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The EU's Common Migration Policy (2020-2022): Main Directions of Implementation and Improvement

It is analyzed the key factors of the EU migration policy in 2020-2022, when the EU faced such challenges as the coronavirus pandemic, ongoing conflicts in the Middle East and Africa, and the beginning of the full-scale stage of the Russian-Ukrainian war. It is described the main directions of implementation and improvement of the EU's common migration policy, which are: improving the efficiency of its asylum system, strengthening cooperation with third countries, protecting the rights of refugees and migrants, strengthening its external borders and improving the integration of refugees and migrants. It is indicated several probable scenarios for the development of the EU migration policy. It is emphasised that the prospects for the development of the EU migration policy are uncertain, however, it is suggested that by adopting a more coordinated and proactive approach the EU has many resources to develop a more effective migration management strategy and address the root causes of irregular migration.

Keywords: EU, migration, migration policy, Russian-Ukrainian war, Covid-19.

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Спільна міграційна політика ЄС (2020-2022 рр.): основні напрямки реалізації та удосконалення

Проаналізовано ключові фактори міграційної політики ЄС у 2020-2022 роках, коли ЄС зіштовхнувся із такими викликами, як пандемія коронавірусної інфекції, конфлікти на Близькому Сході й у Африці, які продовжуються, а також початок повномасштабної стадії російсько-української війни. Стверджується, що міграційна політика ЄС є унікальним прикладом для розуміння складного взаємозв'язку між національним суверенітетом, правами людини і міжнародною співпрацею, а дослідження міграційної політики ЄС відіграє ключове значення для розробки ефективної стратегії, направленої на задоволення потреб мігрантів та реалізації національних інтересів тих держав, що їх приймають. Охарактеризовано вектори реалізації та покращення спільної міграційної політики ЄС із врахуванням вказаних викликів, якими є: підвищення ефективності системи надання притулку, посилення співпраці із третіми країнами, захист прав біженців та мігрантів, зміцнення зовнішніх кордонів та покращення інтеграції біженців та мігрантів. Вказано на ймовірні сценарії розвитку міграційної політики ЄС: один з них полягає у тому, що ЄС рухатиметься далі до запровадження нового Пакту про міграцію і притулок; другий сценарій передбачає продовження поточного статус-кво із наступними

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змінами й адаптацією до існуючих політичних рамок; у рамках третього сценарію передбачається, що ЄС зіштовхнеться із проблемами в управлінні міграцією, що може спричинити кризу в міграційній системі ЄС. Наголошено, що перспективи розвитку міграційної політики ЄС є невизначеними, оскільки залежать від розвитку геополітичних подій на континенті, зокрема російсько-української війни. Проте, зроблено припущення, що, із використанням більш скоординованого та проактивного підходу, ЄС має достатньо ресурсів для розробки більш ефективної стратегії управління міграцією, а також подолання першопричин неврегульованої міграції.

Ключові слова: ЄС, міграція, міграційна політика, російсько-українська війна, Covid-19.

Setting a scientific problem and its significance. The European Union's (EU) migration policy has been a significant and controversial topic in political discourse in recent years. The period of 2020-2022 was extremely challenging, as the EU faced such challenges as the coronavirus pandemic, ongoing conflicts in the Middle East and Africa, and the beginning of the full-scale stage of the Russian-Ukrainian war. The EU's migration policy is a unique example of understanding the complex relationship between national sovereignty, human rights and international cooperation. As the EU struggles to cope with a significant influx of migrants, an analysis of policy decisions made at both the EU and national levels can provide valuable insights into how state associations balance their domestic interests with their obligations under international law. Furthermore, a study of EU migration policy can provide insight into the changing political landscape of Europe, as immigration is becoming a leading issue for many political parties, especially during the electoral process in certain EU Member States.

In 2020-2022, there was an increase in irregular migration, which put pressure on the EU institutions that have to manage borders, provide humanitarian assistance and offer integration services. By analysing the successes and failures of the EU migration policy during this period, policymakers can learn from past mistakes and develop more effective strategies to address migration issues in the future. Analysing and studying the EU migration policy can also help to improve the rules of admission and the speed of response to the unprecedented flows of Ukrainian migrants following the full-scale Russian invasion on February 24, 2022. Given that the world is becoming increasingly interconnected, understanding the EU's response to migration can provide valuable lessons for other regions facing similar challenges.

