

UE ÎN VREMURI DE CRIZĂ DE MIGRANȚI ȘI REFUGIAȚI

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Rezumat

În lucrare sunt prezentate două crize importante - migranți și refugiați - cele care au fost întâmpinate de către UE și statele sale membre, cel puțin începând cu 2014. Acestea sunt diferite, dar ele coexistă și se influențează reciproc. Scopul acestui articol este de a descrie succint situația actuală din Europa a migranților și refugiaților, de a identifica principalele probleme și provocări în acest domeniu, precum și a analiza soluțiile propuse de UE și punerea în aplicare a acestora. O atenție deosebită este acordată agendei europene privind migrația, anunțată de către Comisia Europeană în mai 2015, care ar fi trebuit să abordeze mai complex fenomenul migrației, care încorporează dimensiunile interne și externe ale politicii în acest domeniu.

Cuvinte-cheie: *migranți, refugiați, Agenda europeană privind migrația, fenomen complex al migrației*

THE EUROPEAN UNION IN TIMES OF MIGRANT AND REFUGEE CRISES

Abstract

The paper presents two important crises – migrant and refugee ones – having been experienced by the EU and its member states at least since 2014. They are different in nature but they coexist and affect each other. The aim of the article is to briefly describe the current migrant and refugee situation in Europe, identify the main problems and challenges in this area as well as discuss the solutions proposed at the EU level and their implementation. A particular attention is paid to the European Agenda on Migration announced by the European Commission in May 2015 that was supposed to address the increasingly complex phenomenon of migration in a comprehensive way, incorporating both internal and external dimensions of policy in that field.

Keywords: *migrant, refugee, European Agenda on Migration, complex phenomenon of migration*

1. INTRODUCTION

The last decade was not an easy period for the European Union as the organization had to face several internal and external problems and challenges in different fields, encompassing i.a. economy and finance, policies and institutions, or migration and asylum. The aim of this paper is to briefly analyze and discuss two dimensions of the ongoing crisis in the EU concerning migration- and refugee-related issues.

Although migration to Europe is not a new phenomenon, its scale and pace intensified and increased significantly in recent years. To describe the current migrant and refugee situation in the EU, the term ‘crisis’ is often used in media coverage and public debate, and increasingly also in scientific discourse and academic works [1]. The warning signs of the potential migrant and refugee crisis in Europe appeared at least as early as in 2010/2011 with the outbreak of the Arab Spring and further political and military developments in the region. However, the data provided by the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM), the European Asylum Support Office (EASO) or European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) reveal that the numbers of people moving to European countries began to grow rapidly especially in 2014 on a year-to-year basis. Since then the European Union has been marked by large quantities of migrants arriving mainly from North Africa and the Middle East, and simultaneously faced by an increasing number of people officially applying in the EU Member States for various forms of international protection or simply identifying themselves as refugees and asylum seekers without submitting any applications.

Taking into consideration the events taking place in Europe since 2014 at least two dimensions of the crises can be identified – (im) migration and refugee (asylum) ones. The first one, demographic in nature, manifests itself through an increasing number of people crossing both legally and illegally the EU external borders in a very short period of time, as well as through the consequences of these massive migratory movements for the transit and migrant-receiving countries. The latter refers to the issue of declared and actual legal status of the newcomers, many of which seek international protection,

usually encompassing i.a. refugee status, subsidiary/temporary protection status or authorisation to stay for humanitarian reasons [2].

2. THE SITUATION IN THE FIELD OF MIGRATION AND ASYLUM IN THE EU

It is difficult to show the whole picture when it comes to the scale of the migration and refugee crisis in the EU. The data on the topic is being collected by different bodies which regardless of their mode of cooperation – regular or ad hoc, formal or informal – may use different definitions and data gathering methodologies.

