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Fortification of Borders as a Response to Migration Crises: the Case of the European Union

Politics will, to the end of history,
be an arena where conscience and power meet [...]

Reinhold Niebuhr (1949, p. 4)

Migration flows can be, and often are, initiated or manipulated to destabilize, exert pressure on, and ultimately compel neighboring states to make concessions (Greenhill, 2010, p. 13). This form of instrumentalization of migration involves the use of migrants – most often by state actors – as tools for achieving political, economic, or social objectives. The practice became particularly evident in 2011, when the refugee and later migration crisis intensified, posing major challenges to EU member states. As Fiona Adamson and Gerasimos Tsourapas argue, migration and migratory flows have become a strategic resource that states use to advance their foreign policy interests (Adamson, Tsourapas, 2019, p. 116). The instrumentalization of migration can also take another form: migration may be employed as a non-military means of confrontation – hence the term *weaponization of migration* – and is considered a component of what is commonly described as hybrid warfare.

Consequently, states confronted with a mass influx of immigrants – engineered or directed by neighboring countries for specific purposes – tend to perceive migrants solely as a security threat. The securitization of migration thus functions to legitimize restrictive immigration policies and to reinforce state control (Bourbeau, 2011). As Jef Huysmans argues, framing migration in terms of security is generally meant to justify the use of exceptional measures that would otherwise be unacceptable under normal circumstances (Ibidem).

One such measure is the so-called fortification of borders. Following the end of the Cold War, state representatives proclaimed their commitment to fostering international cooperation founded on mutual trust and respect for sovereign rights, with the aim of strengthening global peace and security. It also appeared that, in light of advancing globalization, the vision of a world without borders – or at least without border controls at the regional level – stood a real chance of being realized. However, conflicting interests and divergent perspectives on how best to address international challenges soon came to the fore.

The purpose of this article is to examine and evaluate the measures taken by the member states of the European Union that view the mass influx of foreigners as a threat to their borders, territories, and populations. The analysis aims to demonstrate that contemporary international relations are characterized by a return to the classical understanding of borders, their functions, and, consequently, security – conceived primarily as the protection of state territories. This reflects a narrowing of the concepts of human security and the responsibility to protect, now largely confined to safeguarding a state’s own citizens. Although the jointly developed notions of human security and the responsibility to protect are morally binding on all members of the international community, the current situation exemplifies what Hans J. Morgenthau referred to as the “destruction of international morality,” highlighting a “certain relativism in the relation between moral principles and foreign policy” (Morgenthau, Thompson, 1985, pp. 264, 275).

In the prevailing approach, border security is no longer understood as an issue within the framework of international human rights law. Rather, it is framed as a matter of national interest, centered on combating irregular migration and reaffirming each state’s sovereign right to control migration flows.

For the purpose of this study, a model of border fortification has been developed to capture the European Union’s approach to migration management. This model comprises three key elements: the first is the physical construction or reinforcement of border barriers; the second involves the EU’s legislative activity; and the third refers to the mechanism of remote border control – essentially, the externalization of borders into the territories of third countries.

Given the interdisciplinary nature of the inquiry, the analysis draws on methods characteristic of the social sciences, with particular emphasis on those applied in political science, public policy and administration, international relations, and legal studies (namely, legal analysis, decision-making analysis and comparative methods).

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In 1539, at the University of Salamanca, Francisco de Vitoria delivered his renowned lecture *De Indis*, in which he defended the principle of freedom of movement.[2] He argued that all nations deem the mistreatment of “foreigners” and travelers without just cause to be inhumane, while recognizing hospitality toward such persons as both humane and obligatory (Vitoria de, 1991, p. 278). The principle of hospitality toward foreigners, however, is subject to limitation when a visitor commits “some wrongdoing” while in another country.

In de Vitoria’s view, freedom of movement was a qualified right, inseparably linked to the duty of foreigners to respect the laws and customs of the state they visit. As for states themselves, de Vitoria emphasized their obligation to admit foreigners, asserting that it is unlawful to prohibit entry or residence to those who have committed no crime.

[2] As Vincent Chetail emphasizes, *ius communicationis* in Francisco de Vitoria’s interpretation also encompasses the freedom of navigation, the freedom of trade, and even the right to acquire citizenship based on the principle of *ius soli* (Chetail, 2017, p. 905).

