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## **The EU Member States' Diverging Experiences and Policies on Refugees and the New Pact on Migration and Asylum**

**Abstract:** The refugee crisis in 2015 revealed the lack of solidarity and the divergent migration policies of the EU Member States. It showed clearly that when faced with the problem of migration, the EU countries fail to cooperate and support one another. The EU Member States with more experience with migration coped better and were more open to migrants. The South European countries took in a huge inflow of migrants and expected (in vain) support from other EU members. The countries of Central and Eastern Europe were unwilling to receive refugees. These diverging approaches to refugees presented by particular Member States resulted in the New Pact on Migration and Asylum, which was adopted by the European Commission in September 2020. The purpose of the pact was to provide humanitarian aid to migrants, since one of the human rights is the right to migrate, but it was not its only objective. The New Pact on Migration and Asylum was supposed to be a guarantee of solidarity and efficient management of the migration process.

**Keywords:** migration, refugee crisis, New Pact on Migration and Asylum

### **Introduction**

Migration is a complex issue with many aspects that must be considered together: the safety of people who seek international protection or a better life and the concerns

of the countries at the EU's external borders, which may face migratory pressures exceeding their internal capacities and expect solidarity from other countries. As there has been no uniform asylum procedure on the EU level, in September 2020 the Commission proposed the New Pact on Migration and Asylum.

This is supposed to change and improve the current procedures by means of sharing responsibility and solidarity. The EU Member States' sense of co-responsibility has often been put to the test, especially at the time of the refugee crisis<sup>1</sup>. Therefore, there is an actual and urgent need for starting a discussion and undertaking actions aimed at building solidarity on the transnational level. However, just a day after the new plan was presented by the EC, some doubts appeared about whether it will bring about a real change<sup>2</sup>. The basic question that arises in this context concerns the possibilities and barriers that may appear during the implementation of the new pact. Will the divergent experiences and policies on refugees hinder the implementation of the New Pact on Migration and Asylum, in particular, with regard to the EU members' solidarity? The objective of this article is to ponder this issue and attempt to answer the question asked above.

The paper is composed of four sections. Section one starts with diverging migration experiences in the EU Member States. Section two analyses the dynamics and refugee crisis in the EU Member States. Section three is devoted to the New Pact on Migration and Asylum and its potential impact on EU migration policy. Section four will draw some conclusions.

## 1. Diverging Migration Experiences in the EU Countries

With their permanent differences with regard to economic conditions, political situation, the advancement of civil society, the efficiency of human rights protection or, finally, experience with migration and tolerance towards others, the EU Member States have very divergent approaches to migratory phenomena, which became all too evident during the refugee crisis. The purpose of this section is to discuss the major differences in migration experiences, including refugeeism, between the three main geographic regions of Europe, i.e. the East, the West and the South.

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- 1 L. Lonardo, 'The 'Migrant Crisis': Member States' or EU's Responsibility', (in:) E. Kuźelewska, A. Weatherburn and D. Kloza (eds.), *Irregular Migration as a Challenge for Democracy*, Cambridge/Antwerp/Portland 2018, p. 15ff; A. Miglio, 'Solidarity in EU Asylum and Migration Law: A Crisis Management Tool or a Structural Principle?', (in:) E. Kuźelewska, A. Weatherburn and D. Kloza (eds.), *Irregular Migration as a Challenge for Democracy*, Cambridge/Antwerp/Portland 2018, pp. 36–47.
  - 2 The concerns were voiced, among others, by deputies from the LIBE committee, <https://www.europarl.europa.eu/news/pl/press-room/20200918IPR87422/meps-question-whether-the-new-migration-pact-will-bring-about-real-change> (accessed 22.12.2020).

Western Europe has been experiencing a major wave of immigrants for many years, which has resulted in the need for the development of migration policies. A period of an intensive inflow of immigrants to Western European countries started after 1945, when mainly Germany, France, the United Kingdom and – to a slightly lesser extent – the Netherlands pursued active immigration policies by importing a foreign workforce<sup>3</sup>.