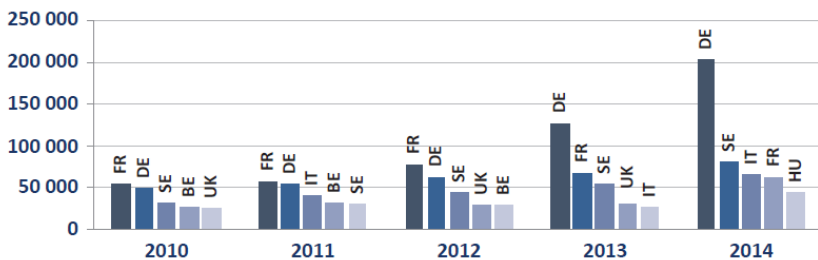
In 2008, the EU took steps to standardize data collected in the field of migration and international protection from the EU members, EFTA members and some other countries. In 2008 Joint Annual International Migration Data Collection was established under the requirements of Regulation (EC) 862/2007 of the European Parliament and of the Council on Community statistics on migration and international protection [3]. Since then it has been administrated by Eurostat in cooperation with the UN Statistical Division, the UN Economic Commission for Europe and the International Labour Office (ILO) [4]. According to the afore-mentioned Regulation (EC) 862/2007 the international protection procedures in Member States can lead to different outcomes that are reported to the Eurostat for statistical and analytical purposes. The asylum application, in other words application for international protection, may be rejected or approved and consequently the applicant may be granted [5]: refugee status (under Geneva Convention 1951), subsidiary protection status, an authorisation to stay for humanitarian reasons under national law concerning international protection or temporary protection status under EU legislation [6]. The type of international protection mentioned last has not yet been used since it was introduced in 2001 by the Council Directive 2001/55/EC of 20 July 2001. In addition, so called humanitarian protection is not harmonized at the EU level and is not reported to the EU by all Member States [7].

According to EASO, in 2014, there were 662 680 third-country nationals applying for international protection in the EU+ countries, i.e. 28 EU Member States, Switzerland and Norway. The number in 2014 was the highest recorded level and the sharpest year-to-year

growth (+43% compared to 2013) since 2008. Asylum applicants recorded were predominantly citizens of Syria, six Western Balkan countries considered together and Eritrea, whereas Germany, Sweden, Italy, France and Hungary were the main countries accepting them. By the end of 2014 there were over 500 thousand people awaiting a decision on their asylum application in the EU+, i.e. 37% more than the previous year. Also in 2014 around 390 thousand first instance decisions were issued, 10% more than in 2013. The overall recognition rate [8] at EU+ level amounted to 47% including 99 440 persons given refugee status, 59 565 persons with subsidiary protection and 22 315 persons with humanitarian protection. The highest recognition rates were noted for Syrians, Eritreans and stateless persons [9].

As Figure 1 shows, between 2010 and 2012, France was the top receiving country of applicants for international protection in the EU+ with Germany on the second position. The situation changed in 2013 when Germany was ranked the first destination country among 30 states of the EU+. The leading position of Germany was established when in 2014 the number of applicants increased from 126 705 in 2013 to 202 645 in 2014. Simultaneously, the gap between the first and the second ranked receiving country more than doubled growing significantly from 60 440 applications in 2013 to 121 465 applications in 2014. Hungary rose to 5th place in the last four months of 2014 due to a large influx of applicants from Kosovo at that time [10].

Figure 1. The top five main destination countries of applicants of international protection (asylum) in the EU+ 2010-2014



Source: EASO, *Annual Report on the Situation of Asylum in the European Union 2014*, Luxembourg, July 2015, p. 16, <https://www.easo.europa.eu/sites/default/files/public/EASO-Annual-Report-2014.pdf> (accessed: 26.05.2016).

