywords: Asylum. European Union. Migration policy. Poland.

Resumo

Um dos principais destinos das pessoas que deixam seus lares seja de forma voluntária, ou forçada é a União Europeia. Observa-se que tanto nas migrações voluntárias, quanto nas forçadas, e especialmente nessas últimas, a União Europeia é destino final desses deslocados. Contudo, a ausência de uma política migratória eficiente, têm gerado um cenário caótico de imigrantes ilegais, desrespeito às determinações internacionais, e vidas preteridas por motivos econômicos. Busca-se demonstrar que a política da UE em relação ao asilo não é adequada e precisa de reforma. Pelo método de abordagem dedutivo e pela técnica bibliográfica e análise de dados, o trabalho apresenta as dificuldades de uma política concisa da União Europeia em matéria de imigração e os desafios a serem enfrentados pela Polônia para receber os imigrantes em seu território.

¹ Professor associate, habilitated doctor Witold Rewera Department of International Security UMCS Lublin, Poland. E-mail: witold.rewera@gmail.com.

²Doutora em Direito pelo Programa de Pós-Graduação em Direito da Universidade Federal de Santa Catarina (UFSC/2015), Mestre em Direito e Relações Internacionais Programa de Pós-Graduação em Direito da Universidade Federal de Santa Catarina (UFSC/2010, Especialista em Direito Interacional Público, Privado e da Integração Regional pela Universidade Federal do Rio Grande do Sul; MBA em Negócios Internacionais pela Fundação Getúlio Vargas, Docente Adjunta da Faculdade de Direito da Universidade de Passo Fundo (UPF-2004) Professora do PPGDireito da Universidade de Passo Fundo (UPF). E-mail: patriciagn@upf.br

Palavras-chave: Asilo. Política migratória. Polônia. União Europeia.

Introduction

The European Union (EU) started its integration process in 1949 with the Economic Coal and Steel Community (ECSC), formed by the 6 founding countries: Germany, Belgium, France, Italy, Luxembourg and the Netherlands. In 1992 the Maastricht Treaty³ brought the free movement of services, people, goods and capital, a year later with the four freedoms, the Common Market was concluded. The free movement of persons has been foreseen, since 1993, for European citizens who are nationals of the member states of the bloc that was formed by 12 countries (Germany, Belgium, Denmark, Spain, France, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal and the United Kingdom).

The legal provision for the migratory system in the territory of the EU countries also dates back timidly to 1992 under the Maastricht Treaty⁴, and it did not imagine that it would face such a demand in the 21st century.

The global migratory movement has reached numbers that have never been seen before. Migration, whether voluntary or forced, has become one of the main public policies to be considered by the States that receive migrants. And, among the main destinations sought by people who leave their homes are countries that are part of the European Union.

It is important to note that the EU policy differentiates asylum seekers from those called “illegal immigrants”. It should be noted that in EU policy the asylum

³EUROPEAN UNION. **Treaty of Union Europe**. Available at: https://europa.eu/european-union/sites/europaeu/files/docs/body/treaty_on_european_union_en.pdf. Accessed in: 05 feb. 2021.

⁴ EUROPEAN UNION. **Treaty of Union Europe**.

seeker⁵ resembles the asylum seeker provided for in the 1951 Geneva Convention on the Status of Refugees⁶. The word "refugee" hardly appears in official EU texts. Thus, the asylum seeker in the EU is the one who is suffering a well-founded fear of persecution on the basis of race, religion, nationality, political opinion or participation in social groups, and who cannot (or does not want to) return home. Nowadays, broader conceptions understand that refugees are also those people forced to leave their country due to armed conflicts, widespread violence and massive mass violations of human rights.

Otherwise, there is another policy for immigrants who seek the EU as a new start in life, aiming at better economic and social conditions for their family. And for these people, the policy of entering the EU is different from that of asylum.

So this work seeks to present, using the deductive and procedural method and documentary bibliographic approach, first the evolution of codification in the field of migration in the European Union, in order to finally demonstrate that the migration policy regarding asylum has collapsed in the EU together with the migratory crisis of the 21st century as well as the challenges to be faced by Poland when receiving immigrants, as well as the benefits. Whereas, Poland is one of the countries bordering the EU's external border, being the main gateway for nationals fleeing the separatist conflict in Ukraine.

