EUROPEAN UNION MIGRATION POLICIES AND REFUGEE RIGHTS: LEGAL ASPECTS AND IMPLEMENTATION

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ABSTRACT
This study critically examines the legal aspects and implementation challenges of the European Union's (EU) migration policies and refugee rights framework. As migration trends intensify due to conflicts, climate change, and socio-economic disparities, the EU has sought to balance border security with humanitarian obligations through the Common European Asylum System (CEAS) and international legal commitments. The research investigates the legal underpinnings of EU migration policies, including key instruments like the Dublin Regulation and Temporary Protection Directive, alongside international obligations under the 1951 Refugee Convention and European Convention on Human Rights. Using a qualitative research design based on policy analysis, case studies, and comparative evaluation, the study identifies significant implementation gaps. Key findings show there is fragmented responsibility-sharing by member states, as well as disparities in member states asylum procedures and accusations of human rights violations, including illegal pushbacks and poor quality of reception conditions. Additionally, the spread of populism and the outsourcing of migration management to third countries add to the challenges. The paper ends with proposals for aligning asylum policies, improving integration policy, and ensuring fidelity to the rule of rights. The article stresses the need for EU member states to stick together and for international norms to guide what can be a better and fairer migration system.
Keywords: Non-refoulement, Asylum procedures, Humanitarian obligations, Border management, Refugee integration, Human rights compliance, international refugee law, Populist influence on migration policy.

INTRODUCTION

Global factors such as armed conflicts, political instability, climate change, and economic disparities have led to an unprecedented number of people being displaced, putting migration and asylums at the forefront of EU matters. The EU—both collectively through its institutions and in practice on the ground—overseeing the grey area that has developed to deal with these very real recognitions reflects its stance on these fundamentals as human rights, respectively found in the 1951 Refugee Convention and strengthened through the European Convention on Human Rights (ECHR). Nevertheless, the tension between upholding these obligations while facing political, economic, and security challenges has produced migration policies that are at times criticized as providing partial implementation gaps and a lack of uniformity among its member states. This paper analyzes some of the legal bases and the practical challenges of the EU migration and refugee rights regime. It aims to investigate the concrete interplay between law and the politics of regulation and how this interaction impacts the rights and well-

being of migrants and refugees. More exactly, the research scrutinizes the CEAS, a central element of EU migration administration, which is formulated on the premise of generating a level playing field in asylum arrangement and standards in different member states. While it includes such good intentions, CEAS has also aroused criticism for continuing to spread the unequal burdens that come to countries at the frontline (Greece, Italy, and Spain) and for not providing adequate protection for refugees (Hailbronner, 2024).

This research is important because it is systemic and aims to engage solutions through policy changes that would help to bridge the gap between EU policies and their legal and moral rights obligations. Questions that the research drives at are: how far can EU migration policies be seen to follow International Refugee Law? To what degree are these policies put into practice in member states? What are the fundamental legal and ethical challenges one must deal with when controlling the flow of migration? This research assumes that EU migration policies are all-embracing on paper, but in reality, what emerges is a patchwork of policies suffering from a lack of political will, resources, and member states solidarity. It is based on a set of qualitative methods applied to policy instruments, policy frameworks, and legal case studies. It analyzes key legal documents like the Dublin Regulation, Temporary Protection Directive, and Asylum Procedures Directive, as well as international organization reports from the likes of the UNHCR and Amnesty International. It includes comparative case studies to bring into focus differences in implementation among member states and points out examples of human rights violations, referring to pushbacks and inadequate reception conditions (Lindstrøm, 2005; Khan et al., 2020).

The results of this study point to necessary adjustments to the EU migration framework, urging for fairer responsibility-sharing mechanisms, more effective oversight and accountability, and enhanced integration policies. The results also plead for renewed political commitment to be brought to apply common asylum processes and to align with key human freedom ideals. The article is structured as follows: After this introduction and background, the next section examines the legal framework governing EU migration policies, including key treaties, directives, and regulations. This is followed by a discussion of implementation challenges, such as the unequal burden on frontline states, human rights violations, and externalization of migration control. The article then presents a comparative analysis of the best practices and shortcomings within the EU, before concluding with recommendations for reforming the system to better align with its humanitarian and legal commitments. Through this comprehensive exploration, the study aims to contribute to the ongoing discourse on improving the EU's migration and asylum policies.

LITERATURE REVIEW

There is a large body of academic and institutional literature analyzing the migration policies of the EU and their implementation. The body of literature established thus far highlights the paradox between EU legal obligations to the rights of refugees and the practical implementation of policies that contain migratory flows across the EU. This chapter reviews core literature that lays the groundwork for approaching the EU's legal framework, policy implications, and real-life consequences in a critical manner. Scholars such as Goodwin-Gill and McAdam (2007) have extensively analyzed the 1951 Refugee Convention and its principle of non-refoulement, which prohibits returning refugees to countries where they may face persecution. This foundational principle underpins EU asylum policies but is often at odds with contemporary practices, such as pushbacks and border closures. Hathaway (2010) has emphasized the gaps between international legal norms and their regional implementation, providing a framework to evaluate EU compliance. Reports by the United Nations High Commissioner for Refugees (UNHCR) further contextualize the EU's obligations within global migration patterns. These reports highlight how the EU has attempted to harmonize its policies through the CEAS while failing to adequately address disparities in implementation across member states (Khan et al., 2020).