De Vitoria’s reflections were later expanded by Hugo Grotius, who argued for the right to leave one’s own country and to reside temporarily in another “if the recovery of health, or any other just cause should render such residence necessary” (Grotius, 2001, p. 84). The only exception to this right, he maintained, arises in times of war. With regard to those seeking asylum, Grotius – himself a refugee – held that they should be granted the right of permanent residence in a foreign country. Foreigners, in turn, are bound by the obligation to obey the sovereign of the territory in which they reside (ibid., p. 77).

Today, such an interpretation is no longer sustainable. The understanding of freedom of movement advanced by Francisco de Vitoria and Hugo Grotius was abandoned with the conclusion of the Peace of Westphalia. The Westphalian settlement “established the modern system of international relations on the basis of sovereign states […] The idea of sovereignty took root […] providing ideological justification for control over a defined territory” (Gałganek, 2008, pp. 23–25). As a result, freedom of movement came to be understood as comprising two distinct rights: the individual’s right to leave their own country[3] and the sovereign state’s right to decide whether to admit foreigners.

As Samuel Pufendorf observed, “it seems very gross and absurd, to allow other an indefinite or unlimited Right of travelling and living amongst us, without reflecting either on their Number, or on the Design of their coming […]” (Pufendorf, 1749, p. 245). Likewise, Emer de Vattel emphasized that a sovereign state may, if it deems it appropriate or necessary, prohibit foreigners from entering its territory. In such cases, everyone is obliged to comply with the prohibition, and anyone who violates it is subject to punishment (Vattel de, 2008, Book II, §94). A sovereign state also determines the conditions of entry to its territory, while foreigners are subject to its laws and must adhere to the rules of public order (see Vattel de, 2008, §§100–101). “From a sense of gratitude for the protection granted to him, and the other advantages he enjoys, the foreigner ought not to content himself with barely respecting the laws of the country; he ought to assist it upon occasion, and contribute to its defence, as far as is consistent with his duty as citizen of another state” (Vattel de, 2008, §105).

As early as the sixteenth century, German states introduced restrictions on freedom of movement, prohibiting the issuance of travel documents to “beggars, gypsies, and vagrants” (Torpey, 2000, p. 18). In tsarist Russia during the seventeenth and eighteenth centuries, young men were required to obtain official permission to travel within the country, a measure justified by the state’s aim to strengthen national defense. Such practices fell within the sphere of internal authority, enabling those in power to define clearly who was subject to their control. The French Revolution brought freedom of movement into the broader framework of personal liberties. Although the nature and scope of this right continued to be debated in subsequent years, the nineteenth century remained a period of considerable freedom of movement. “The period from 1850 to 1930 has been described as the most intensive period of migration in history, with over 50 million Chinese, another 50 million Europeans and around 30 million Indians leaving for new lands” (McAdam, 2011, p. 14). Nevertheless, even then, states began to

[3] For example, Emer de Vattel emphasized the right of every state to prevent the emigration of valuable individuals.

develop policies for monitoring and registering foreigners, designed to distinguish between desirable and undesirable immigrants (Mavroudi, Nagel, 2016, pp. 154–155).[4]

The outbreak of the First World War marked the beginning of the end for an unrestricted right to cross state borders. A clear sign of this shift was the introduction of passport policies (in the modern sense) by the warring states. In 1914, the United Kingdom, France, Italy, and Germany introduced the requirement to hold a passport when crossing international borders. Two years later, this requirement was adopted by neutral states including Switzerland, Denmark and Spain. Although passports were initially treated as a temporary wartime measure, by the end of the war the passport requirement had become virtually universal.

After the war, efforts were made to restore the pre-war freedom of movement. By means of the creation of the League of Nations, member states committed themselves to “secure and maintain freedom of communications and of transit and equitable treatment for the commerce of all Members of the League” (Covenant..., 1920, Art. 23.e). Within the organization, a Provisional Committee on Communications and Transit was established. On its initiative, an international passport conference was convened in October 1920. The purpose of the meeting was to discuss the possibility of lifting travel restrictions that “constitute an obstacle to the return to normal trade relations and to the economic development of the world” (*Resolution*, 1925, Preamble). Although the abolition of passport and visa requirements, as well as border controls, was advocated, taking into account the concerns of states seeking to protect their sovereign rights and ensure security, it was acknowledged that the complete removal of travel restrictions was not feasible. Consequently, measures were developed to regulate the right of entry into a state’s territory, the right of residence, the right of departure, and border procedures.