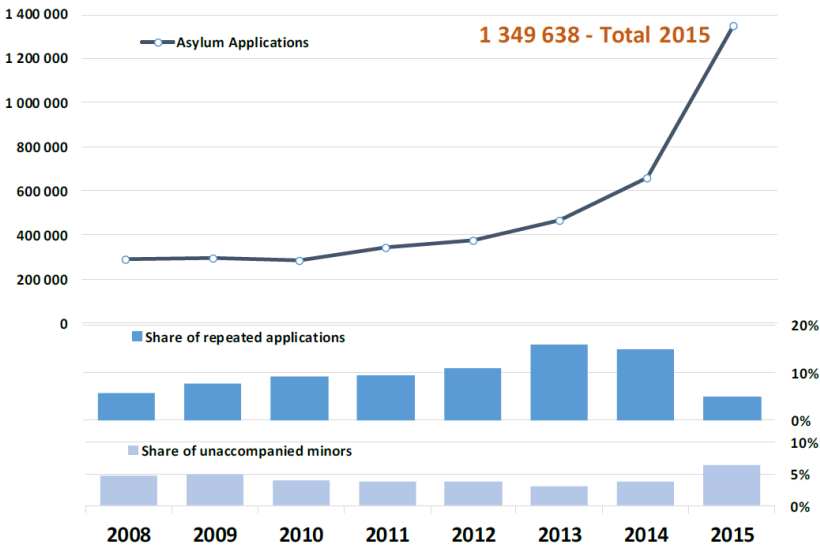
In 2015, the numbers of applications for international protection in the EU+ countries were even higher (Figure 2) [11]. That year 1 349 638 applications were submitted, more than twice that of 2014 and it was once again the largest number of applications since 2008. In the second half of 2015, the number of monthly applications was over 100 thousand and reached 176 430 applications in the month of October alone which is an unprecedented increase. In 2015 the percentage of repeated applicants understood as the proportion of repeated applicants in the total number of applicants for international protection has been decreasing, to drop to 5% as the total for the whole year [12].

Applications from Syrians constituted 27% of all applications; there were also 199 202 applications submitted by citizens of six Western Balkan countries in 2015 (mostly by citizens of Kosovo and Albania), what stood for 15% of the total number of applications and ranked them the second citizenship group. They were followed by Afghans with 190 013 applications (14%) and Iraqis with 125 529 applications (9%). Other nationalities among the top ten applicants in 2015 included Eritreans, Iranians, Nigerians, Pakistanis, Russians and Somalians. In 2015, there was a 3-fold increase in Syrian applicants (369 871) compared to 2014. In September alone, there were almost 63 thousand applicants coming from Syria to the EU+ countries. Germany was becoming increasingly popular (over 40% of the EU+ total) with Hungary and Sweden as main destination countries together amounting to 30% of all Syrian applicants. In Hungary, almost all applicants later left the country and reapplied in other EU Member States [13].

In 2015, 603 014 decisions at first instance were made in the EU+ countries [14], which meant a 63% increase compared to 2014, a highest number since the start of data collection by Eurostat in 2008. All the while, 49% of all decisions in first instance in the EU+ were positive, a 6 percentage-point increase compared to 2014. This can be attributed to higher occurrence of cases with high recognition, mostly concerning Syrians and Iraqis. Most decisions at first instance were granted to Syrians and in 2015, EU+ countries more than doubled the number of decisions on Syrian applications for a total of 166 746. 97% of these were positive with 81% given refugee status and 16% subsidiary protection. Albanian cases came second with 42 636 decisions issued, over three times the numbers from 2014. For Alba-

nians in turn 98% of all first instance decisions were negative. Also 98% of decisions were negative for 36 757 cases concerning citizens of Kosovo in 2015. There was a 69% increase in decisions concerning Eritrean cases 90% of which were positive. The number of decisions issued doubled for Iraqi nationals and the recognition rate increased from 69% in 2014 to 83% in 2015. For other the top ten at EU+ level citizenships compared to 2014 the biggest increase was noted for Nigerian applicants (+64%) followed by Pakistani applicants (+16%). For applicants from Serbia the number of first instance decisions remained stable and it slightly decreased for Afghans (-10%) and Russians (-4%) [15].

Figure 2. Number of applications for international protection in the EU+ 2008-2015



Source: EASO, *Latest asylum trends – 2015 overview*, 2016, <https://www.easo.europa.eu/sites/default/files/public/LatestAsylumTrends20151.pdf> (accessed: 26.05.2016).