Germany, France and the UK are examples of countries with a long tradition of being the final destination for immigrants (despite some major differences between the migration policies that these countries have)<sup>4</sup>. Migrants included not only those moving in search of work, education or to be reunited with their family but also those who were running away from persecution in their own country. Western European countries (especially Germany) had strong economies, well-developed and friendly systems of social benefits for refugees and a high level of tolerance and acceptance for religious and cultural otherness – the main pull factors for refugees. In the UK, a major part of the newcomers arrived from former British colonies (India and Pakistan), in France from North Africa, while in Germany they were *Gastarbeiter* from Turkey<sup>5</sup>.

It is worth emphasising that after 1945, the Federal Republic of Germany (FRG) experienced a wave of return migrants of German origin. The economic development of Germany in the 1950s led to a workforce shortage, which was soon mitigated by contract workers from Southern Europe, in particular Italy. Migrant workers also came from Turkey, Yugoslavia, Morocco or Tunisia. In the 1950s and 1960s, West Germany signed numerous agreements<sup>6</sup> with Italy, Spain, Greece, Turkey, Morocco, Tunisia, Portugal and Yugoslavia, which allowed the recruitment of workers (*Gastarbeiter*) from those countries<sup>7</sup>. Temporary labour migrants started to settle down in West Germany<sup>8</sup>, although the original idea was that they were supposed to work in Germany only for a limited period of time and then be replaced by others<sup>9</sup>. It should be underlined, however, that Germany did not have one common (holistic and coherent) immigration policy and it was officially declared that the FRG was not

3 J. Brzozowski, Polityka migracyjna w Unii Europejskiej: stan obecny i perspektywy, "Studia Europejskie" 2011, no. 3, p. 53.

4 B. Vollmer, Policy Discourses on Irregular Migration in Germany and the United Kingdom, Basingstoke 2014.

5 M. Pacek and M. Bonikowska, Unijna droga do wspólnej polityki migracyjnej w kontekście debaty o przyszłości Wspólnot, "Studia Europejskie" 2007, no. 1, p. 56.

6 C.V. Marie, Immigration and the French Experience, "Contemporary European Affairs" 1990, vol. 3, no. 3, p. 59.

7 A. Stempin, Niemiecki model polityki imigracyjnej, "Kultura i polityka" 2013, no. 13, p. 56.

8 M. Kwiecień, Polityka imigracyjna Niemiec, "Studia Ekonomiczne. Zeszyty Naukowe" 2015, no. 211, pp. 81–82.

9 B. Gibki, Zmiany w polityce imigracyjnej Niemiec na przełomie XX i XXI wieku i ich znaczenie dla sytuacji imigrantów, "Prace geograficzne" 2008, no. 120, p. 129.

and would never be an immigration country<sup>10</sup>. There were different policies in place for the expelled and refugees, ethnic Germans, migrant workers and asylum seekers<sup>11</sup>. Indeed, the FRG was never counted among the “classic” immigration countries such as the USA, Canada or Australia<sup>12</sup>.

France, on the other hand, became a final destination country as early as the end of the 19th century, which was connected with its vast overseas territories and the pull force of the French economy and culture<sup>13</sup>. In France, just like in Germany, the post-war reconstruction, the development of industry and negative demographic trends were the factors that led in the 1960s to undertaking some large-scale actions aimed at attracting additional workforce. In France, the solution was relatively simple. It was enough to open the borders for the residents of former colonies and the francophone community and maximally reduce the formalities related to granting them a legal status<sup>14</sup>. This period, known as *laissez-faire* immigration<sup>15</sup>, lasted from 1945 to 1974 and ended with the global oil crisis. Unlike in Germany, where *Gastarbeiter* prevailed, France received mainly immigrants coming from the former French colonies or those who came to be reunited with their families. Because of the economic challenges, the inflow of immigrants was tolerated by the authorities practically until 2005 (when there were riots in Paris and other major cities)<sup>16</sup>.