1. The European Union asylum system: urgent review for the challenges of this century

⁵The asylum is the oldest institute in the matter of receiving a State from an individual who is suffering some kind of persecution in another State, which may be his nationality or another one that has residence. The term refuge came up in 1951 with the Geneva Convention on survivors of World War II. Some countries (those in Latin America and North America) differentiate asylum from refuge, seeking new inclusive categories for asylum such as: diplomatic asylum, territorial asylum and military asylum. This is not the case for the EU and in this sense this work will use asylum for requests from forced migrants to their countries, as stated in official EU documents.

⁶ UNHCR. **Convention and Protocol Relating to the Status of Refugees**. Available at: <https://www.unhcr.org/3b66c2aa10>. Accessed in: 05 feb. 2021.

The European Union's (EU) duty to receive asylum seekers is determined, at the regional level, in the Charter of Fundamental Rights formally⁷ adopted in 2000, in the Treaty on the Functioning of the European Union 2009⁸, and also by the Geneva Convention of 1951⁹ concerning the Refugee *status* and its Additional Protocol and the European Convention on Human Rights adopted by the Council of Europe¹⁰.

The EU Charter of Fundamental Rights provides in its Article 18¹¹ the right to asylum in accordance with the 1951 Geneva Convention¹², the Treaty on European Union¹³ and the Treaty on the Functioning of the EU¹⁴. In this sense, the EU uses the term asylum to include both asylum seekers and those referred in the 1951 Geneva Convention¹⁵ as refugees.

Thus, it should be noted that the EU has differentiated policies for asylum and immigration. The asylum policy includes all persons who meet the requirements of the 1951 Geneva Convention¹⁶, that are the ones who have a well-founded fear of persecution and are supported by the principle of non-refoulement. The immigration policy, on the other hand, deals with all foreigners who are interested in joining the EU on a regular basis or not.

The policy of intergovernmental cooperation on asylum became part of the institutional framework of the EU in 1993, thanks to the Maastricht Treaty¹⁷. It was up to the Council, together with the Commission, to inform Parliament of its asylum initiatives. At this stage, the Court of Justice of the European Union was not yet competent to analyze issues on the subject.

⁷ EUROPEAN UNION. **Charter of fundamental rights of the European Union**. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12012P/TXT&from=EN>. Accessed in: 05 feb. 2021.

⁸ EUROPEAN UNION. **Treaty of Lisbon**. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12007L/TXT&qid=1617740807720&from=EN>. Accessed in: 20 feb. 2021.

⁹ UNHCR. **Convention and Protocol Relating to the Status of Refugees**.

¹⁰ EUROPEAN UNION. **Charter of fundamental rights of the European Union**.

¹¹ EUROPEAN UNION. **Charter of fundamental rights of the European Union**.

¹² UNHCR. **Convention and Protocol Relating to the Status of Refugees**.

¹³ EUROPEAN UNION. **Treaty of Union Europe**.

¹⁴ EUROPEAN UNION. **Treaty of Lisbon**.

¹⁵ UNHCR. **Convention and Protocol Relating to the Status of Refugees**.

¹⁶ UNHCR. **Convention and Protocol Relating to the Status of Refugees**.

¹⁷ EUROPEAN UNION. **Treaty of Union Europe**.

The concern about a more effective asylum policy in EU countries began shortly after the Amsterdam Treaty¹⁸ came into force in 1999. The European Council, adopted in October 1999, the Tampere Program that which determined the application of a common European system with two phases: “[...] the adoption of common minimum standards in the short term should lead to a common process and a uniform status for those granted asylum valid throughout the Union”¹⁹.

Thus began the first phase of the Common European Asylum System (CEAS) that lasted from 1999-2004. This system established criteria and mechanisms for determining which EU Member State is responsible for examining asylum applications, and thus sought to implement the 1990 Dublin International Convention²⁰ and create the database “Eurodac”²¹ to store and compare fingerprint data²².