This overview of the main statistical findings on international protection in the EU discussed together with Switzerland and Norway can be complemented with data provided by Frontex, which focuses on the monitoring and analysing of the scale of illegal immigration at the external

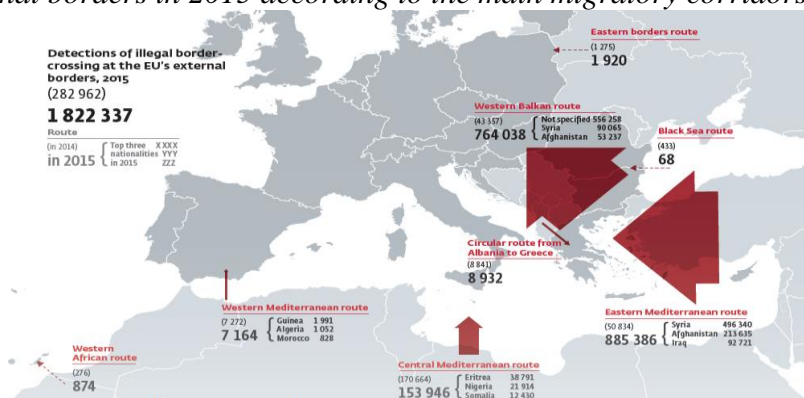
borders of the EU and associated countries belonging to the Schengen zone. According to the Frontex report on *Annual Risk Analysis for 2016*, there were more than 1.82 million detections of illegal border-crossing between border crossing points (BCPs) along the EU external borders in 2015, a 6-fold increase when compared with 2014 (282 962). There were 701.6 thousand detections of persons staying illegally on the EU territory compared to 425 thousand in the previous year. Although the number of return decisions for third-country nationals (issued by authorities other than border-control authorities) was 286.7 thousand in 2015, the number of effective returns (usually implemented by border-control authorities) was much lower that year before, amounting to 175.2 thousand. Numbers on returns were in general close to those recorded in 2014. Given the increasing migratory pressure and a massive number of regular passengers of several millions per year, refusals of entry numbers at BCPs, as defined in the Schengen Borders Code, remained rather constant at a low level: 114 887 in 2014 and 118 495 in 2015 [16].

Similarly to the previous year, in 2015 among eight main migratory routes to Europe regularly monitored by Frontex, only three were of key importance due to the highest number of arrivals (Figure 3). Although, during the whole 2015, especially in the summer, not only there was an increase in inflows but also there was a change in the routes used by asylum seekers. The most detections of illegal border crossing between BCPs were recorded for the Eastern Mediterranean route (885 386) and most of them corresponded to the arrivals on the Greek islands of the Aegean Sea. The second migration path was the Western Balkan route (764 038) with most cases detected mainly on Hungary's and Croatia's borders with Serbia. In both cases it meant an over 16-fold increase compared to 2014. The third migratory corridor with the number of 153 946 was the Central Mediterranean route, which registered a drop by 16.7 thousand, largely due to the fact that the majority of Syrians chose the shorter Eastern Mediterranean route to Europe. If we look at the Eastern Mediterranean route in 2015 the top three arriving nationalities were Syrians (496.3 thousand), Afghans (213.6 thousand) and Iraqis (92.7 thousand). In case of the Western Balkan route citizenship of 556.3 thousand people were not specified, the second group were Syrians (90.1 thousand) and the third one Afghans (53.2 thousand). Finally, Eritre-

ans (38.8 thousand) were the top nationally of illegal migrants traveling to the EU by the Central Mediterranean route detected between BCPs, followed by Nigerians (21.9 thousand) and Somalians (12.4 thousand). In this context the so called Eastern borders route to the EU through Poland was of little significance with the number of detections of 1.9 thousand in 2015 and 1.3 thousand one year prior. In total, in 2015 the highest number of people crossing the border illegally originated in Syria and Afghanistan. They predominantly arrived from Turkey to Greece. One should treat this number with caution as there was a large number of people falsely stating their nationality during the screening process. To avoid being sent back to Turkey many claimed to be citizens of Syria or Afghanistan. To correctly establish the identity and origin of many migrants who lack proper documents is one of the key challenges of border control [17].