In the case of the United Kingdom, migration policy was mainly shaped by the country’s colonial experience and relations with other members of the Commonwealth<sup>17</sup>. For many years, the British authorities encouraged a free movement of people within the British Empire in order to maintain ties with the “British Crown”<sup>18</sup>. The British Nationality Act of 1948 had a great impact on the immigration issue. Firstly, it made it possible for Irish labourers to work without

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10 B. John, German Immigration Policy – Past, Present, and Future, (in:) T. Herzog and S.L. Gilman (eds.), *A New Germany in a New Europe*, New York and London 2001, p. 43.

11 See M. Mazur-Rafał, Zmiana paradygmatu w niemieckiej polityce imigracyjnej w latach 1998–2004? Wnioski dla Polski, “Środkowoeuropejskie Centrum Badań Migracyjnych” 2006, no. 2, p. 5.

12 C.M. Schmidt, Immigration Countries and Migration Research: The Case of Germany, (in:) G. Steinmann and R.E. Ulrich (eds.), *The Economic Consequences of Immigration to Germany*, Heidelberg 1994, p. 1.

13 H. Wyligąła, Problem imigracji w relacjach francusko-niemieckich, (in:) P. Mickiewicz and H. Wyligąła (eds.), *Dokąd zmierza Europa. Nacjonalizm, separatyzm, migracje – nowe wyzwania Unii Europejskiej*, Wrocław 2009, p. 207.

14 E. Mazur-Cieślak, Polityka migracyjna państw europejskich a wyzwania dla Polski, “Bezpieczeństwo narodowe” 2011, no. 20 IV, p. 128.

15 J.R. Watts, *Immigration Policy and the Challenge of Globalization. Unions and Employers in Unlikely Alliance*, New York 2002, p. 44.

16 H. Wyligąła, *op. cit.*, p. 211.

17 K. Fiałkowska and J. Wiśniewski, *Polityka integracyjna Wielkiej Brytanii wobec uchodźców*, Warsaw 2009, p. 1.

18 B. Jaczewska, *Zarządzanie migracją w Niemczech i Wielkiej Brytanii. Polityka integracyjna na poziomie ponadnarodowym narodowym i lokalnym*, Warsaw 2015, p. 63.

any restrictions. Secondly, it offered British citizenship to all members of the British Commonwealth, which meant that 800 million residents of Commonwealth territories were granted the right to come, settle down and work in the United Kingdom without any limitations<sup>19</sup>.

Northern European countries have a lot of experience with refugees. Sweden, Denmark and Finland have perfectly developed civil society systems and high standards of living. Welfare state policies that contribute to, among others, preventing poverty and building an egalitarian, open society are attractive for refugees. Not too long ago, Scandinavian countries had an open immigration policy. However, Denmark and Finland have recently taken a number of steps aimed at discouraging potential refugees from coming to their countries. The governments of Denmark and Finland put paid advertisements in the most popular Turkish and Iraqi newspapers discouraging people from coming<sup>20</sup>. Sweden had an immigration-friendly policy due to their low birth rate<sup>21</sup> and, according to the Migrant Integration Policy Index (MIPEX), it ranked first as the most migrant integration-friendly country<sup>22</sup>. The Swedish government pursued a policy of a multi-cultural society<sup>23</sup>. Even though Stockholm closed the borders for migrant workers from non-Nordic countries, at the same time they were open to receiving refugees<sup>24</sup>. For many years, the Swedish model was considered as standard-setting. The main idea was to guarantee that immigrants had the same standard of living as the native inhabitants of Sweden<sup>25</sup>. However, in the early 1990s, the migrant integration policy was met with more and more criticism from Swedish society and an open anti-immigration debate, which ultimately led to the creation of anti-immigrant and xenophobic political parties<sup>26</sup>.

Eastern Europe has much less experience with receiving migrants, including refugees. Eastern European societies are practically hermetic and unfriendly towards strangers, which explains the reluctance to receive refugees shown by these countries.

19 R. Stevens, *Immigration Policy from 1970 to the Present*, New York and London 2016.

20 <https://www.washingtonpost.com/news/worldviews/wp/2015/09/07/denmark-places-an-advertisement-in-lebanese-newspapers-dear-refugees-dont-come-here/> (accessed 12.02.2021).