In 2003, Council Regulation (EC) No 343/2003²³ established criteria and mechanisms for determining the Member State responsible for the analysis and an application for asylum lodged in one of the Member States by a third-country national. This regulation, also known as Dublin II, determined which Member

¹⁸ EUROPEAN UNION. **Treaty of Amsterdam**. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:11997D/TXT&from=EN>. Accessed in: 06 feb. 2021

¹⁹EUROPEAN PARLIAMENT. **Asylum Policy**. Available at: <https://www.europarl.europa.eu/factsheets/en/sheet/151/asylum-policy>. Accessed in: 13 feb. 2021.

²⁰ EUROPEAN UNION. **Dublin Convention**. Available at: [https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:41997A0819\(01\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:41997A0819(01)&from=EN). Accessed in: 06 feb. 2021.

²¹The EURODAC Regulation establishes an EU asylum fingerprint database. When someone applies for asylum, no matter where they are in the EU, their fingerprints are transmitted to the EURODAC central system. Since it was established in 2003, EURODAC has proved to be a very important tool providing fingerprint comparison evidence to assist with determining the Member State responsible for examining an asylum application made in the EU. Its primary objective is to serve the implementation of Regulation (EU) No. 604/20133 ('the Dublin Regulation') and together these two instruments make up what is commonly referred to as the 'Dublin system'. "EUROPEAN UNION. European Commission. Migration and Home Affairs. **Identification of applicants (EURODAC)**. Available at: https://ec.europa.eu/home-affairs/what-we-do/policies/asylum/identification-of-applicants_en. Accessed in: 20 feb. 2021.

²²EUROPEAN UNION. European Parliament . **EU asylum rules: reform of the Dublin system**. Available at: <https://www.europarl.europa.eu/news/pt/headlines/world/20180615STO05927/regras-do-asilo-da-ue-posicao-do-parlamento-sobre-a-reforma-da-regulacao-dublin>. Accessed in: 25 feb. 2021.

²³ EUROPEAN UNION. **Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national**. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32003R0343&from=en>. Accessed in: 06 feb. 2021.

State is responsible for examining the asylum application and how it should be processed. A third-country national is understood to be an individual who holds a nationality of a country that is not a member of the EU. The regulation is linked to the definitions of the 1951 Geneva Convention²⁴.

In the 2009 Treaty on the Functioning of the EU²⁵, Article 2 provides that its citizens will be guaranteed a safe space with freedom of movement for people, however with adequate measures to control borders and relating to asylum and immigration. The policy for Asylum and Immigration is foreseen in Articles 62 and 63 of the Treaty²⁶. The document recognizes the principle of non-return (*non-refoulement*), foreseen in the 1951 Geneva Convention on refugees²⁷.

However, Article 63a²⁸ provides for combating illegal immigration. It is understood that the immigrant, in this case the volunteer, is not illegal, but may have irregular documents since they do not meet the criteria required by the EU regarding its or her documentation. In this sense, this device uses the criminalization of immigration, against the rules of human rights that guarantee the right to migrate.

Article 63b, on the other hand, states that the policies of the European Union as well as its implementation regarding asylum and immigration, is “[...] governed by the principle of solidarity and the equal sharing of responsibilities between Member States, including financially”²⁹. It is clear that solidarity is combined with the responsibility of Member States to share the costs of welcoming immigrants into the EU. This mechanism demonstrates the economic essence of the EU's conception, since in order to welcome immigrants, it is

²⁴ UNHCR. **Convention and Protocol Relating to the Status of Refugees.**

²⁵ EUROPEAN UNION. **Treaty of Lisbon.**

²⁶ EUROPEAN UNION. **Treaty of Lisbon.**

²⁷ UNHCR. **Convention and Protocol Relating to the Status of Refugees.**

²⁸ Article 63a “1. The Union shall develop a common immigration policy aimed at ensuring, at all stages, the efficient management of migration flows, fair treatment of third-country nationals residing legally in Member States, and the prevention of, and enhanced measures to combat, illegal immigration and trafficking in human beings.[...]” EUROPEAN UNION. **Treaty of Lisbon.**

²⁹ Article 63b “The policies of the Union set out in this Chapter and their implementation shall be governed by the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States. Whenever necessary, the Union acts adopted pursuant to this Chapter shall contain appropriate measures to give effect to this principle.” EUROPEAN UNION. **Treaty of Lisbon.**

necessary to promote economic and social policies that achieve the well-being of all (European and non-European citizens) in the Member States.