There is no doubt that a state, within the scope of its sovereign authority, has the right to determine the general conditions governing the entry of third-country nationals and stateless persons into its territory, as well as the general rules and duration of their stay. It also retains the right to deny entry to any foreigner. At any time, and in accordance with domestic law, a state may remove from its territory a third-country national or a stateless person. These principles constitute the foundation of a state’s migration and visa policies, whose objectives reflect national interests while accounting for political, social, and economic factors.

Contemporary migration crises have become a major factor driving the implementation of three types of measures aimed at fortifying borders. The first involves the literal, physical reinforcement of border crossings, border strips, and border-adjacent areas through the construction of barbed-wire barriers, fences, and walls. This is accompanied by the so-called *smartification of borders* – a process that Kuster and Tsianos describe as the *digitalization of borders* (Kuster, Tsianos, 2016, pp. 45–63) – a phenomenon in which borders can no longer be understood solely in geographic terms but are increasingly constituted through systems of surveillance, monitoring, and control integrated into digital networks.

The second category of measures concerns legislative activity – specifically, the adoption of restrictive regulations that often contravene states’ international legal ob-

[4] A case in point were the immigration policies adopted in the late 19th century by Australia, Canada, and the United States, which were constructed according to the “whites only” principle.

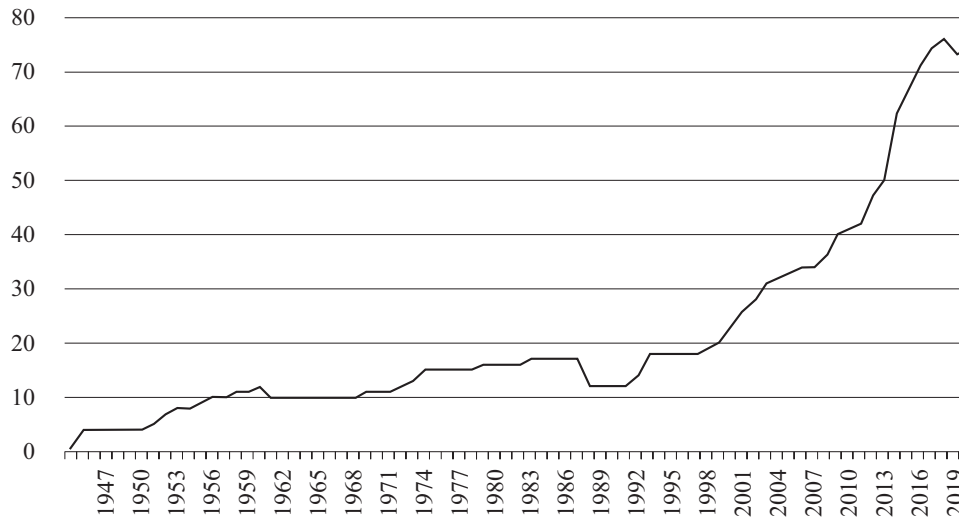
ligations toward migrants, or more precisely, toward individuals in need of and entitled to international protection. Such restrictive practices include the declaration of states of emergency, which permit the temporary suspension of existing protective frameworks, and the introduction of limitations based on countries of origin or transit (the “safe country” concept). The notion of *lawfare* – the use of law as a weapon – was first introduced by Charles J. Dunlap Jr., who defined it as “a method of warfare where law is used as a means of realizing a military objective” (Dunlap, 2001, p. 4). Sascha-Dominik Bachmann and Andrés B. Muñoz Mosquera later expanded on this idea, describing *lawfare* as the use or misuse of law as a tool within hybrid warfare, intended to achieve strategic or political aims (Bachmann, Muñoz, 2016, p. 74). It thus functions as a method of asymmetric conflict employed in hybrid operations and influence campaigns.

The third manifestation of border fortification is the use of so-called remote border control. States are extending border control far beyond their own territories and borderlines. Such control is exercised within third countries – typically transit states, but also countries of origin. The externalization of borders, or their so-called shifting, particularly affects individuals seeking protection, often violating the rights guaranteed to them under international law and, as a result, reducing the scope of such protection.

Strengthening border crossings

At the end of the Second World War, only seven border lines were fortified. Since then, sixty-seven new border walls have been constructed, fourteen of them since 2012 – all officially justified as efforts to prevent irregular migration.

Figure 1. Number of border walls worldwide



Source: Vallet, David, 2012; Vallet, 2022.