21 A. Chodubski, *Możliwości i bariery migracyjne w Europie*, (in:) J. Balicki and M. Chamarczuk (eds.), *Wokół problematyki migracyjnej*. Kultura przyjęcia, Warsaw 2013, p. 31.

22 P. Pogodzińska, *Integracja i przeciwdziałanie dyskryminacji imigrantów na szwedzkim rynku pracy*, Warsaw 2011, p. 1, <http://www.mipex.eu/sweden-s-migration-policy> (accessed 23.12.2020).

23 A. Wiesbrock, *The Integration of Immigrants in Sweden: A Model for the European Union?*, "International Migration" 2011, vol. 49 no. 4, pp. 50–51.

24 T. Hammar, 'Cradle of Freedom on Earth': Refugee Immigration and Ethnic Pluralism, (in:) J.E. Lane (ed.), *Understanding the Swedish Model*, New York and London 1991, p. 196.

25 P. Odalm, *Migration Policies and Political Participation. Inclusion or Intrusion in Western Europe?*, Basingstoke 2005, p. 52.

26 M. Kamali, *Integration beyond Multiculturalism: Social Cohesion and Structural Discrimination in Sweden*, (in:) P. van Aerschot and P. Daenzer (eds.), *The Integration and Protection of Immigrants. Canadian and Scandinavian Critiques*, New York and London 2016, p. 79.

So far, the immigrants that have come to this region were mainly from the former Soviet Union and Yugoslavia<sup>27</sup>. Eastern Europe is not attractive for refugees as it does not have (on purpose) much to offer to them. Rather than being a final destination, Eastern Europe is treated by refugees as a place for a temporary stay, which they are happy to change for a more open and attractive Western country if an opportunity presents itself. Since most refugees in the years 2015–2016 were Muslims, who are considered by the inhabitants of this region as strangers in terms of culture and civilisation, in these countries we observe less and less support and acceptance for those refugees.

The situation in Southern Europe is quite peculiar. For many years, Southern European countries have been – quite in vain – demanding help and solidarity from other European countries. To make matters worse, they have also been struggling with an economic crisis. It should be mentioned that until recently Southern European countries were seen as a positive example of experience connected with receiving immigrants. In Spain and Portugal, the economy absorbed the foreign workforce in a conflict-free way (referring, in particular, to foreigners from Maghreb). Italy and Greece had a significant number of migrant workers in the tourist industry<sup>28</sup>. Spanish migration policy is a response to workforce shortages in the local labour markets. Nevertheless, Spain, similarly to Portugal, Greece and Italy, is a country with large-scale illegal immigration<sup>29</sup>. From a historical perspective, Greece was seen as a country of emigrants. It was only after the country's accession to the EU and its economic development in the early 1990s that Greece started to be the final destination for a growing number of immigrants and a transit country for illegal migrants from outside Europe<sup>30</sup>.

## **2. The Refugee Crisis – Differences in the Scale and Dynamics of This Phenomenon in the EU Member States**

As a result of the geopolitical situation in neighbouring countries, from 2008 to 2015, the number of people seeking international protection in the EU grew constantly. The year 2015 was a record year in terms of the number of applications

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27 A. Hárs, *Immigration Countries in Central and Eastern Europe. The Case of Hungary*, IDEA Working Papers 2009, p. 12, [http://www.idea6fp.uw.edu.pl/pliki/WP12\\_Hungary.pdf](http://www.idea6fp.uw.edu.pl/pliki/WP12_Hungary.pdf) (accessed 20.01.2021).