Studies by Chetail (2016) and Peers (2019) have provided comprehensive evaluations of CEAS directives, such as the Dublin Regulation and the Qualification Directive. These analyses point to the structural issues within the Dublin system, which disproportionately burden frontline states like

Greece and Italy. Peers (2019) argues that while CEAS has standardized certain aspects of asylum procedures, its fragmented implementation exacerbates inequalities and undermines the EU's solidarity principle. Institutional sources, such as European Commission reports, provide detailed insights into policy intentions and outcomes. The New Pact on Migration and Asylum (2020) is frequently cited as a potential remedy to these disparities, aiming to establish a more balanced responsibility-sharing mechanism. However, critical evaluations by NGOs like Amnesty International and Human Rights Watch highlight the pact's shortcomings, particularly its reliance on externalization strategies, such as the EU-Turkey Statement, to curb migration flows.

The role of Frontex, the European Border and Coast Guard Agency, is a recurring theme in the literature. Carrera et al. (2020) and Slominski and Trauner (2021) critically assess Frontex's dual mandate of border security and human rights protection. While Frontex has enhanced surveillance and operational coordination, allegations of involvement in illegal pushbacks underscore a failure to uphold non-refoulement principles. These findings are corroborated by investigative journalism and NGO reports, which document cases of human rights violations at EU borders. Literature on externalization strategies reveals their ethical and legal complexities. Betts and Collier (2017) examine the EU-Turkey Statement as a case study, highlighting its effectiveness in reducing arrivals but raising concerns about shifting responsibility to countries with weaker human rights protections. Frelick et al. (2016) discuss the broader implications of outsourcing migration control, arguing that these practices often violate international refugee law and undermine the EU's moral authority.

Several studies explore how the rise of populism in member states like Hungary, Poland, and Italy has influenced migration policies. Geddes (2021) examines the interplay between domestic politics and EU-wide policy reform, noting that populist rhetoric has hindered efforts to establish mandatory relocation quotas. These findings are supported by Lutz (2019), who highlights the role of public opinion and electoral dynamics in shaping national responses to EU migration directives. Literature on refugee integration emphasizes the critical role of social and economic inclusion. Studies by Ager and Strang (2008) and Scholten et al. (2017) provide frameworks for evaluating integration outcomes, focusing on indicators like employment, education, and social cohesion. While EU funding mechanisms, such as the Asylum, Migration, and Integration Fund (AMIF), aim to support these efforts, implementation disparities remain significant. Case studies from countries like Sweden and Germany illustrate best practices, whereas other states struggle due to limited resources or political resistance.

The analyzed literature exemplifies the EU's solid legal mechanisms for the protection of refugee rights but also uncovers great issues in implementation. Although academic literature provides general frameworks for analysis, they are still limited to previous data, even as migration patterns evolve. Reports from multilateral organizations—or even from nongovernmental organizations (NGOs) provide important perspectives of actual situations, but their findings may be shaped by the institutional focuses. These approaches combined give a comprehensive view of the EU's migration policies and the legal, political, and ethical implications involved. Through synthesizing these, this research pinpoints gaps in the EU migration framework, calling for harmonized policies, increased accountability mechanisms, and a need for greater solidarity between member states. This provides the basis for recommending practical reforms in the next.

CONCEPTUAL AND THEORETICAL FRAMEWORK

This study's conceptual and theoretical framework combines essential facts of migration governance, refugee rights, and institutional practices into a cohesive structure for analysis. It is a conceptual framework stressing the interactions between legal obligations, policy instruments, and implementation challenges. It explains how international norms, such as non-refoulement, which are found in the 1951 Refugee Convention, and regional frameworks, including the CEAS, determine the EC legal obligations and context of refugee protection in the EU. On the operational level, it scrutinizes how these policies are conducted by EU institutions, the member states, and agencies like Frontex, drawing attention to unequal burden-sharing and adherence to these policies. This theoretical framework is a

complement to the research questions as it uses governance theory to examine the multi-level interaction between EU institutions and member states, human rights theory to highlight the ethical and normative aspects of refugee protection, and institutionalism to focus on the importance of EU directives and regulations as constructing migration management practices. These frameworks combined give us a strong structure through which to understand the systemic barriers to implementing tort law style policies political pushback, strategies of externalization, and violations of rights and provide guidance for thinking about the connections between legal shit, institutional shit, and humanitarian shit. Such a mixed-method approach guarantees a comprehensive overview of the EU migration and refugee policies.