This was also the case for the member states of the European Union (see Figure 1). Although as early as 1993 and 1996 the Spanish authorities had decided to build fences around Ceuta and Melilla, EU countries began fortifying their borders only after the intensification of migratory pressure in 2011. The migration crisis reshaped the perception of the idea that had originally underpinned the Schengen Agreements. Member states stressed the need to preserve the Schengen regime in order to “stem the current inflow and restore the proper functioning of the asylum process” (*Europe migrant crisis*, 2015).

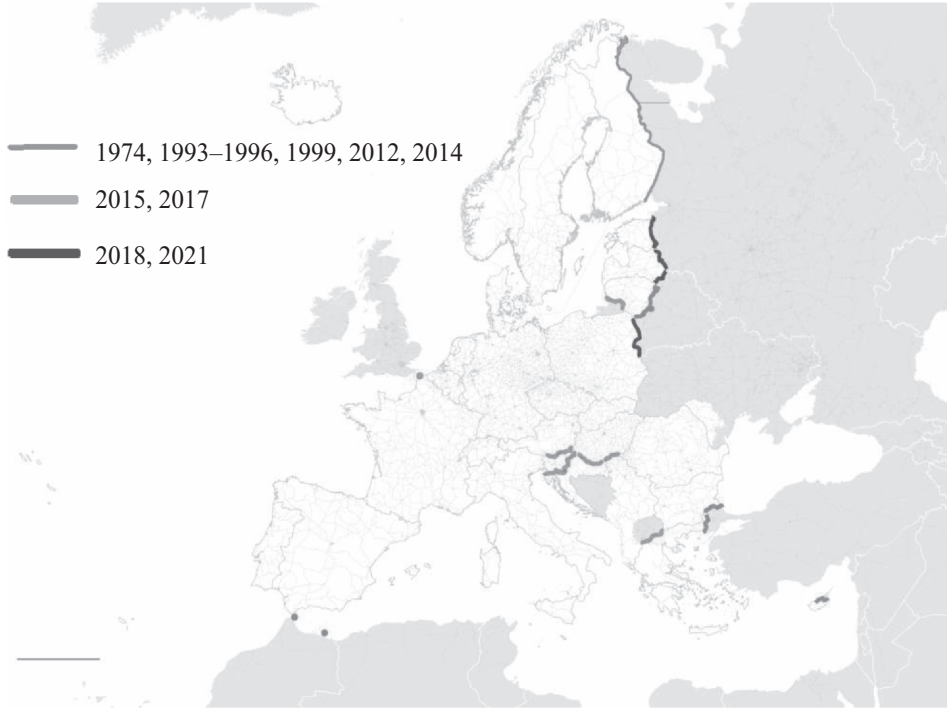
In mid-September 2015, national decisions were made to reinstate border controls and temporarily suspend the Schengen rules. Austria was the first to act, followed by Germany, both citing the necessity of restoring border checks to disrupt criminal networks involved in human smuggling into the European Union. These measures were also intended to curb the inflow of third-country nationals not in need of international protection and to enable proper registration procedures. Consequently, on 9 March 2016, a regulation of the European Parliament and of the Council introducing a new version of the Schengen Borders Code was adopted. According to its provisions, in the event of a serious threat to public order or internal security, a country may reintroduce border controls “exceptionally […] at all or specific parts of its internal borders for a limited period of up to 30 days or for the foreseeable duration of the serious threat if its duration exceeds 30 days” (*Regulation 2016/399*, 2016, Art. 25.1). The European Border and Coast Guard, established by a decision of 14 September 2016, was to assist in detecting and combating cross-border crime, including smuggling and trafficking in human beings (see *Regulation 2016/1624*, 2016). However, there was still no consensus on the construction of physical barriers – walls and fences – along EU borders, and such decisions continued to be taken individually.

As early as 1999, Lithuania had begun building a fence along its border with Belarus. By 2022, 45 kilometers of barriers had been completed, later extended to over 500 kilometers between 2017 and 2018. In 2012, Greece began fortifying its border with Turkey. In June 2015, Hungarian Foreign Minister Péter Szijjártó announced plans to construct a 175-kilometer fence on the border with Serbia. At the end of 2021, Poland decided to build a 186-kilometer barrier on the Polish-Belarusian border, and in 2022 Finland launched construction of a fence on its border with Russia.