28 E. Mazur-Cieślak, *op. cit.*, p. 129.

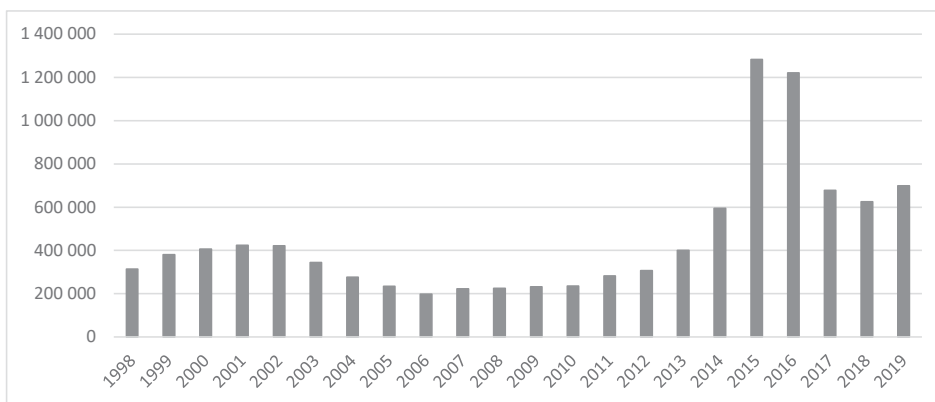
29 E. Kuźelewska, A. Weatherburn and D. Kloza (eds.), *Irregular Migration as a Challenge for Democracy*, Cambridge/Antwerp/Portland 2018; M. Villa (ed.), *The Future of Migration to Europe*, Milan 2020.

30 I. Jakimowicz-Ostrowska, *Imigracje do Europy wyzwaniem XXI wieku – przypadek Grecji*, "Rocznik Bezpieczeństwa Międzynarodowego" 2010/2011, p. 362.

filed, and although the figure dropped in the following years, it is still very high – over 600,000 applications per year (Fig.1).

In 2013, for the first time in 11 years, the number of applications for international protection exceeded 400,000 and in 2014, that figure increased to nearly 600,000, 89% of which were filed by first-time asylum seekers. In 2015, the number of applications reached the unprecedented level of 1,282,900. At the turn of those two years (2014/2015), the number of applications lodged rose by 116%, with diverse dynamics of this phenomenon observed in particular Member States, i.e. the biggest increase in the inflow of asylum seekers was seen in Finland and Hungary (793.5% and 314% respectively). At the same time, in Croatia, the number of asylum applicants dropped by nearly half (-53.3%) while in Slovenia there was a decrease of 28.6%<sup>31</sup>.

Figure 1. The number of applications for international protection in the EU in the years 1998–2019\*



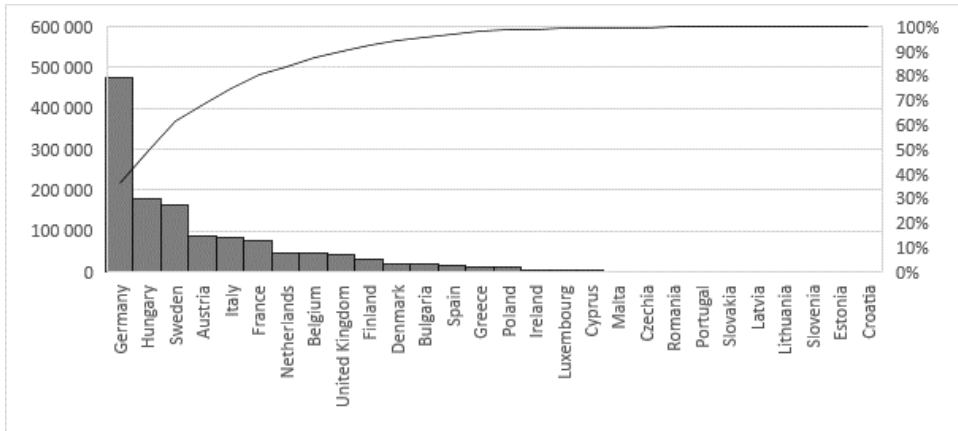
\* Due to changes in definitions and methodology, it is not possible to compare statistical data from the years 1998–2007, 2008–2013 and 2014–2019.

Source: <http://ec.europa.eu/eurostat/data/database> [migr\_asyctz] and [migr\_asyappctza] (accessed 22.12.2020).

Particular EU countries were affected by the refugee crisis to different degrees. The influx of refugees was clearly concentrated on chosen countries: in 2015, 92.7% of those seeking international protection filed their applications in ten Member States (Fig. 2). In 2015, the highest number of applicants was recorded in Germany – over 476,000, i.e. 36% of the total number.