Source base of the research. The EU's migration policy is still the subject of extensive research and analysis in the political discourse. Regulations and official documents are the main sources for understanding the institutional mechanisms for developing and coordinating the EU migration policy. The most important of them are the Treaty on the Functioning of the EU (TFEU)[3], the Dublin Regulation[4], A New Migration and Asylum Pact[5] and the European Agenda on Migration[6]. Scholar articles and monographs are also important sources for understanding the theoretical and practical aspects of the EU migration policy today. Such sources offer a detailed analysis and critical assessment of various aspects of the EU migration policy, including institutional mechanisms, legal framework, policy outcomes and policy implications. Among them are studies by such authors as E. Guild[7], E. Geddes[8],

[3] *European Union* (1992), "Treaty on the Functioning of the European Union", available at: https://eur-lex.europa.eu/EN/legal-content/summary/treaty-on-the-functioning-of-the-european-union.html (accessed 6 February 2024).

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[7] Guild, E. (2021), "Schengen Borders and Multiple National States of Emergency: From Refugees to Terrorism to COVID-19", *European Journal of Migration and Law*, Vol. 23(4), pp. 385-404.

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Ph. De Debrayker[9], N. Luangrath, C. Turner and J. Englebert[10]. In their works, the authors focus on the European Union's response to the refugee crisis, exploring the challenges and constraints faced by the EU in its attempts to effectively manage migration, especially in terms of integration and balancing national interests and supranational solidarity.

The purpose of the research is to describe the main directions of implementation of the EU's common migration policy in 2020-2022 and its further improvement. **The objectives of the research** are: 1. to analyze the EU's migration policy legal framework, which is being formed under the influence of numerous challenges, such as the coronavirus pandemic, the ongoing conflicts in the Middle East and Africa, as well as the beginning of the full-scale stage of the Russian-Ukrainian war; 2. to find out the reaction of the EU and its solidarity by supporting Ukrainians in need of help as a result of the full-scale stage of the Russian-Ukrainian war; 3. to identify probable scenarios for the development of the EU migration policy.

Presentation of the main material. Although the topic of the EU migration policy is widely researched, the relevant research topics are long-term results of the integration of migrants in host countries, the functioning of networks of illegal importation of migrants and the effectiveness of the EU measures in the fight against illegal migration, the determination of the effectiveness of potential political reforms for strengthening the solidarity of Member States in addressing migration challenges, political responses and potential legal frameworks to address migration issues in the EU caused by wars, political challenges, natural disasters and climate change.

Thus, the issue of migration is one of the most significant challenges the EU has faced in recent years. The EU migration policy is governed by an extensive legal framework consisting of legislation, regulations and directives. The Treaty on the Functioning of the EU serves as the legal basis for the EU migration policy, which aims to create a common policy on asylum, immigration and control of external borders[11]. One of the most important legal acts in the field of the EU migration policy is the Dublin Regulation, which establishes the criteria and mechanisms for determining the Member State responsible for examining an application for international protection submitted in one of the Member States by a third-country national or stateless person[12]. In addition to the Dublin Regulation, the EU has also adopted several directives and regulations that relate to specific aspects of migration policy, such as the conditions for the reception of asylum seekers, the rights of refugees and persons with international protection, and the prevention of irregular migration[13]. These legal acts provide the legal basis for the development and coordination of the EU's migration policy and ensure that migration policy is in line with the EU law and international obligations.

The migration crisis of 2015 has drawn attention to the need to improve common migration policy that could effectively address the challenges posed by migration. In 2020, the European Commission proposed a New Migration and Asylum Pact, which aims to ensure a more effective and comprehensive approach to migration management in the organization and to create a new institutional mechanism for the development and coordination of a common migration policy. The Pact contains several proposals, including a system of binding solidarity between Member States, an updated verification process at the EU's external borders, and a new framework for managing legal migration[14].

The COVID-19 pandemic, which broke out in 2020, has posed a significant challenge to the implementation of the EU migration policy. The EU institutions and Member States have sought to find flexible solutions to overcome the challenges posed by the pandemic while ensuring the protection of

[9] Debruycker, Phillippe De (2020), "The New Pact on Migration and Asylum: What it is not and what it could have been", *Odysseus Network*, available at: https://eumigrationlawblog.eu/the-new-pact-on-migration-and-asylum-what-it-is-not-and-what-it-could-have-been/ (accessed 24 February 2024).

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[11] *European Union*, 1992.

[12] *European Union*, 2013.

[13] *European Union* (2023b), «Солідарність ЄС з Україною», available at: https://eu-solidarity-ukraine.ec.europa.eu/index_uk (accessed 10 March 2024).