RESEARCH METHODOLOGY

The present study provides a qualitative research design, focusing on the legal dimension and difficulties in the practical reflection of the EU migration regime and refugee law. This is based on an in-depth investigation of primary and secondary sources: legal texts, policy documents, and academic literature. Not least by explaining the legal obligations deriving from key legal texts such as the 1951 Refugee Convention and the European Convention on Human Rights, but also from EU texts such as the Dublin Regulation or the Asylum Procedures Directive. The paper provides a critical view on policy documents elaborated by EU institutions (the European Commission and Frontex), focusing on the relation of principles laid down in such documents with instruments of international law and their transposition into practice. International organizations (e.g., UNHCR), non-governmental organizations (e.g., Amnesty International), and investigative journalism also serve as a basis for our knowledge on the ground. It also includes comparative case studies of some EU member states that it is better to explore different lines of variation in terms of implementation and problems. The thematic analysis of the data reveals the key themes, systemic issues, and areas of noncompliance with legal principles. This approach is selected because it enables a fully contextualized understanding of the research problem, connecting theoretical principles to organizational practices and resulting in policy recommendations that matter in practice.

THE LEGAL FRAMEWORK OF EU MIGRATION POLICIES

International Law Obligations

This is important because the basis for EU migration policies is principally laid down in international legal instruments providing binding obligations on the protection of refugees and migrants. These consist of the 1951 Refugee Convention and its 1967 Protocol and the ECHR. The 1951 Refugee Convention, along with its Protocol (1967), is a legal basis for international refugee protection. It defines a refugee and outlines the rights and protections that should be given to those fleeing persecution. The Convention obliges the signatory states (including EU member states) to comply with the principle of non-refoulement, which protects refugees against being expelled or returned to places in which their lives or freedom would be threatened. At the heart of EU asylum law and most of its migration policy, including rules on asylum applications and so-called Dublin rules that address responsibilities among member states, this principle is. At the core of the EU system lies the ECHR, which uniquely affords additional protection to refugees and migrants through its different protocols. It enshrines certain fundamental rights, such as the right to life, the right not to be subjected to torture, inhuman or degrading treatment or punishment, and the right to a fair trial. ECHR Article 3 has been central in discussions over pushbacks at EU borders, given that it prohibits torture or inhuman or degrading treatment. The European Court of Human Rights found that even in the framework of border management by EU member states, the right to asylum must be respected towards refugees and migrants in several judgments. The ultimate rights of refugees and migrants must always be protected so as not to suffer human rights violations under the EU border management obligations (Azoulai et al., 2014).

EU Treaties and Legal Instruments

The main legal basis for EU asylum and migration policies is contained in the Treaty on the Functioning of the European Union (TFEU) (Articles 78–80): Establishment of a Common European Asylum System in line with the provisions of Article 78, the

EU shall develop a CEAS setting down the measures for the protection of those who need asylum in the Union. It accommodates legal measures that will enable member states to collaborate more closely on asylum and immigration, resulting in a more rational and consolidated system for refugees. In practice, however, practical implementation of these policies has been patchy, and the problems of solidarity and fair burden-sharing under the treaty have seen a mostly troubled path. The TFEU also mentions the role of the EU in establishing channels for legal migration, as well as irregular migration, as well as the external dimension of migration (cooperation with non-EU countries). These reading materials provide the basics of the EU's migration policies—often critiqued for prioritizing borders and deterrence over those fleeing conflict, persecution, and human rights abuses. The Charter of Fundamental Rights of the European Union (CFR) specifically bears many rights extended to asylum seekers and refugees in the EU. As per Article 18, the right to asylum guarantees a place of safety in accordance with the 1951 Geneva Convention on the status of refugees and other relevant international instruments. Article 19 protects against mass expulsion of foreigners and provides protection against expulsion to countries where they would be at risk of torture, cruel, inhuman, or degrading treatment or punishment. They constitute together a legal and human rights-based architecture for the evaluation and implementation of EU migration and asylum policies (Maldini & Takahashi, 2017).

Common European Asylum System (CEAS)

The CEAS aims at achieving a uniform approach to asylum across the EU and ensuring a certain level of protection of refugees. CEAS is based on the collection of rules and directives that regulate the way of deciding whether a person is an asylum seeker or not, how to treat these people, and how to receive refugees. These regulations establish a common asylum system to ensure that all asylum seekers receive equal treatment, protection, and a fair hearing regardless of where they apply in the EU Member States. Of the various instruments that make up CEAS, none is more significant than the Dublin Regulation. The Dublin system indicates which EU member state is responsible for processing an application for asylum. The goal is to eliminate the scenario of asylum applications in other member states by identifying a single one—typically, the first country of entry—as responsible for handling the claim. But it has been strongly criticized for laying the burden on countries of first entry, such as Greece and Italy, where asylum backlogs and refugee conditions are severe. In addition to pointing out the dilemmas, critics say the regulation threatens solidarity among EU states, often with disastrous results in the treatment of asylum seekers. The Asylum Procedures Directive lays down common standards for the procedures for granting and withdrawing international protection in the EU. This directive lays down the minimum standards for the right to seek asylum in the EU, ensuring that asylum seekers are provided with fair and efficient asylum procedures. This encompasses access to counsel, an appeals process, and protections against detention without cause. Nevertheless, inconsistent implementation of these standards among EU member states has raised issues about the uniformity and equitability of asylum processes (Münch, 2018). The Reception Conditions Directive seeks to harmonize minimum standards for the treatment of asylum seekers as they wait for news of a decision on their asylum request. To include things like lodging, cure, foodstuff, and the ideal to function. Even though the directive establishes minimum standards, the reception circumstances experienced by recognized refugees in EU member states differ significantly, and some nations are having a difficult time providing suitable housing, health care, and social services for asylum seekers. This scenario has resulted in overcrowding and poor living conditions in camps and on the move from the external-border countries of the Union. The Qualification Directive lays down the criteria for the recognition of refugees and for people eligible for subsidiary protection and the minimum standards for the protection of such persons once they have been granted refugee status or subsidiary protection status. It lays down the rights of refugees, such as the right to reunite with family, education, healthcare, and the right to work. Notwithstanding these guarantees, the Qualification Directive has not been applied in the same manner, however, and some member states have favored a more generous type/level of protection than others, creating a patchworked system of refugee protection throughout the EU (Rijpma & Cremona, 2007).