31 Own calculations based on <http://ec.europa.eu/eurostat/data/database> [migr\_asyappctza] (accessed 23.02.2021).

Figure 2. The main EU Member States in terms of the number of applications for international protection received in 2015 and the share in the EU total (%)



Source: <http://ec.europa.eu/eurostat/data/database> [migr\_asyappctza] (accessed 23.12.2020).

At the same time, we should also consider the scale of migration from a relative perspective, i.e. in proportion to the population of the receiving country. From this perspective, the greatest impact from asylum seekers was felt in Hungary, Sweden and Austria, where the number of applications per 1 million inhabitants was, respectively, 17,973, 16,666 and 10,280. The policies those countries had towards refugees were completely different: while in Austria and Germany refugees were welcomed with flowers, in Hungary they were refused access to a fair procedure<sup>32</sup>. From a relative perspective, Germany took fifth place, while the EU average was 2,599 applicants per 1 million inhabitants<sup>33</sup>. In Central and Eastern Europe, Hungary, due to its location on one of the main migration routes to Austria and Germany, was the only country affected by the migrant crisis<sup>34</sup>. However, refugees show little interest in staying in this region since these countries are less attractive for them in terms of economic prospects in comparison to Western European countries which, what is more, have more experience with migrants from Muslim countries. Central and Eastern Europe have received Christian immigrants, mainly from Ukraine<sup>35</sup>.

32 N. Zaun, *EU Asylum Policies. The Power of Strong Regulating States*, Basingstoke 2017, p. 1.

33 Self-made on the basis of data, <http://ec.europa.eu/eurostat/data/database> [migr\_asyappctza] and [demo\_pjangu] (accessed 23.02.2021).

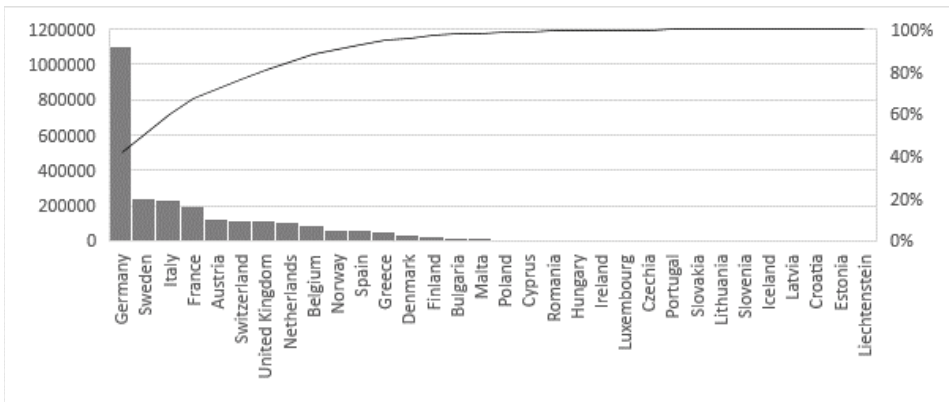
34 A. Juhász, B. Hunyadi and E. Zgut, *Focus on Hungary. Refugees, Asylum and Migration*, Prague 2015, p. 10.

35 M. Jaroszewicz and M. Lesińska, *Introductory Remarks*, (in:) M. Jaroszewicz and M. Lesińska (eds.), *Forecasting Migration between the EU, V4 and Eastern Europe. Impact of Visa Abolition*, Warsaw 2014, p. 14.



The differences within the EU refer not only to the scale and dynamics of asylum application filing but also the results of procedures for granting international protection. In the years 2008–2019 – in absolute terms – the most positive first-instance decisions granting asylum were given in Germany (nearly 1.1 million), followed by Sweden (almost 240,000) and Italy (almost 230,000). As few as five Member States account for the total of 77% of positive asylum decisions issued in the EU<sup>36</sup>.

Figure 3. EU Member States in terms of the number of positive decisions granting international protection and the share in the EU total (%) in the years 2008–2019.