In 2013, EU Regulation 604/2013 (Dublin III)³⁰ came into force, replacing Regulation (EC) 343/2003 (Dublin II)³¹. The regulation continued to determine which EU country is responsible for examining an asylum application and also provided the following determinations: grant applicants better protection until their status is established, create a new system for early detection of problems in national asylum or reception systems, and for identifying their root causes before they evolve into large-scale crises³². To add to the Dublin III Regulation, two more directives came into force: the Directive establishing reception standards³³ and the National Protection Status Directive³⁴. The first determines the conditions and the procedures for applying for reception in EU countries. The second, on the other hand, determines the ways that the individual can lose the protection *status* of asylum according to the 1951 Geneva Convention³⁵.

Also in 2013, the European Border Surveillance System (Eurosur) started operating with the aim of curbing cross-border crime, irregular migration and the loss of migrants at sea³⁶.

It can be said that most of the restructuring of the asylum policy in the EU was established in 2013, but some rules took time to be implemented and due to

³⁰ EUROPEAN UNION. **Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013.** Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R0604&qid=1600138214255&from=EN>. Acesso em 22 jan. 2021.

³¹ EUROPEAN UNION. **Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining** an asylum application lodged in one of the Member States by a third-country national.

³² EUROPEAN UNION. **Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013.**

³³ EUROPEAN UNION. **Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers.** Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32003L0009&from=EN>. Accessed in: 12 feb. 2021.

³⁴ EUROPEAN UNION. **Directive 2011/95/eu of the european parliament and of the council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted.** Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32011L0095&qid=1600138882907&from=EN>. Accessed in: 12 feb. 2021.

³⁵ UNHCR. **Convention and Protocol Relating to the Status of Refugees.**

³⁶ EUROPEAN UNION. European Commission. Migration and Home Affairs. **Eurosur.** Available at: https://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/border-crossing/eurosur_en. Accessed in: 30 jan. 2021.

the migratory increasing in 2015 the EU was unable to face the demand for migration. This fact continues to the present day.

Since 2015, the European Union has been working to reach a consensus seeking to develop a common migratory policy for its Member States that it is efficient and considers humanitarian issues. In the same year, the Commission proposed an Agenda for Migration based on four pillars: 1. reduce incentives for irregular immigration³⁷; 2. Border management - saving lives and protecting external borders³⁸, 3. Europe's duty to protect: strong and common asylum policy³⁹ and, 4. New policy for legal migration⁴⁰. In addition to the proposals, the Commission also approved 23 funding programs under the Asylum, Migration and Integration Fund (AMFI) and the Internal Security Fund (ISF). Total funding is around EUR 2400 million, which will help EU countries like Greece and Italy to cope with large migratory flows⁴¹.

In 2016 and 2018, in the face of the global migration crisis, member states of the United Nations adopted three important documents with the aim of securely protecting and organizing migration. The first document was the New York Declaration for Refugees and Migrants⁴² to protect those forced to flee as well as to support countries that have given shelter. Subsequently, two global pacts were

³⁷Address root causes through development cooperation and assistance; Make migration a central issue for EU delegations; A smuggling action plan in May 2015; Adoption of a Return Manual and monitoring of the implementation of the Return Directive; Strengthening and changing Frontex's legal base to reinforce its role in Return. EUROPEAN UNION. European Commission. **COM(2015) 240 final- European Agenda for Migration**. Available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/background-information/docs/communication_on_the_european_agenda_on_migration_en.pdf. Accessed in: 25 jan. 2021.

³⁸Reforçar o papel e a capacidade da Frontex; Padrão da União para gestão de fronteira; Reforçar a coordenação da UE das funções de guarda costeira; Uma proposta revista sobre as fronteiras inteligentes; Reforçar a capacidade dos países terceiros para gerir as suas fronteiras. EUROPEAN UNION. European Commission. **COM(2015) 240 final- European Agenda for Migration**.