POLICY IMPLEMENTATION IN PRACTICE
Asylum Procedures and Frontline States

As such, the real-life application of the EU's asylum policies usually takes place in frontline states, those member states that are most proximally located at the EU's external borders. These countries, including Greece, Italy, Spain, and increasingly Malta, are often the first port of call for asylum seekers and thus the first responsible administrations for examining asylum claims, by virtue of the Dublin Regulation. These nations, frequently inundated with the number of arrivals, take care of the first step in the asylum process: registering asylum-seekers, conducting primary interviews, and deciding whether or not applicants qualify for refugee status. The dependency of the Dublin Regulation—which requires that the first country of entry process asylum claims—has, however, received broad criticism for overload pressure on frontline states that have insufficient capabilities of receiving large asylum seeker masses. This led to flooded detention centers, substandard housing, and delayed asylum requests. EU migration policy has complicated matters further in frontline states by reinforcing the trend towards isolating and protecting borders and enforcing deterrence measures over refugee rights, resulting in tensions between states' obligations under international law and the political realities of migration. The pressures on EU member states, particularly Greece and Italy, to uphold adequate reception conditions have revived demands for more equitable sharing of responsibilities across EU member states. The New Pact on Migration and Asylum from 2020 aimed at correcting these imbalances through a more flexible, solidarity-oriented mechanism that, together with the strengthened external border security, would enable the fast relocation of asylum seekers between EU states. But the deal's implementation has sparked disputes and found some hesitance from EU countries to accept binding mechanisms of solidarity between them (Ambrosini & Van der Leun, 2015).

Overburdening of Southern European States

The so-called burden on southern European states (Greece, Italy, and Spain) had long been a problem in the application of EU asylum policy. As states on the southern borders of the EU, they are, therefore, among the first to welcome waves of refugees and migrants crossing the Mediterranean. As their numbers multiply, particularly in times of crisis, the asylum systems of these countries are frequently unable to cope, and reception facilities and refugee camps become centers of deprivation. This issue became especially dire amid the 2015 Syrian refugee crisis when waves of refugees fled war in Syria, Afghanistan, and other places to seek refuge within the EU. Southern European states were overwhelmed by the sheer numbers of those seeking refuge, often failing to offer the necessary infrastructure and services (let alone legal recourse) to asylum seekers. The EU tends to bear the brunt of such inflows, as it is the first country of entry for so many refugees; this is compounded by the EU's Dublin Regulation, which imposes a participatory inequality that lends better predictability to the inflows but complicates internal EU relations by stressing a screen regarding fair distribution of responsibility. One way to tackle the matters was the 2020 New Pact on Migration and Asylum that aimed to provide a less fragile and more solidarity-based approach to the management of migration across Europe. The pact presented concepts including compulsory contingency schemes, whereby nations can either take on relocated asylum seekers or contribute to alternative forms (e.g., through monetary aid or logistical backing). But some EU states did not want to take on more asylum seekers, so the pact met with stiff resistance. The failure to agree on the relocation and burden-sharing mechanisms has highlighted the difficulty of reconciling individual member state sovereignty with common European solutions to migration (Acosta Arcarazo & Geddes, 2013).

Border Management

The EU framework for managing migration and asylum consists of several key ingredients, one of the most important of which is ensuring effective border management to control migrant and asylum seeker flows while securing EU external borders. The European Border and Coast Guard Agency (Frontex) is at the forefront of organizing border operations, deploying technical and operational support to EU member states, and increasing surveillance over migration routes. Frontex is empowered to support national authorities in preventing illegal immigration and securing external borders while also facilitating search and rescue operations in the Mediterranean.