Source: <http://ec.europa.eu/eurostat/data/database> [migr\_asydcfsta] (accessed 23.12.2020).

The main reason why the application processing procedure is fast in those countries and the authorities are more immigrant-friendly is that they have comprehensive asylum and refugee integration policies and relevant legislation. In the years 2008–2019, the highest percentage of positive first-instance decisions was recorded in Malta (67.1%), in Bulgaria (66.3%) and in Denmark (56.5%). At the same time, in several EU countries, i.e. Ireland, France and Hungary, the positive decision ratio was significantly lower: 24.1%, 23.4% and 16.6%, respectively. The EU average in the years 2008–2019 is that 43% of applicants for international protection were granted positive decisions<sup>37</sup>.

These divergent migration experiences of the EU Member States and, most of all, their different and sometimes even mutually contradictory migration policies have motivated the European Commission to look for more efficient and satisfying solutions. The New Pact on Migration and Asylum is supposed to be such a solution.

36 Own calculations based on <http://ec.europa.eu/eurostat/data/database> [migr\_asydcfsta] (accessed 23.12.2020).

37 Own calculations based on <http://ec.europa.eu/eurostat/data/database> [migr\_asydcfsta] (accessed 23.12.2020).

### 3. The New Pact on Migration and Asylum

The New Pact on Migration and Asylum<sup>38</sup> is a document prepared in September 2020 by the European Commission whose main purpose is to introduce a more efficient migration procedure with a clear division of responsibilities between the countries and to guarantee solidarity mechanisms. The New Pact rightly assumes that migration should be managed in an efficient and humanitarian way. It also recognises that no EU Member State should shoulder a disproportionate responsibility (as has been the case so far<sup>39</sup>) and that all states should contribute on a constant basis and show solidarity, which, so far, has simply been lacking<sup>40</sup>. The pact provides for faster and seamless migration processes and stronger governance in the area of migration and border policies, which will be supported by modern IT systems and more effective agencies.

The main objectives of the pact are listed as follows:

- “robust and fair management of external borders, including identity, health and security checks,
- fair and efficient asylum rules, streamlining procedures on asylum and return,
- a new solidarity mechanism for situations of search and rescue, pressure and crisis,
- stronger foresight, crisis preparedness and response,
- an effective return policy and an EU-coordinated approach to returns,
- comprehensive governance at EU level for better management and implementation of asylum and migration policies,
- mutually beneficial partnership with key third countries of origin and transit,
- developing sustainable legal pathways for those in need of protection and to attract talent to the EU,
- supporting effective integration policies<sup>41</sup>.

The Pact on Migration and Asylum proposed by the European Commission is based on four main pillars: (1) a mandatory solidarity mechanism, (2) more comprehensive security procedures, (3) new criteria for the distribution of migrants and (4) increased cooperation with third countries.

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38 <https://eur-lex.europa.eu/legal-content/PL/TXT/?qid=1601287338054&uri=COM%3A2020%3A609%3AFIN> (accessed 23.12.2020).

39 C. Wihtol de Wenden, Actual Patterns of Migration Flows: The Challenge of Migration and Asylum in Contemporary Europe, (in:) A. Grimmel and S. My Giang (eds.), *Solidarity in the European Union. A Fundamental Value in Crisis*, Cham 2017, p. 67ff; J. Seges Frelak, *Solidarity in European Migration Policy: The Perspective of the Visegrad States*, (in:) Grimmeland My Giang (eds.), *ibidem*, p. 81ff.

40 A. Miglio, *op. cit.*, p. 38ff.

41 [https://eur-lex.europa.eu/resource.html?uri=cellar:85ff8b4f-ff13-11ea-b44f-01aa75ed71a1.0002.02/DOC\\_3&format=PDF](https://eur-lex.europa.eu/resource.html?uri=cellar:85ff8b4f-ff13-11ea-b44f-01aa75ed71a1.0002.02/DOC_3&format=PDF) (accessed 23.12.2020).