³⁹EUROPEAN UNION. European Commission. **COM(2015) 240 final- A European Agenda on Migration**.

⁴⁰The EU also faces a number of long-term economic and demographic challenges. The population is aging while its economy is increasingly dependent on highly qualified jobs. In addition, without migration, the EU's working-age population will decrease by 17.5 million over the next decade. EUROPEAN UNION. European Commission. **COM(2015) 240 final- European Agenda for Migration**.

⁴¹EUROPEAN UNION. European Commission. **COM(2015) 240 final- European Agenda for Migration**.

⁴²UNHCR. **New York Declaration for Refugees and Migrants**. Available at: <https://www.unhcr.org/57e39d987>. Accessed in: 06 feb. 2021.

adopted in 2018: Global Compact on Refugees and a Global Compact for Safe and Orderly Migration⁴³. The European Union as an observer status in the United Nations General Assembly, participated in the discussions but does not take part in the voting, this role is for the United Nations States Members⁴⁴.

The European Parliament also made suggestions in 2017 for the drafting of a new Dublin Regulation, mainly facing the issue that the responsibility for processing the asylum application should be the country of arrival. This issue has been debated since the first Dublin regulation. It is understood that the current Regulation provides that the country of application must be the country of arrival, and this means that there is a country responsible for processing the application and so there is no "asylum shopping" in search of the best place to process the order. On the other hand, the countries of arrival are practically those on the "edges" of the European continent and are bordered by the Mediterranean Sea, which is the case of Lampedusa Island, in Italy and Greece, the main port of entry for refugees from Syria, which pass through Turkey.

Another suggestion is in the equal division between EU Member States of asylum seekers. According to the proposal, asylum seekers without (genuine) family links with any EU Member State would be shared among all EU countries, and those who refused to receive them could lose access to certain European funds⁴⁵. This would be an interesting solution when all the states in the bloc assume responsibility for receiving asylum seekers; otherwise they will suffer economic losses. Mainly because EU policies are usually policies common to all its Member States. The question remains: why should it be different when it comes to asylum? By removing the responsibility of the countries that are "on the edge" of the bloc, there is a reception policy common to all States and thus the

⁴³ This Global Compact presents a non-legally binding, cooperative framework that builds on the commitments agreed upon by Member States in the New York Declaration for Refugees and Migrants. In EU (votes against): Poland, Hungary, Czech Republic [out EU: USA and Israel]. In EU (abestention): Austria, Ungheria, Slovacchia, Bulgary, Estonia, Latvia, Italia and Switzerland. UNITED NATIONS. **Global compact for safe, orderly and regular migration**. Available at: <http://undocs.org/en/A/CONF.231/3>. Accessed in: 06 feb. 2021.

⁴⁴ EUROPEAN UNION. European Commission. **What is the global compact for safe, orderly and regular migration?**. Available at: https://ec.europa.eu/commission/presscorner/detail/en/MEMO_18_6417. Accessed in: 12 jan. 2021.

⁴⁵ EUROPEAN UNION. EUROPEAN PARLIAMENT. **Asylum Policy**.

ways of receiving are divided and an adequate reception based on the principle of human dignity is possible.

Since 2019 the Commission together with Parliament and the Council are working to implement a total of seven changes to the EU asylum policy, recognizing that the current European asylum system is not efficient in addressing the demand for asylum seekers in the EU. Among the seven measures is the creation of an Asylum Agency to provide swift and full support to Member States, with around 500 officials. The Agency would be tasked with: Identifying and registering asylum seekers, admissibility and interviews, preparing administrative decisions on asylum applications (national administrations would continue to make all decisions), and supporting independent appeal bodies⁴⁶.

But why is it interesting for Europe to receive immigrants? Two reasons: workforce and rejuvenation of its population, which is largely elderly. And these are the reasons that Poland also seeks to prepare itself to receive immigrants in an appropriate way. It is noteworthy that Poland is a country that left socialism and, in the 19th, and 20th centuries it had a large part of its population of emigrants to continental Europe⁴⁷.