But Frontex has come under increasing criticism, especially for alleged pushbacks that stop migrants and asylum seekers from entering or going back to EU territory—without due process. International law and the rights of refugees are largely violated in actions of grabbing those who are in the most need of help from the "Frontex" regulations set up by the countries in the EU. Human rights organizations such as Amnesty International or the Organization of Refugees and Exiled in Europe (ECRE) reported that actions of Frontex are of assistance and do not care about avoiding those actions. The ECJ pointed to significantly higher protections for asylum seekers available in EU law, including a ban on collective expulsions and forced returns to places where asylum seekers may face danger. The implementation of high-end surveillance technologies at the borders, like drones, satellite images, and the collection of biometric data, has sparked more questions around ethics and privacy. These technologies are billed as border security enablers, but not everyone agrees that the privacy rights of migrants and asylum seekers should be violated by constant monitoring and data collection without consent. Striking the right balance in its own system of border management and respect for the rights of individuals is difficult but is further complicated by the fact that, as a party to international refugee law, the EU has legal obligations that challenge its policies (Bouteillet-Paquet, 2003).

Emergency Responses and Temporary Protection
While the EU has sometimes acted swiftly and in unison in the face of an emergency migration crisis, other recent events indicate serious lapses in the EU's preparedness for migration emergencies and the need for ad hoc measures to address asylum needs. The Ukraine crisis, especially, has triggered major shifts in EU migration policy as the EU decided to trigger the Temporary Protection Directive (TPD) to offer immediate protection to refugees from Ukraine. The TPD offers temporary protection status to refugees from Ukraine, covering the right to reside, work, and access social services throughout the EU. This reaction has been lauded for its rapidity and efficiency as opposed to the relatively slow and disjointed response of the EU to earlier migration crises, for example, the Syrian refugee crisis of 2015. However, when faced with the Syrian

refugee crisis in 2015, the EU gave a much more fractured and uncoordinated response. Even though unprecedented refugee movement occurred as a result of the war, many EU member states were reluctant to act promptly, while policies such as the Dublin Regulation and the ineffectiveness of relocation measures have left frontline member states like Greece and Italy to hold the burden of the crisis. The EU–Turkey deal (2016), which sought to reduce irregular migration flows to the EU by returning migrants to Turkey, has faced criticism for falling short of responsibility-sharing in support of refugees and for its excessive use of externalization of migration management to third countries. The EU's different responses to the Ukraine and Syrian refugee crises exemplify its fragmented, reactive, and short-term migration management approach (Byrne, Noll, & Vedsted-Hansen, 2017).

Integration Policies
EU integration policies were successful to some extent across countries. Formally, by definition, integration means facilitating refugees and migrants to settle in with education, healthcare, housing, social provisions, and employment in a host country and making individuals participate in political and social life on equal terms. As employees, successful integration schemes prove to be efficiently supportive of migrants' transition to self-reliance. AMIF was set up by the EU to provide member states with funding for the implementation of integration schemes. The principle behind the financing remains the same as, for topicality, funding is provided on the condition of the programs being in place to offer migrants social provisions and engage them in the process of being absorbed as employees. The extent of success varies, though. As for the winning examples, Germany, along with Sweden, integrated its migrants successfully by providing them with language courses, arranging job training schemes, and supervising migrants in the labor market. The less prosperous countries have been experiencing problems, with the predominant one being social exclusion and radicalization. In addition, issue analysis will demonstrate that the policies of acceptance caused a range of troubles, such as the increasing incidence of refugees being forced to live in isolated migrant communities and face hardships, such as racist discrimination or housing and poor

employment. Integrating migrants and refugees into the social and economic life of the host country has been one of the most hot-button issues, nevertheless. Many issues remain intractable from the EU actionist perspective in the world (Carrera et al., 2019).

COMPARATIVE ANALYSIS: CONTRAST BETWEEN EU POLICIES AND INTERNATIONAL BEST PRACTICES

While EU migration and asylum policies are embedded in a specific historical, political, and economic context, they have been criticized on a sliding scale for diverging from so-called best practices of adhering to human rights, solidarity, and appreciating responsibility-sharing. Comparing its approach with better practices in countries like Canada, Germany, and Sweden highlights the EU's shortcomings in the protection of refugees and migrants and the management of migration flows. The absence of these political imperatives has allowed Canada to continue to include humane refugee resettlement practices amongst the most prominent of international best practices. Canada has essentially a universal resettlement scheme, with a strong focus on community sponsorship, where individuals, organizations, and communities help welcome and support refugees. It encourages government-assisted refugee programs as well as private sponsorship programs so that everyone can be involved in protecting refugees. The Canadian method stands in stark relief to the Dublin Regulation of the EU, which has unduly offloaded the migratory burden onto frontline states, with experts scrutinizing it for prolonging the legal limbo, uncertainty, and humanitarian disaster faced by Greece and Italy, among others. Furthermore, the adaptability of Canada, which permits the gathering of families from abroad and rapid insertion of the refugee population into the economy, not only serves the welfare of the refugee population but also the harmony of Canada as a whole (Desmond, 2016).

In contrast, the EU's CEAS has struggled to impose consistent human rights norms across its member states. Although it establishes a harmonized asylum system, its application has been uneven, with some countries raising the threshold for claiming asylum and others raising the level of protection received. The absence of such a clear, functioning framework for relocating asylum seekers across Europe has only

added to the problem—infamously, member states like Hungary and Poland have resisted attempts to promote fair, equitable distribution of arrivals, undermining the principle of solidarity. In Canada, for instance, the opposite is true, with a federal commitment to resettling refugees and maintaining high standards of protection for them throughout the country (Koslowski, 1998).