Frontex's data on the number of people crossing the Mediterranean Sea to reach Europe are underestimated as many cases of the entry into the EU territory were not detected and not recorded. Moreover, many migrants lost their life or went missing. According to the UNHCR there were 3.5 thousand persons dead or missing in 2014 and 3.8 thousand in 2015 in comparison to 600 in 2013. From 1 January until 26 May 2016 there were at least 1 380 people reported dead or missing [18].

Figure 3. Detections of illegal border-crossing at the EU's external borders in 2015 according to the main migratory corridors



Source: FRONTEX, *Annual Risk Analysis for 2016*, March 2016, p. 16, http://frontex.europa.eu/assets/Publications/Risk_Analysis/Annula_Risk_Analysis_2016.pdf (accessed: 26.05.2016).

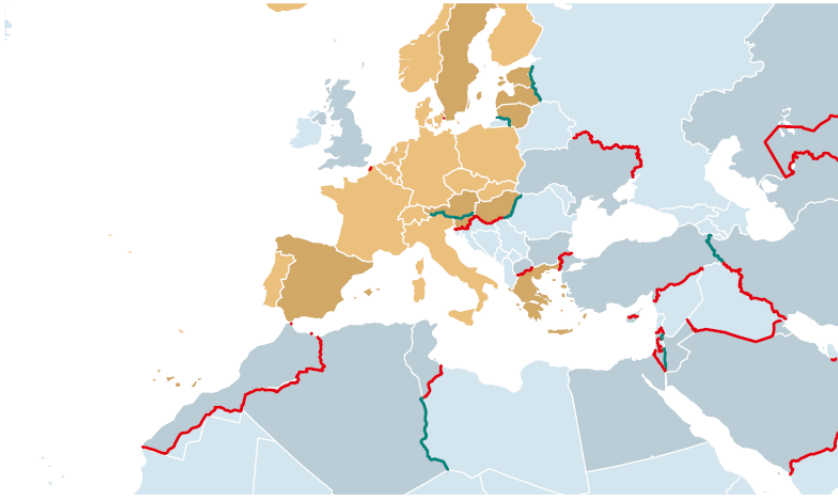
The increasing migratory pressure in 2015 on the Western Balkan route contributed to the situation in which some European countries started or at least decided to construct physical barriers at the borders (Figure 4). This was the case, most significantly, with Hungary which started to construct a fence on its border with Serbia, completed in mid-September 2015. The wall was effective in decreasing detections and regulating the flow of migrants at BCPs. Therefore, the largest flow of migrants quickly moved to the Serbian border with Croatia, for over 6.4 thousand migrants daily between the middle of September and the close of October. The migrants entering Croatia were subsequently transported by trains into the proximity of the border with Hungary. In turn in mid-October, Hungary extended its fence to the land border with Croatia, pushing the flow of migrants to Slovenia. Kosovo, as the single Western Balkan country without a visa liberalisation agreement signed, is the main regional source of illegal migrants with the number of detections at Hungarian-Serbian borders growing in August 2014, peaking in February 2015 and finally dropping afterwards, due to the introduction of international countermeasures which ensured that their numbers remain very low [19].

Throughout 2015 and 2016 some Schengen members [20] reintroduced temporarily border control at the internal borders pursuant to the articles 23–31 of the Schengen Borders Code [21]. According to article 23 a country within the Schengen area may exceptionally reinstate border control for a limited period in case of “a serious threat to public policy or internal security” with possibility of its prolongation. There are two separate procedures in force to be implemented, one for foreseeable events like sport championships or political summits, and another one for cases requiring immediate action such as a terrorist attack [22].

Since temporary internal border controls were reintroduced for the first time in September 2015 at all German borders due to a large influx of people seeking international protection, with special focus granted to the land border with Austria, other countries have referred to the same reason and have taken similar steps. These were Austria, Slovenia, Hungary, Sweden, Norway, Denmark and Belgium [23].