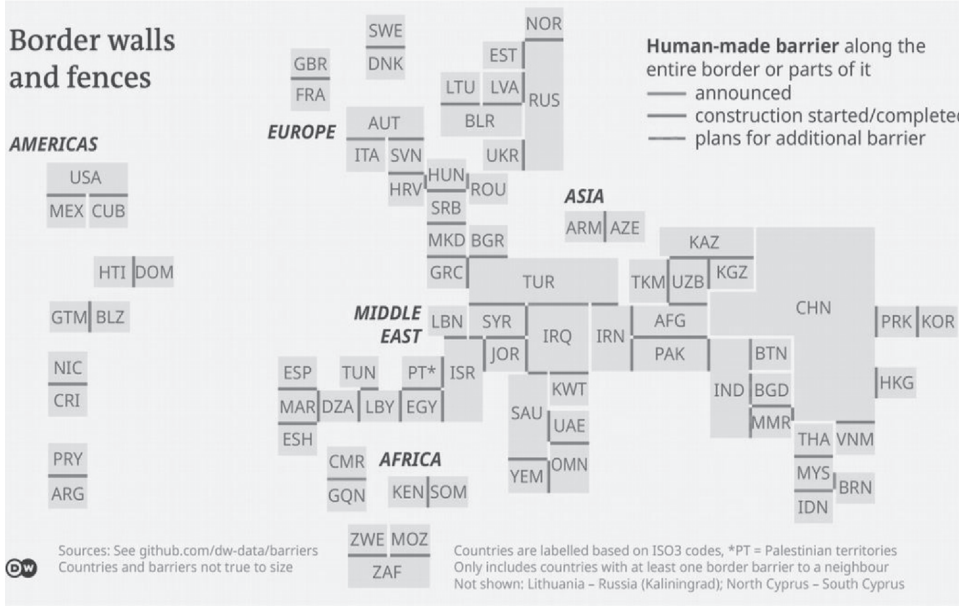
The vision of a borderless Europe ultimately collapsed when the idea of fortifying borders extended to internal EU frontiers. Between 2015 and 2021, France and the United Kingdom erected a 65-kilometer fence near the entrance to the Channel Tunnel in Calais. Between 2015 and 2016, Austria built a fence on its border with Slovenia, and in 2016 a short, 250-meter section on the border with Italy. At the time, Vice-Chancellor Hans-Christian Strache questioned the very notion of migration rights, declaring: “Migration is not and cannot be a human right […] We decide who comes into Austria and no one else […] It cannot be that someone acquires a right to migrate because of climate or poverty” (*Austria...*, 2018).

As a result, as of September 2024, physical border barriers across the European Union extend for a total length of 2,048 kilometers.

Map 1. Border barriers in the European Union member states



Source: Martin, Ayuso, Clemente, 2023.



Source: Gruen Gianna-Carina, 2021.

Physical border barriers are accompanied by the smartification of borders – the development of systems for monitoring, control, and surveillance. These include not only watchtowers equipped with fixed and rotating cameras and thermal imaging devices (for example, along the Polish-Belarusian border there are 2,300 camera masts and 5,500 day–night and thermal cameras), but also the use of drones and increasingly advanced methods of biometric surveillance. This involves not only iris scanning or fingerprint collection but also so-called virtual “thought readers,” such as the iBorderCtrl system tested by Greece, Lithuania, and Hungary.[5]

Legislative activity

The amendments to national migration laws initiated by EU member states in 2015 inevitably led to a broader debate on the need to reform the European Union’s migration and asylum policy and, consequently, its legislative framework.

Hungary was the first member state to decide to deny protection to individuals arriving from so-called safe countries.[6] As a result, all migrants entering Hungary from Serbian territory – regardless of their country of origin – were excluded from the right to apply for refugee status or other forms of protection. In an effort to address the escalating migration crisis, on 3 September 2015 the Hungarian Parliament adopted an amendment to the Asylum Act, which came into force on 15 September. Under this amendment, crossing the state border without authorization (i.e. at an unapproved point or against an official refusal by a border guard) became a criminal offense punishable by up to three years of imprisonment. Furthermore, only individuals granted refugee status under a simplified procedure were allowed to enter Hungary, while all others were deported to Serbia. This simplified procedure, lasting no longer than twelve days, took place at designated reception points located along the border.