[14] *European Commission*, 2020.

migrants' rights and compliance with international obligations. Overall, the pandemic has led to adjustments in migration policy and coordination at the EU level and highlighted the importance of EU-wide solidarity. Efforts have been made to ensure a coordinated response, share best practices and address common challenges through enhanced cooperation between Member States, which has helped the European Union overcome the most difficult period of the COVID-19 crisis. However, the long-term impact of the pandemic in this area requires further research.

One of the most important challenges for the EU migration policy today is the Russian-Ukrainian war and, based on this, a large number of refugees who left abroad. After the Russian Federation invaded Ukraine on February 24, 2022, the EU reacted immediately and showed effective solidarity by supporting people in need. This included direct humanitarian assistance, border support, emergency civilian protection, and protection for those fleeing war. For the first time in history, the EU has implemented the Temporary Protection Directive, which introduces legal provisions to help manage mass arrivals. At the same time, the European Commission immediately started coordination with the EU countries to collect information on the situation on the ground and prevent human trafficking[15]. The Directorate-General for Migration and Home Affairs (DG HOME) coordinates the Solidarity Platform, which brings together the EU countries, international partners and Union agencies to ensure the implementation of the Temporary Protection Directive. The EU Migration and Crisis Preparedness Plan is involved in the collection of important information, such as refugee arrivals, to accordingly stimulate response measures to regulate migration processes.

According to the data of the European Commission, more than 4,2 million registrations for Temporary Protection in the EU+ (EU Member States and Schengen countries) have been made, more than 860000 Ukrainian schoolchildren and students are integrated into the school systems of the EU countries[16]. Given their experience in regulating migration, it soon became clear that the EU countries would not have the means to process the asylum applications submitted by a large number of people fleeing the war. That is why, on March 2, 2022, the Commission proposed to introduce the Temporary Protection Directive, which was subsequently adopted by the European Council on March 4, 2022, in a decision on granting temporary protection to persons fleeing the war in Ukraine[17].

To clarify the provisions of the Temporary Protection Directive and the Council Implementing Decision in the context of granting temporary protection to people fleeing the war in Ukraine, the Commission published Operational Guidelines on March 21, 2022. These guidelines are not legally binding documents and relate to practical aspects to assist the EU Member States in implementing the Directive and the Council Implementing Decision. Also the Commission has published a Frequently Asked Questions document on the interpretation of the Temporary Protection Directive and Council Implementing Decision 2022/382. The Commission has also published a document "Frequently Asked Questions on returning home to Ukraine voluntarily" in the context of temporary protection. All the main information for those fleeing the war is collected on the information page of the Solidarity Platform[18].

The Solidarity Platform was established to implement the provisions of the Temporary Protection Directive. Its role is to monitor the needs identified in the EU countries and to coordinate the operational response. It also serves as a common forum for discussion to facilitate the implementation of the 10-point plan presented by the Commission following the meeting of the Emergency Justice and Home Affairs Council on March 28, 2022. The Solidarity Platform is useful for the overall coordination of the EU's response to Russia's aggression against Ukraine, offering an informal space, usually online, for meetings to quickly agree on policy and operational responses by key stakeholders. The Solidarity Platform, coordinated by the Directorate-General for Migration and Home Affairs, brings together: international partners; the EU countries; IOM, UNHCR and other partners, together with

[15] *European Commission*, 2023b.

[16] *European Union (*2023a), «Регулювання міграції: Прийом біженців з України», available at: https://home-affairs.ec.europa.eu/policies/migration-and-asylum/migration-management/migration-management-welcoming-refugees-ukraine_uk (accessed 10 March 2024).

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[18] *European Union*, 2023b.

civil society organisations in specific meeting formats; the EU agencies (including Frontex, the European Border and Coast Guard Agency, Europol, and the EU Asylum Agency); Ukrainian state authorities; and Schengen states[19].

The main objectives and activities of the Solidarity Platform are: to provide a common forum for discussion and action in support of the implementation of the 10-point plan to enhance coordination and exchange of best practices related to the reception of people fleeing the Russian invasion of Ukraine; to collect relevant information on reception and accommodation capacities in the EU; to coordinate the harmonisation of offers from the EU countries to receive people fleeing the war in Ukraine who have already arrived in the EU; to coordinate the movement of people from Moldova to the EU countries and the Member States of the Schengen Agreement; promotion of relevant the EU instruments and application of the latter.