Figure 4. Boundary walls and fences in the Mediterranean and Europe as of January 2016

Borders with fenced sections: — completed or under construction — planned



Source: E. Vallet, J. Guillarmou, Z. Barry, Raoul-Dandurand Chair, University of Quebec in Montreal, *More neighbours make more fences*, *The Economist*, 07.01.2016, <http://www.economist.com/blogs/graphicdetail/2016/01/daily-chart-5> (accessed: 26.05.2016).

Due to the intensifying migratory movements to the EU territory since 2014 and a growing number of Member States affected by the scale and pace of these developments and their consequences, the Union started to look for the solutions in the framework of its common migration and asylum policy. At that time, the EU was not prepared for such events, and there was no crisis management plan to be promptly implemented. Already in April 2014 Jean-Claude Juncker drew attention to the importance of migration issues in the EU context, and a few months later, when he became the European Commission President, developing a new migration policy was indicated as one of the ten priorities of the new Political Guidelines [24]. Therefore, in early March 2015 work started on the *European Agenda on Migration* (EAM), and the European Commission announced it in mid-May 2015 [25]. EAM covered an immediate action plan to solve the difficulties in the Mediterranean, as well as medium- and long-term measures. The key actions and priorities proposed in the agenda are presented in Table 1.

Table 1. Key actions and priorities proposed in the European Agenda on Migration in 2015

I. Immediate action	II. Four pillars to manage migration better			
	1. Reducing the incentives for irregular migration	2. Border management – saving lives and securing external borders	3. Europe's duty to protect: a strong common asylum policy	4. A new policy on legal migration
<ul style="list-style-type: none"> • A funding package to triple the allocation for Triton and Poseidon in 2015–2016 and to finance an EU-wide resettlement scheme. • Immediate support to a possible CSDP (Common Security and Defence Policy) mission on smuggling migrants. • A legislative proposal to activate the emergency scheme under Article 78(3) TFEU by the end of May, on the basis of the special distribution key proposed in Agenda • A proposal for a permanent common EU system for relocation for emergency situations by the end of 2015. • A Recommendation for an EU resettlement scheme by the end of May followed if required by a proposal for more permanent approach beyond 2016. • EUR 30 million for Regional Development and Protection Programs. • Pilot multi-purpose centre established in Niger by the end of 2015. 	<ul style="list-style-type: none"> • Addressing the root causes through development cooperation and humanitarian assistance. • Making migration a core issue for EU delegations. • An action plan on smuggling in May 2015. • Stronger action so that third countries fulfil their obligations to readmit their nationals. • Adoption of a Return Handbook and monitoring of the implementation of the Return Directive. • Reinforcement and amendment of the FRONTEX legal basis to strengthen its role on return. 	<ul style="list-style-type: none"> • Strengthening FRONTEX's role and capacity. • Union Standard for border management. • Strengthening EU coordination of coast guard functions. • A revised proposal on Smart Borders. • Strengthening the capacity of third countries to manage their borders. 	<ul style="list-style-type: none"> • Establishing a new monitoring and evaluation system for the Common European Asylum System and guidance to improve standards on reception conditions and asylum procedures • Guidelines to fight against abuses of the asylum system. • Strengthening Safe Country of Origin provisions of the Asylum Procedure Directive to support the swift processing of asylum applicants from countries designated as safe • Measures to promote systematic identification and fingerprinting. • More biometric identifiers passed through EURODAC. • Evaluation and possible revision of the Dublin Regulation in 2016. 	<ul style="list-style-type: none"> • Modernization and overhaul of the Blue Card scheme. • A platform for dialogue with social partners on economic migration. • Stronger action to link migration and development policy. • Re-prioritizing funding for integration policies • Cheaper, faster and safer remittance transfers.