Case Studies: Approaches of Canada, Germany, Sweden versus Hungary and Poland

While the rhetoric surrounding migration and asylum tends to hark back to more humanitarian standards at the individual level—as in the case of Germany, Sweden, and Canada—it also contains the same anti-immigrant and nationalistic oppositional politics that hang around the eastern bloc of Hungary and Poland, which have steadfastly refused the European Union's collective burden-sharing and adopted ever more restrictive, nationalistic migration policy. Especially after the 2015 refugee crisis, Germany has become a symbol of a migration approach with the goal of being welcoming and humanitarian. Chancellor Angela Merkel's open-door policy enabled more than a million refugees from mainly Syria to come to Germany. The country prioritized an all-encompassing integration system—namely, language classes, job training, and education programs—to help refugees quickly assimilate into the labor market. Germany is leading with a perspective that mirrors its constitution that promotes human rights and of refugee's refuge because of what they experienced in the past and the values they carry. Despite domestic controversy, with far-right movements gaining ground and discussion about the viability of long-term migration of considerable scale, Germany has largely persisted in its commitment to providing asylum and has championed fairer distribution of asylum seekers in the EU. It stands in stark contrast to the EU's patchwork approach, with some states from the bloc refusing to take part in relocation efforts while the Union has rejected binding quotas (Van der Klaauw, 2009).

Another EU country with a very progressive record on asylum and refugee integration is Sweden. Sweden has so far offered asylum to a high percentage of refugees and backed them up with generous measures of integration, which they called

humanitarian leadership. With access to housing, language classes, and jobs, for example. What differentiates Sweden from the more restrictive EU countries in Sweden is the long heritage of non-discrimination and social welfare. The strength of Sweden's asylum system has been continuously undermined, though, by growing resistance towards the immigration levels from the public opinion, creating a complete overhaul of the policy and the political discourse towards restrictionism measures. Still, Sweden is an example of a country that has sought to align migrant integration with economic growth. This, along with the emphasis on family reunification and community sponsorship, forms a model of refugee resettlement with real potential. The private sponsorship program in Canada enables citizens, groups, and organizations to play an active role in the integration of refugees into society. The role of the community in resettling refugees promotes inclusiveness and offers the refugees a safety net. Equally important, Canada maintains a multicultural policy that stresses the importance of remaining true to a refugee's cultural background while living in Canadian society. Unlike the EU, which has a more bureaucratic asylum process that is frequently slow and unpredictable in handling applications. The long-term support programs that Canada offers refugees, like language training and trade training, enable the refugees to more smoothly enter the workforce (Strik, 2018).

By contrast, Hungary and Poland have followed a long-standing policy of restrictive immigration policies and have been adamantly opposed to the EU setting up quotas to redistribute asylum seekers across all member states. The two have consistently rejected EU quotas for migrants under relocation plans, claiming national security and cultural concerns. Viktor Orbán, the prime minister of Hungary, has been especially loud against EU migration policy, arguing that migration jeopardizes Hungary's Christian identity and national sovereignty. Such elements of Hungarian policy have included hard borders, both literal border walls and entry by asylum seekers, for example. Poland, too, has resisted EU pressure to accept asylum seekers and has moved to bolster border enforcement. There is a clear national sovereignty dimension to the country framed from the perspective of cultural identity and national security.

Hungary and Poland cite the dangers of opening their borders to hundreds of thousands of refugees, say it would upset their societies and economies, and threaten their Christian identity. This contrasts sharply with the inclusionary, humanitarian policies demonstrated by Germany, Sweden, and Canada (Bendel, 2011).

CHALLENGES IN IMPLEMENTATION
Fragmented Responsibility-Sharing and Lack of Solidarity Among Member States:
The most important problem facing EU migration policies, however, is the fragmented nature of responsibility-sharing between member states and their resulting lack of solidarity. The EU's Dublin Regulation was designed to simplify the asylum system and prevent asylum seekers from "picking the best country to submit a claim" by conferring responsibility for processing asylum claims to the first country of entry. But this has unfairly loaded the frontline states of Greece, Italy, and Spain, which have taken in the greatest number of asylum seekers, particularly during the height of migration waves. These nations encountered acute fiscal, social, and infrastructural hardships to accommodate the influx of the migrator. The resulting failure of equitable burden-sharing threatens both EU cohesion and whether the system as a whole is to be considered just. The EU CEAS has tried to resolve these issues; however, the policies tend not to provide proper protection to the affected national precedents. Poor solidarity is displayed through the refusal of some countries in Eastern Europe to accept their quota of migrants or to engage in relocation schemes. Countries such as Hungary and Poland have taken a starkly dissenting voice against EU migration policies, in some cases claiming that taking in refugees could threaten "national security," "national culture," and "national society." This deadlock has prevented the establishment of proper relocation systems and an equitable distribution of responsibility within the Union, leaving the response to the migration crisis fragmented, inefficient, and ultimately counterproductive. The lack of shared responsibility reveals the failure of the EU to build a common policy that operates against the two-fold imperative of the moral duty to protect refugees on the one hand and the political coherence of the Union on the other (Lavenex, 1998).