In the following years, other member states followed Hungary, tightening migration regulations (the Czech Republic, Slovakia, Poland) and – as stated above – point-

[5] The iBorderCtrl system, or Intelligent Portable Border Control System, was implemented under Agreement No. 700626 concluded by the European Research Executive Agency (REA). The project – funded with €4.5 million and submitted under the Horizon program in the thematic area *Secure societies: Protecting freedom and security of Europe and its citizens* – aimed to test new technologies in controlled border management scenarios to enhance border management efficiency, streamline the control of cross-border movement, and improve the detection of illegal activities. The iBorderCtrl system, powered by artificial intelligence, asked passengers questions and scanned their facial microexpressions in order to detect deception.

[6] The concept of safe countries originates from the London Resolutions adopted by the member states at the turn of November and December 1993. According to these arrangements, the European Commission annually submits to the Council of Justice and Home Affairs (composed of ministers of the interior and ministers of justice) a list of third countries to be treated as safe states for approval. In making their decisions, member states rely on strict criteria, assessing whether a given country is democratic, respects human rights, is a party to the 1951 Refugee Convention, and observes the principle of *non-refoulement*, which prohibits the expulsion or return of refugees to territories where they may face danger. For more detail (see Potyrała, 2005, pp. 148–150). In line with the European Council conclusions of 20 July 2015, work was initiated to strengthen the concept of safe countries. As a result, in September 2015 the European Commission presented a proposal for a regulation establishing a common list of safe countries of origin.

ing to the need to suspend the Schengen regime and restore border controls (Italy, France, Germany).

On EU level, the most important legislative changes were initiated in May 2016, when the European Commission presented its proposal to reform the Common European Asylum System. On the one hand, it was about sharing responsibility for managing migration and refugee crises equally. On the other, it was about tightening up the European asylum system and European migration mechanisms. The contradictions between the positions were not resolved until 2023. At that time, the Pact on Migration and Asylum was agreed, entering into force in June 2024. The key element is sharing responsibility for migration flows, combined with the introduction of stricter rules in case of unauthorized movement within EU and with special return border procedure.

Remote border control / Shifting borders

In the classical Westphalian understanding, a border is a fixed, static barrier that defines the spatial extent of state authority. The purpose of a border line, in this sense, is to separate state territories and, consequently, the sovereign powers of neighboring states.[7] The twenty-first century, however, illustrates a profound shift in how borders and their functions are perceived. The contemporary role of borders increasingly involves the spatial displacement of actual and potential risks – pushing them as far as possible away from a state’s own territory. This specific “shifting” of state borders is carried out in several ways.

The oldest historical form of such practice was the readmission agreement, which allows for the return of a third-country national to a state that is not their country of nationality or permanent residence but through which they passed *en route* to their destination. The application of readmission requires either a bilateral agreement or the ad hoc consent of the third country, since no state can be compelled to admit to its territory a person who is not its national.

In the case of the European Union, as early as 1995 the European Commission was tasked with seeking the inclusion of readmission clauses in association agreements, and in 1996 in cooperation agreements with third countries. Association or cooperation with the EU was presented as an incentive – an offer of potential benefits – for third countries willing to accept such clauses.[8] These so-called “enabling clauses” did not define the procedures for transfer; rather, they provided a legal basis for individual member states to negotiate specific readmission agreements, since migration policy at that time still fell within the exclusive competence of the member states.

In association agreements, the clauses stated that the third country “undertakes to conclude readmission agreements with those Member States of the European Union that so request,” applying only to nationals of the country concerned (*Draft conclusions*, 1995, pt. 1). In cooperation agreements, the clauses went further, stipulating that

[7] Borders may also separate state territory from international areas (*res communis*) or from territory belonging to no one (*res nullius*) (see Oppenheim, 1905, p. 253).

[8] Such benefits include, for instance, visa facilitation, the lifting of visa requirements, or development assistance.

the third country “agrees to conclude bilateral agreements with those Member States that so request, regulating readmission obligations, including the obligation to readmit nationals of other countries and stateless persons,” thereby extending to individuals who were not nationals of the contracting third country (*Council conclusions*, 1996, p. 3). These were individuals who had entered EU territory from the state with which the readmission agreement had been concluded. Even at that time, readmission was treated as an instrument for preventing and controlling irregular migration.

Following the entry into force of the Amsterdam Treaty, the European Commission intensified efforts to persuade third countries to conclude readmission agreements with the European Union (while maintaining the right of member states to negotiate their own bilateral agreements). To streamline the process, the Commission adopted a unified approach by preparing standardized draft agreements as the basis for negotiations. The model framework included obligations to readmit a country’s own nationals as well as third-country nationals who had transited through its territory *en route* to the EU, along with provisions specifying response deadlines to readmission requests, the assumption of responsibility for the person concerned, and the allocation of procedural costs. Standard clauses also provided for the establishment of a Joint Readmission Committee.