The pact, which is much needed and based on the right principles, was met with mixed reactions from the EU Member States. It is true that Member States, *in gremio*, do see a need for better governance of migration and refugee crises but, nevertheless, their positions are different. Most EU Member States have accepted the proposal of the European Commission but “the devil is in the details.” Spain, Italy, Greece and Malta claimed that the project does not guarantee solidarity and called for an equitable distribution of the migratory burden<sup>42</sup>.

The opposite block, composed of Visegrad countries, is, in general, satisfied with the pact. However, in the joint position announced by Poland, Hungary, the Czech Republic, Slovakia, Estonia and Slovenia, there is a warning that “(...) the Pact lacks a proper balance between principles of responsibility and solidarity”<sup>43</sup>. For them, the proposed distribution key taking into account solely the simple algorithm based on population and GDP is not acceptable. In their opinion, “the relocation or other forms of admission of migrants have to be of voluntary nature. Member States must not be forced to implement any particular instruments that could be considered as violation of their sovereignty. In this context, we feel obliged to voice our concerns also on the concept of return sponsorship as the only equivalent to relocation”<sup>44</sup>. As a result, with regard to the European solidarity mechanism, Visegrad Group countries are against any relocation. These countries are in favour of strengthening the external borders, and in their opinion, the mechanism of European solidarity should support the countries of origin or transit of persons coming to Europe.

The recommendations proposed by the European Commission prove that the EU has to a small extent drawn conclusion from the failure of the current model of joint and several liability of Member States. The new solidarity mechanism is to be based on a voluntary basis. Member States have the option of choosing one of three forms of involvement: (1) by participating in the relocation of persons to their national territory; (2) by contributing financially to the return of “ineligible” persons for the asylum procedure; or (3) by proposing operational support to host countries. In general, the pact focuses on identifying access routes to the EU territory under various forms of possible migration and trying to manage the so-called illegal crossing of EU borders. The pact applies in a very limited scope to migrants already residing in the EU countries. There is no reference to the reception policy at all. The document does not guarantee the improvement of conditions and standards in places of reception for asylum seekers.

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42 F. Manchón, *The Pact on Migration and Asylum: A New Opportunity for Europe?*, “Opinion Paper” 2020, no. 152, p. 13, [http://www.ieee.es/Galerias/fichero/docs\\_opinion/2020/DIEEEO152\\_2020FELMAN\\_migraciones-ENG.pdf](http://www.ieee.es/Galerias/fichero/docs_opinion/2020/DIEEEO152_2020FELMAN_migraciones-ENG.pdf) (accessed 27.12.2020).

43 <https://www.visegradgroup.eu/download.php?docID=457> (accessed 27.12.2020).

44 *Ibidem*.

## Conclusions

Western European countries have extensive experience with receiving refugees, which means that they also have extensive legislation ensuring a more efficient protection for those who need it. They are also undoubtedly an attractive destination for asylum seekers. The situation is quite different in Eastern European countries, which are opposed to receiving newcomers from Muslim countries and are often unfriendly to migrants from other cultures. Eastern European countries are not attractive for asylum seekers, in terms of both economic and social prospects. In between those two extremes, there are Northern European countries, which are seen as a model of refugee integration (although during the refugee crisis their policies underwent some important changes). The countries of Southern Europe, on the other hand, due to their geographic location, were exposed to significant migratory pressures during the refugee crisis and, since they did not have sufficient experience in that respect, they appealed to other EU Member States for solidarity. It is hard to agree with the statement that all EU Member States passed a test of solidarity during the refugee crisis. The divergent experiences with refugees in particular European countries are still reflected in the number of asylum applications filed and positive decisions granted.

The solidarity is the main issue of the New Pact on Migration and Asylum. It results from the 2015 refugee crisis when the EU Members States' solidarity failed as the relocation deeply divided the EU members. Yet, the solidarity is not systematised in the pact as a core of the agreement. It is foreseen as a choice open to Member States between two opposite options – relocation and return sponsorship. Thus, it calls into question the possibility of an effective implementation of the New Pact on Migration and Asylum, which – also in the context of the Member States' strongly diverging experiences and attitudes to refugees – should be seen as a very ambitious plan which implementation in the near future is unrealistic.

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