Violations of Human Rights (e.g., Pushbacks, Poor Camp Conditions)

An equally major issue remains the ongoing human rights abuse at the borders of the EU, especially regarding pushbacks and inhumane conditions in camps for migrants. Pushbacks—the illegal practice of sending migrants back to non-EU countries without letting them access asylum procedures—have been reported widely at the EU's external borders, notably in Greece, Croatia, and Hungary. Such actions directly violate international law (the 1951 Refugee Convention prohibiting the return of asylum seekers to the territories of countries where they face persecution (non-refoulement). A new report by several human rights organizations, including Amnesty International and the ECRE, complains that dozens of reports were compiled on pushbacks at the Greek Turkish border, referring to the detention and subsequent illegal transportation of migrants and refugees across the border with no legal grounds and no prior trial. Besides the pushbacks, refugee camps, especially on Greek islands like Lesbos, are still in horrible conditions. The Moria camp, which was burned down in September 2020, had gained worldwide notoriety because of its overcrowding and lack of services and sanitation. Life in one of these camps is often one of the most indescribable horrors these asylum seekers have to endure, with no access to healthcare, limited educational opportunities, and insufficient shelter compounding their suffering. The EU and member states have allocated funds in attempts to improve conditions, but this money has been described as insufficient and has only had marginal success in alleviating the abysmal conditions. The fact that these camps do not even fulfill the most basic needs of refugees and asylum seekers is not only a human rights issue but also does tremendous damage to what the EU hopes to be (or at least projects it wants to be), a humanitarian actor (Lavenex, 2001).

Externalization of Migration Management to Third Countries (e.g., EU-Turkey Statement)

A more contentious pursuit, on the part of the EU, is the externalization of migration management. This approach aims to transfer the burden of migration management to third countries, frequently in return for development assistance, diplomatic privileges, or facilitation of visas. A prominent example of such a strategy is the EU-Turkey Statement of 2016. The deal saw Turkey commit to accepting returning migrants that had managed to cross into Greece, and, in turn, the EU agreed to resettle a limited number of Syrian refugees from Turkey. Although this deal was meant to stem irregular migration and drowning across the Aegean Sea, it has been deeply controversial. To begin with, the deal has resulted in refugees being forcibly expelled to Turkey, a country that has had a poor human rights record when it comes to dealing with migrants, refugees, and asylum seekers themselves. Turkey has faced allegations of detaining migrants in overcrowded, unsanitary camps with conditions far below those in EU member states. Moreover, it is regarded as a violation of non-refoulement obligations under the agreement when migrants are sent away to a country where they will not be safe. Moreover, the externalization of migration management raises questions regarding the enduringness of these arrangements as well as the EU's moral responsibility in maintaining high standards of refugee protection. Critics claim that outsourcing the asylum process to third countries undermines the principle of asylum and pushes the responsibility of the EU to countries with less developed legal and humanitarian protection mechanisms (Guild & Niessen, 2023).

Rise of Populism and Anti-Immigration Sentiment Across the EU

Populism and anti-immigration are becoming a reality across the EU, which influences migration policies and their implementation. Populists have enjoyed surging support in several EU member states in recent years, especially in Eastern Europe, where leaders such as Viktor Orbán and in Italy, where Matteo Salvini has leveraged fears around migration to build support. Populist governments tend to politicize migration as a threat to national identity, economic stability, and public safety while labeling migrants and refugees as a burden instead of people entitled to international protection. The political changes have brought in tighter, nativist immigration policies, including the building of border walls in Hungary and Poland taking a pass on Euro-quotas for migrants. Such measures do not only go against the core idea of solidarity, which is one of the key principles of the EU, but they also deepen the

divisions between the member states. As those concerns seep into a wider politics less friendly to migration, it becomes harder to argue with the analysis of the EU as an active agent of change to its outsized problem (growing anti-immigrant rhetoric has also turned the politics here somewhat more): convincing for wider, sweeping EU migration reforms becomes more unlikely. Finally, this increase in populism has added to social polarization through mainstream parties moving to a more restrictive migration position in an effort to not lose electoral support to populist parties. This trend threatens to further embed xenophobia and racism in EU societies and make it harder to build a migration policy based on human rights and inclusion (Kostakopoulou, 2000).

RECOMMENDATIONS
Fairer Responsibility-Sharing Mechanisms
One is a more equitable system for sharing responsibility among EU member states for asylum seekers. This could mean reforming the Dublin Regulation, which currently puts the burden of processing asylum seekers on frontline states, creating an inequitable system. We need a better and more binding mechanism for relocation, which provides for the economic capacity, the infrastructure, and the population density of each Member State. Meanwhile, EU-wide quotas or a new solidarity mechanism, mixing legally binding and voluntary contributions from EU member states, could make it possible to distribute asylum seekers in line with what those member states can accommodate but also with what those asylum seekers need on a humanitarian level. This has been attempted to be tackled within the New Pact on Migration and Asylum (2020), which tried to put forward a mandatory solidarity mechanism for relocation and assistance, although these proposals have faced political opposition by some member states, halting its progress. Such a sustainable and cohesive EU migration system will only be possible with a more inclusive approach, and this would need to involve all member states, regardless of their size or wealth (Khan & Usman, 2023).