As of 25 September 2025, the EU has readmission agreements in force with eighteen third countries (see Table 1).

Table 1

European Union readmission agreements with third countries

Contracting state	Date of signature	Date of entry into force
Hong Kong, SAR of the People’s Republic of China	27 November 2002	1 March 2004
Macao, SAR of the People’s Republic of China	13 October 2003	1 June 2004
Sri Lanka	4 June 2004	1 May 2005
Albania	14 April 2005	1 May 2005
Russian Federation	14 April 2005	1 June 2007
Bosnia and Herzegovina	18 September 2007	1 January 2008
Former Yugoslav Republic of Macedonia / North Macedonia	18 September 2007	1 January 2008
Montenegro	18 September 2007	1 January 2008
Moldova	10 October 2007	1 January 2008
Serbia	18 September 2007	1 January 2008
Ukraine	18 June 2007	1 January 2008
Pakistan	26 October 2009	1 December 2010
Georgia	22 November 2010	1 March 2011
Armenia	19 April 2013	1 January 2014
Azerbaijan	28 February 2014	1 September 2014
Turkey	16 December 2013	October 2014
Cape Verde	18 April 2013	December 2014
Belarus	8 January 2020	1 July 2020

Source: author’s own compilation based on the texts of readmission agreements published in the *Official Journal of the European Union*.

In 2016, the European Union negotiated readmission agreements with six additional countries: Afghanistan, Bangladesh, Ethiopia, the Gambia, Guinea, and Côte d’Ivoire. Six more agreements remain under negotiation – with Algeria (since November

2002), the People’s Republic of China (since November 2002), Jordan (since 2016), Morocco (since September 2000), Nigeria, and Tunisia (since October 2016).

All binding EU readmission agreements – implemented on the basis of bilateral arrangements between a member state and a given third country – provide for the acceptance of responsibility for third-country nationals or stateless persons “subject to proof or presumption”[9] that, at the time of their entry into the EU, they held a valid visa or residence permit issued by the contracting third country, or that they entered the EU illegally and directly from the territory of that country (with the exception of air transit through an international airport in that country).

Formally, all readmission agreements are grounded in the principle of reciprocity. This means that EU member states are also required to readmit third-country nationals or stateless persons if, at the time of their entry into a third country party to the agreement, they held a valid visa or residence permit issued by an EU member state, or if they entered the third country illegally and directly from EU territory. However, given the prevailing political, economic, and social conditions, such instances are rare. In practice, therefore, readmission agreements primarily impose obligations on third countries.

This approach was confirmed by the agreement concluded with Turkey. The *Agreement on the Readmission of Persons Residing without Authorization* was signed between Turkey and the European Union in 2014. It was a standard arrangement containing provisions similar to those found in the EU’s other readmission agreements with third countries.

The escalation of the migration crisis in 2015 – particularly along the so-called Eastern Mediterranean route, through which more than 885,000 people entered the EU illegally from Turkish territory – led to negotiations for a new framework under which Turkey would assume responsibility for third-country nationals migrating through its territory. On 29 November 2015, a joint statement was issued reaffirming the shared commitment to deepening solidarity and addressing “risks and threats” in order to overcome them (*EU–Turkey Leaders’ Summit...*, 2015, pt. 1). For Turkey, this commitment entailed taking responsibility for third-country nationals readmitted from the European Union.

In line with the principle of *non-refoulement* – which prohibits the expulsion of individuals to countries where their life or health may be endangered – the agreed action plan provided for Turkish authorities to grant temporary protection to Syrian nationals. As of 4 February 2019, 3.64 million Syrians in Turkey were benefiting from temporary protection, as they were not eligible for refugee status under the 1951 Convention (*Syria Regional*, 2019). Migrants not requiring protection were to be returned by Turkey to their countries of origin, while Turkey also undertook to prevent the creation of new maritime and land migration routes through its territory.

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[9] Some of the agreements include formulations such as “if it has been established (proven)” or “if there is reasonable presumption (may be reasonably presumed).” See, for instance, the agreements with the Hong Kong Special Administrative Region of the People’s Republic of China, the Macao Special Administrative Region of the People’s Republic of China, Georgia, and Azerbaijan (see *Agreement...*, 2004a: Art. 3.1; *Agreement...*, 2004b: Art. 3.1; *Agreement...*, 2011: Art. 3.1; *Agreement...*, 2014a: Art. 4.1). The 2007 agreement with the Russian Federation uses the phrase “if evidence can be provided,” while the 2014 agreement with Turkey refers to a “determination” based on evidence or *prima facie* evidence (see *Agreement...*, 2007: Art. 3.1; *Agreement...*, 2014b: Art. 4.1).