2. The effects of the migration in Poland: challenges and benefits

The purpose of the research is together with the Italian experience of multiculturalism and multinationality create a good formula in this regard for Poland. Since the refugee relocation problem is of a global character - research is a kind of answer for the global crisis Europe now faces. There is a need to conduct research that will make it possible for Poland to prepare itself for receiving the big amount of refugees.

⁴⁶EUROPEAN UNION. Publications Office of the EU. **Reforming the common european asylum system**. Available at:<https://op.europa.eu/pt/publication-detail/-/publication/d1540d4f-072d-11e9-81b4-01aa75ed71a1/language-pt/format-PDF/source-search>. Accessed in: 22 jan. 2021.

⁴⁷ About Polish emigration see: GRABOWSKA; Izabela; ENGBERSEN, Godfried. Social Remittances and the Impact of Temporary Migration on an EU Sending Country: The Case of Poland. **Central and Eastern European Migration Review**, vol. 5, no. 2, 2016, p. 99–117.

Human migrations, as experience shows, usually have a positive impact on reducing the demographic loss and maintain the number of people of working age at a stable level. Researches made by Organization for Economic Co-operation and Development (OECD) from 2014 show that immigrants are not a burden to the budget of the host country. In most OECD countries they bring more benefits for the state economy in a form of taxes than they receive in a form of social assistance benefits⁴⁸. In addition, the presence of immigrants leads to economic growth, i.e. in Belgium, France and Sweden the presence of migrants resulted in the growth of Gross Domestic Product by more than 0.5 percent⁴⁹. Most of the visitors are in fact motivated to improve their living conditions and are willing to take any, even the hardest work. Of course a distinction should be considered between a migrant (who voluntarily leaves his/her country and goes to another for the purpose of i.e. work or education) and a refugee (who is forced to leave its homeland), but as a consequence the need for stabilizing one's situation in both cases results from the current legal norms of the host country. It could be modeled on the experience of the Italian constitutionalism and legislation on the protection of linguistic minorities.

The need of the Italian authorities to find the appropriate partner to help them reach out to immigrant communities in the various regions, implies the formation of pro-immigration associations and foundations, allowing for more efficient and more precise definition of integration policy in relation to refugees as well. The grounds for legal action referred to in art. 10 para. 3 of the Italian Constitution “a foreigner who, in his home country, is denied the actual exercise of the democratic freedoms guaranteed by the Italian constitution shall be entitled to the right of asylum under the conditions established by law⁵⁰”. Para. 4 states that “a foreigner may not be extradited for a political offence” – it does not apply

⁴⁸REWERA. Witold. From refugees to citizens in the perspective of european identity. The case of Italy and Poland. In: RODRÍGUEZ, Irma Brígida Suarez; HERNÁNDEZ, Alejandro Gutiérrez (Coords). **Turismo, Sociedad y Cultura**. Visiones interdisciplinarias para el desarrollo. México: Fundación Red Iberoamericana de Ciencia, 2016. p.94-109.

⁴⁹REWERA. Witold. **From refugees to citizens in the perspective of european identity**. The case of Italy and Poland.

⁵⁰REWERA. Witold. **From refugees to citizens in the perspective of european identity**. The case of Italy and Poland.

however “to the crime of genocide”⁵¹. An axiom for my work is, that a refugee who is forced to flee from its home and seek refuge in another host country, stays their in strict accordance with the law. The natural desire of many people is not to encourage irregular migration to Europe. It should be a controlled migration and the diplomatic missions of the EU (i.e. by facilitating the process of obtaining humanitarian visas) should verify people who actually need help, while a massive and uncontrolled influx of immigrants is changing the face of our Old Continent.

Those who have been granted asylum constitute a mosaic of multiculturalism so it is important to have a reference point in a form of immigrant associations both mono-ethnic and multiethnic. In the first case it can be i.e. origin from the same city or village community, in the second – determining national relations, place of origin even in a cosmopolitan dimension, it is always still the same regional, cultural or religious homogeneity (i.e. Muslims, Christians). Important here is the legitimacy of the immigrants community, foreigners being able to establish relationship with local state institutions, which gives the right to represent their own and thus also the state interests, bringing them prosperity.