The Commission identifies priorities and agenda items in close cooperation with Member States and other stakeholders, such as Ukrainian authorities, to ensure that discussions are tailored to the needs. Due to the specific and operational nature of some of the issues discussed, several subgroups of the Solidarity Platform have been established and meet on an ad hoc or regular basis. These groups include, for example, the subgroup on the transport of displaced persons from Moldova or the subgroup on the Temporary Protection Platform.

Since the establishment of the Solidarity Platform on March 4, 2022, it has achieved concrete results in the field of migration, including several measures related to the 10-point plan. One year after the Temporary Protection Directive came into force, on March 8 in 2023, the implementation of the Directive in the context of the war in our country was summarised and priority areas for the future were outlined, including through the work of the Solidarity Platform.

Since the Russian Federation invaded our country, the European Commission has been coordinating the EU's response to this aggression within the framework of the EU Crisis Preparedness and Migration Plan. This Plan provides an operational framework to ensure: situational awareness and better preparedness; effective management and timely response[20]. The plan, in cooperation with Member States and the EU agencies, is actively used to collect and disseminate information on the developments. To help the EU border services effectively control the arrival of people at the borders with Ukraine, while reducing waiting times and maintaining a high level of security, the Commission issued guidelines on external border management on March 2, 2022. The guidelines include provisions on the possibility of crossing at temporary crossing points, outside the official state border crossing points; facilitation of border controls at the EU borders with our country; flexibility regarding entry conditions; simplified access for humanitarian aid and rescue services; personal belongings and pets[21]. The guidelines recommend that the EU countries should support this process in every possible way from the side of the EU agencies: Frontex, for example, can help with identity verification and registration of people, and Europol can involve officers in secondary checks[22]. The EU agencies play a leading role in providing the EU countries with on-the-ground assistance in information exchange, border control, asylum applications and preventing criminal networks from abusing vulnerable groups.

The effectiveness of the EU migration policy remains a subject of debate today. Despite certain successes in providing protection and assistance to refugees and asylum seekers, the implementation of migration policy faces many challenges and criticisms, such as the lack of a coordinated approach to managing migration flows, externalisation of border control to third countries, and insufficient addressing of the root causes of migration. As well as many human rights groups and refugee rights advocates argue that border authorities could use substandard and "fast-tracked" asylum assessment procedures that may violate international law[23].

As about the future of the EU migration and asylum system there are several possible scenarios for its development: one scenario is that the European Union will continue to move slowly towards the implementation of a new Migration and Asylum Pact. This could lead to further disagreements

[19] *European Union*, 2023b.
[20] *European Union*, 2023a.
[21] *European Commission*, 2023a.
[22] Ibid.
[23] Luangrath *et al.*, 2024.

between Member States, for example, to delays in addressing irregular migration. Another possible scenario for the development of the EU migration policy is the continuation of the current status quo with gradual changes and adaptation to the existing policy framework. The EU will take a more proactive stance on migration and develop a more comprehensive and coordinated migration management strategy. Under this scenario, there will be ongoing efforts to improve the effectiveness of the EU migration policy through measures such as increased funding for migration management, stronger border controls and enhanced cooperation between Member States. The third scenario is that the EU will face significant challenges in managing migration, which could lead to a crisis in the EU migration system. This, in turn, could lead to increased tensions between the EU Member States.

Conclusions. We can summarise that the EU common migration policy is being developed and improved on an ongoing basis in the context of current challenges. The EU is working to improve the effectiveness of its asylum system, strengthen cooperation with third countries, protect the rights of refugees and migrants, strengthen its external borders and improve the integration of refugees and migrants. The COVID-19 pandemic that erupted in 2020 has had a profound and complex impact on the protection needed around the world, requiring the EU Member States to respond quickly and improve common policies. The development of the EU migration policy today is heavily influenced by the full-scale stage of the Russian-Ukrainian war, from the beginning of which in 2022 the EU Member States have shown remarkable solidarity, responding immediately with numerous direct humanitarian aids, and support for people at the border, and protection and asylum for those fleeing the war. The EU has enacted the Temporary Protection Directive, which introduces legal provisions to help manage mass arrivals. The EU Member States continue to develop and support existing policies to assist Ukrainian refugees. By addressing these challenges, the EU aims to create an effective and comprehensive migration policy that will ensure the humane and fair treatment of all refugees and migrants.

Thus, the EU faces significant challenges in managing migration, but with a more coordinated and proactive approach, the European Union has many resources to develop a more effective migration management strategy and address the root causes of irregular migration. Therefore, *it is promising to study* the peculiarities of the development of the EU migration policy, taking into account the factors of important geopolitical events on the continent, in particular the Russian-Ukrainian war.

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