Source: The European Union and International Migration in the Early 21st Century: Facing the Migrant and Refugee Crisis in Europe, in: E. Latoszek, M. Proczek, A. Kłos, M. Pachocka, E. Osuch-Rak (eds.), Facing the Challenges in the European Union. Re-thinking EU Education and Research for Smart and Inclusive Growth (EuInteg), Polish European Community Studies Association–Elipsa, Warsaw 2015, p. 547 based on: European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – ‘A European Agenda on Migration’, 13.05.2015, COM(2015) 240 final, http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agendamigration/background-24_information/docs/communication_on_the_european_agenda_on_migration_en.pdf (accessed: 26.05.2016).

In its communication on 10 February 2016 the European Commission stated that the progress in the implementation of the priority actions under the *European Agenda on Migration* so far has been too slow, some strategic commitments have not yet been met and some others have been marginalized by different Member States. And all this despite the fact that the Commission proposed the tools to manage the significant number of arrivals and has continuously worked to coordinate European response to migrant and refugee crisis, including: the tripled EU presence at sea, a new system of emergency solidarity aiming at relocation of asylum seekers from the most affected states, an exceptional mobilisation of the EU budget of over 10 billion euros to face the refugee crisis and provide assistance to the countries most affected, a new operational framework for the states of Western Balkans, a new partnership with Turkey, or a new European Border and Coast Guard [26].

3. CONCLUSIONS

The ongoing migration and refugee crisis is not limited to the EU Member States. In fact, non-EU states are also affected, e.g. Macedonia and Turkey are involved as transit countries, while Norway and Switzerland serve as an important refugee-accepting destinations. For the EU it is crucial to solve the crisis situation already found in the EU, and then, to prevent the deepening of the crisis and to halt the influx of newcomers to its territory, having in mind the interests of the Member States, the integrity of the EU, the overall political climate in Europe and the respect for the international law in the area of human rights and refugees.

In addition, this crisis highlighted some weaknesses of the EU, including the limited effectiveness of the common policy in the area of migration and asylum, the lack of solidarity and mutual trust between Member States, the deepening divisions in Europe and the strengthening of some sub-groups in the EU such as the Visegrad Group. Simultaneously, the crisis contributed to the intensive work on the reform of the EU migration and asylum policy and the discussion on the political future of the EU, which is even more important in the light of the positive result of the referendum in the UK on Brexit.

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6. According to art 1. par. 1 (n) of *Regulation (EC) 862/2007* ‘temporary protection’ means temporary protection as defined in article 2(a) of Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof.
7. EASO, *Annual Report...*, p. 22–23.
8. Recognition rate is understood as the number of positive decisions on applications for international protection as a proportion of the total number of decisions.
9. EASO, *Annual Report...*, p. 7.
10. Ibidem, p. 16.
11. This number is based on monthly data of Early Warning and Preparedness System (EPS) provided by 30 EU+ states for January-August, 29 for September, 28 for October-November and by 27 countries for De-

- cember 2015. It is passed to EASO by the Group for the Provision of Statistics of the European Union Member States plus Norway and Switzerland (EU+) and therefore is an unvalidated estimate of the overall trend. As such, it may differ from future Eurostat data.
12. EASO, *Latest asylum trends – 2015 overview*, 2016, <https://www.easo.europa.eu/sites/default/files/public/LatestAsylumTrends20151.pdf> (accessed: 26.05.2016).
 13. Ibidem.
 14. These figures are limited to first instance decisions on granting EU-regulated international protection such as refugee status and subsidiary protection. Recognition rate at first instance is the ratio between the number of positive first instance decisions issued (i.e. refugee status and subsidiary protection) and the number of all first instance decisions taken (positive decisions and rejections) in the reference period under review. Persons not granted international protection may be granted other types of national protection in some EU+ countries.
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 17. Ibidem, 16–17.
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 20. In the first quarter of 2016 the Schengen area consisted of 26 countries, including 22 EU members and four associated countries applying the Schengen regime – Norway, Iceland, Switzerland and Liechtenstein. Six EU states did not participate in the Schengen area, i.e. the United Kingdom, Ireland, Cyprus, Croatia, Bulgaria and Romania.
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