It is important to point out that the "intra-regional migration within Europe is particularly dynamic, continuing to increase over time. As of 1 January 2017, there were 22 million persons living in one of the EU member States with the citizenship of another member State, up from 16 million a year prior”⁵². The intra-regional migration is possible because it is guaranteed by free movement arrangements, which allows citizens to cross borders without being subjected to border checks. The Schengen Area, comprising 22 EU member states and 4 non-EU countries, guarantees free internal movement to more than 400 million citizens⁵³.

In 2017 Romania, Poland, Italy, Portugal and Bulgaria had the highest numbers of their citizens living in other EU member States. However, free movement in Europe faces challenges, when in 2015, the arrival of large numbers of migrants and refugees to Europe via the Mediterranean demonstrated that the

⁵¹REWERA. Witold. **From refugees to citizens in the perspective of european identity**. The case of Italy and Poland.

⁵²INTERNATIONAL ORGANIZATION FOR MIGRATION. **World Migration Report 2020**. Available at: https://www.un.org/sites/un2.un.org/files/wmr_2020.pdf. Accessed in: 06 jan. 2021.

⁵³INTERNATIONAL ORGANIZATION FOR MIGRATION. **World Migration Report 2020**.

common European asylum were not prepared to deal with such amount of asylum request, affecting the functioning of the Schengen rules. This led to a temporary suspension of the Dublin system and the introduction of border checks by several member States⁵⁴.

In Poland the number of people in the retirement age is increasing, while the population of the country has been steadily decreasing as a result of population aging and mass emigration. Moreover, Poland has one of the largest in Europe dynamics of population ageing, while being the least nationally diverse country in the EU. According to the *refugee.pl* Foundation, the number of foreigners having a right of permanent residence in Poland is 194 000 (as of 01.07.2015) and an application for receiving refugee status was submitted by 5840 people (the period from 01.01 to 13.08.2015)⁵⁵.

As you can see the number of immigrants in Poland is relatively low compared to other European countries – it is estimated to be less than 1 percent of the inhabitants, which is the lowest rate in the EU. In addition, most foreigners are people who came to work in our country for a short period of time and are not planning to stay in Poland for good. According to the demographic forecast of the Central Statistical Office, in 2014 started the process of depopulation – from 2015 population growth is negative. If no action is taken to stop this process, demographic problems will become a serious barrier to the further development of Poland. In order for Poland not to have a lack of manpower, until 2060 it needs to receive 5.2 million people – about 100 thousand per year⁵⁶.

Under the pressure of the Southern European countries, in May 2015 the European Commission proposed within two years to divide between EU countries 40 thousand immigrants from Syria and Eritrea, who are crossing the Mediterranean Sea (in these cases – refugees fleeing their countries because of persecution and fear for their lives and health). Currently, Jean-Claude Juncker, head of

⁵⁴ EUROSTAT. **Migration and migrant population statistics**. Available at: https://ec.europa.eu/eurostat/statistics-explained/index.php/Migration_and_migrant_population_statistics. 2019. Access in: 06 jan. 2021.

⁵⁵ MAŁGORZATA JASICZEK-GEBERT REFUGEE. PL Foundation. Available at: <http://refugee.pl/en>. Accessed in: 05 feb. 2021. STATICS POLAND. **Methodological report - Migration of population**. Available at: <https://stat.gov.pl/en/topics/population/international-migration/methodological-report-migration-of-population,7,1.html>. Accessed in: 05 feb. 2021.