Improved Reception and Living Conditions for Asylum Seekers
In many of the EU's asylum facilities, living conditions remain substandard and, in some cases, positively life-threatening. But in frontline states, such as Greece and Italy, overcrowded camps, poor healthcare, and poor sanitation have become chronic problems. It is important to enhance reception conditions to ensure that the dignity and human rights of asylum seekers are guaranteed. Alongside ensuring safe asylum, it includes housing, legal assistance and help, and delivery of basic needs like medical care, schooling, and psychiatry. The European Asylum Support Office (EASO) and European Commission should provide greater funding and technical assistance for long-term camp development infrastructure and service improvements to exhausted member states. Also, the overall chronic overcrowding must be chipped down, acquiring additional dispersal schemes so that asylum seekers can be moved to smaller but more humane centers with lower density occupation across EU member states (Khan et al., 2022).

Enhanced Monitoring of Human Rights Compliance
Upholding human rights standards in the execution of EU migration management is an indispensable advance. They must be held responsible for all violations of the rights of refugees and asylum seekers, including unlawful pushbacks and abusive detention conditions, or breaches of the principle of non-refoulement. An effective monitoring and accountability mechanism, potentially via the European Court of Human Rights or through a dedicated independent EU body, should be established to investigate and recommend action where human rights violations are alleged. This should be an organ that can sanction states that repeatedly do not comply with human rights standards, thus keeping this issue at the forefront of the protection of refugees from international consequences. At the same time, the EU Fundamental Rights Agency (FRA) should maintain its role in collecting information and recommending members on how to bring their migration policies in line with human rights law (Khan et al., 2021).

Strengthened Integration Efforts, Focusing on Long-Term Inclusion

Successful integration of refugees and migrants into society is the most relevant point of migration policy. Although the EU states have undertaken many promising measures towards integration, few have followed through on adopting long-term inclusion plans. Here, the EU should double its efforts by joining the economic and social integration of refugees. This includes providing language and vocational training, labor market access, and social welfare programs that open up access to housing, health care, and education. Furthermore, the existing tool, Asylum, Migration and Integration Fund (AMIF), can be better utilized to fund integration schemes in EU states. Developing a common EU integration framework would help member states align with best practices while acknowledging national contexts. The responsible authorities need to shift powers and trust to the local levels and design integration policies promoting local community-based approaches of active, voluntary social inclusion of migrants (Usman et al., 2021).

Increased Collaboration Between the EU and International Organizations (e.g., UNHCR, IOM):

The EU must rebuild its relationship with international organizations like the UNHCR and IOM to allow for more streamlined, collective responses to immigration crises. They are essential players for the global protection of refugees, resettlement programs, and the management of migration. Collaboration could be enhanced through a joint strategy to tackle root causes of migration, including, war, poverty, and climate impact with means such as development assistance, peacebuilding, and humanitarian assistance. The EU could use the assistance of the UNHCR in finding and resetting refugees in a way that meets international protection standards. In addition, the IOM can play a crucial role in managing migration and controlling the border, which can strengthen the efforts of the EU in building systems of strong character and managing migration. Based on this, it would also contribute to global and holistic migration governance by integrating EU policies into broader global approaches to protecting vulnerable populations (Khan et al., 2020).

CONCLUSION

- The research on EU migration policies and refugee rights reveals the complexity of managing migration in a way that upholds humanitarian principles while addressing political, economic, and social challenges. The analysis highlighted critical areas such as inequitable responsibility-sharing, human rights violations, and integration hurdles, underscoring the need for reforms that balance the interests of member states with the rights of refugees. To address these issues, the EU must commit to a comprehensive reform of its migration and asylum systems. Key recommendations include implementing fairer responsibility-sharing mechanisms, improving reception and living conditions for asylum seekers, enhancing human rights monitoring, and investing in long-term integration policies. Moreover, enhancing the collaboration with UNHCR and IOM at the EU level could foster the integration between EU migration policies and best practices globally. Work needs telling beyond past relative approaches and designed on development the guilt system as anticipated of various plans such as the New Pact on Migration and Asylum into the future. It may also be worth examining comparative studies of effective migration policies (outside the EU, for example, Canada or Sweden). There is also a need for a deeper investigation into the impact of technology on border management and refugee support services to address how innovations can enhance the protection of rights while improving return efficiency. Finally, the EU migration policy framework needs to consider the increasing role of climate change and environmental destruction as a driver of forced migration throughout the globe. Looking in these directions will help future studies come to terms with the state of migration, as these approaches are crucial to come to grips with the complex nature of migration and, all the while, develop an appropriate policy that is both functional and humane and busts the EU with further solidarity and inclusivity. Such an approach will not just aid refugees and migrants but also make the EU reinforce its tag of global humanitarian leader.

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