⁵⁶ STATICS POLAND. **Methodological report - Migration of population**.

the European Commission wants to raise this amount by an additional 120 thousand refugees, which in total would give the number of 160 thousand eligible immigrants on the principle of solidarity dislocation of almost 40.000 from Italy, 54.000 from Hungary, 66.400 from Greece to other EU countries⁵⁷. Poland finally agreed on receiving 2 thousand people (one thousand displaced from refugee camps outside the EU and a thousand of those who came to Italy and Greece), but according to recent declarations of the Polish government, this number may increase⁵⁸. If one uses the Juncker conversion, taking into account the population size, the GDP, the unemployment rate and refugees accepted in the last five years, Poland would receive an additional 7-8 thousand refugees. Poland recently received (summer 2015) the first group of approx. 200 Christian immigrants from Syria (with the help of the Eстера Foundation), who initiated the procedure of obtaining a refugee status. It can already be seen very clearly, that the time of a nationally uniformed Poland beginning to end facing of the urgent need for aid in a humanitarian catastrophe in the countries of Middle East and Africa⁵⁹. The citizens and the government of Poland face numerous challenges, starting with administration through education and economy. The most important task is to prepare oneself for these changes and to draw the most benefits of it.

On the other hand, Poland is recording an increase in immigration flows from Ukraine, whose statistics are doubling each year – in this context the fact should also be taken into account that the Polish eastern border is the external border of the EU. Nevertheless, going to the opposite of the attitudes and political discourse on immigration coming from the Eastern Europe, countries such as Poland have increasingly been tapping into foreign labour, particularly Ukrainians, to address labour shortages⁶⁰. “The number of Ukrainians in Poland has

⁵⁷STATICS POLAND. **Methodological report - Migration of population.**

⁵⁸ STATICS POLAND. **Methodological report - Migration of population.**

⁵⁹ REWERA. Witold. **From refugees to citizens in the perspective of european identity.** The case of Italy and Poland.

⁶⁰ INTERNATIONAL ORGANIZATION FOR MIGRATION. World Migration Report 2020. EURO-STAT. **Residence permits for non-EU citizens.** Available at: <https://ec.europa.eu/eurostat/en/web/products-eurostat-news/-/ddn-20190521-2> . 2019. Accessed in: 06 feb. 2021.

sharply increased since fighting began in Eastern Ukraine in 2014. In 2017, Poland issued more than 660,000 residence permits to foreigners, with the majority (more than 85%) going to Ukrainians”⁶¹.

Therefore, the problem of refugees in Poland and other countries whose borders are the external borders of the EU is extremely important. According to many experts after the current sealing on the Hungarian border, a new transit road for immigrants into the Schengen area can lead through Poland, which now is criticized for a lack of solidarity with a growing flow of refugees incoming to Europe.

Foreign commentators point to the fact that Poland, as heir to the social movement “Solidarity” has a moral obligation to open up to the needs of people fleeing poverty, dictatorship, terror and war, which is taking away hope for survival of thousands – including lonely children and women.

Final considerations

Understanding the migratory process is essential to demystify the fear and mistrust go those who open the doors to receive the migrant, whether he is a result of forced migration by the institute of refuge or voluntary migration. Today, this understanding has gone beyond the moral issue and is part of the solution to what they call the migratory crisis. The need to understand the naturalness of migration by society in general is imminent, as a means of guaranteeing respect for the basic rights that are routinely cut off from humans as human as the nationals of the countries that receive them. It is necessary to give ample knowledge to data and studies that prove just the opposite of what is feared.

The European Union has become the dream of security and the only place of possible survival for many families who migrate on a voluntary or forced way. However, while arriving alive in European territory has become a challenge and

⁶¹ INTERNATIONAL ORGANIZATION FOR MIGRATION. **World Migration Report 2020**. EUROSTAT.

a victory for those who reach it, on the other hand staying in that clock has become a new challenge. Asylums seekers are waiting in camps, with makeshift tents in conditions that undermine the dignity of the human person. There are many reports of people being psychologically ill while awaiting a decision from the country they joined, as its not possible to engage in any type of occupation or paid activity until the asylum application is analyzed.

An undisputed fact is that the European Union urgently needs to revise its asylum policy and adopt attitudes of inclusion and respect for the dignity of people who apply for asylum. After all, as shown above, the EU needs immigrants and especially young people to continue its economic progress. And this is the main fact that Poland seeks to be welcome for the arrival of migrants in its territory. The notes presented demonstrate that it is possible to use the Italian experience that gave voice and recognition to multiculturalism and multinationality. This is the way for countries that welcome human beings who seek a better life in every way, who seek hope.

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