In return, EU member states pledged to provide “immediate and continuous humanitarian assistance” and to increase financial support to €6 billion. They also committed to lifting visa requirements for Turkish citizens by the end of June 2016, subject to Turkey’s fulfillment of specific conditions.[10]

On 18 March 2016, final arrangements were agreed regarding Turkey’s assumption of responsibility for migrants crossing into the European Union from its territory. It was decided that, as of 20 March 2016, all new irregular migrants (those entering the EU illegally from Turkey and not qualifying for asylum procedures) would be returned to Turkey (*EU-Turkey Statement*, 2016, pt. 1). Where the person returned was a Syrian national, the European Union – on behalf of its member states – undertook to resettle another Syrian in need of international protection residing in Turkey, giving priority to individuals who had not previously entered or attempted to enter the EU illegally (Ibid., pt. 2). In practice, this established a one-for-one exchange system for Syrians – and Syrians only.

In 2018, the European Commission outlined a second approach to remote border control, proposing the establishment of so-called *regional disembarkation platforms*. According to the Commission’s proposal, these platforms would be created in cooperation with third countries and would serve as reception points for migrants rescued at sea – either in international waters or in the territorial waters of EU member states – during search and rescue operations. Officially, the initiative was presented as a way to fulfill international legal obligations concerning the protection of the lives and safety of migrants. In practice, however, its primary purpose was to avoid admitting such individuals onto EU territory.

These platforms were to be established only in third countries recognized as safe and adhering to the principle of *non-refoulement*. Preliminary screening procedures conducted in the third country would result either in the return of the migrant to their country of origin or – in cases where grounds for protection existed – in their resettlement within the European Union. Importantly, the functioning of the disembarkation platforms was to be supervised by the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM), whose involvement would ensure compliance with migrants’ rights.

The financing of the platforms would be the responsibility of the European Union, which would also provide assistance in establishing safe living conditions, as well as logistical support, equipment, and staff training. The *control centers*, in turn, were intended to accommodate foreigners – both those rescued at sea and those already present within the EU – for the duration of the screening process (up to 72 hours), after which they would either be referred to an asylum procedure or subject to deportation.

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The intensification of migration crises has reignited the debate over the relationship between, on the one hand, the obligation to protect individuals fleeing their countries

[10] These conditions were defined as early as 2013 in the so-called roadmap, which specified 72 requirements that Turkey had to meet in order for the visa regime to be lifted. By the time the March 2016 agreement was concluded, Turkey had fulfilled 35 of these requirements (see *Second report...*, 2016).

due to a well-founded fear of persecution (as set out in the 1951 *Convention Relating to the Status of Refugees* and its 1967 *Protocol*), along with the duty to safeguard migrants from violations of their fundamental rights (as guaranteed by the *International Covenant on Civil and Political Rights*, the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*),[11] and relevant *International Labour Organization* conventions[12] and, on the other hand, the sovereign right of states to regulate and manage migration. This debate – fueled by the increasing fortification of borders – shows no sign of subsiding.

Proponents of border fortification emphasize the threats that large-scale, irregular migration poses to the European Union, its member states, and their societies. They advocate both the physical and legal reinforcement of border systems, viewing fortification as an essential and effective response to the dangers of terrorism and transnational crime. The paramount value and national interest of every state, they argue, is its own security – something that, as Hans Morgenthau observed, cannot be sacrificed even in the name of international obligations.[13] Given that the European Union is now surrounded by a belt of instability and finds itself within a ‘ring of fire,’[14] proponents contend that decisive measures to guarantee security are both justified and necessary.

Opponents, in turn, point out – not only the potential and actual human rights violations – but also the high costs, ineffectiveness, and lack of nuance inherent in such measures. Walls and fences are viewed as outdated tools of border control that violate international refugee obligations and prevent an individualized approach to migration. Migrants, in turn, adapt by shifting smuggling routes and seeking alternative pathways into third countries. As Klaus Dodds, author of *Border Wars: The Conflicts of Tomorrow*, aptly observes, “They generate grievance and anger among migrants and give local communities false hope.” More importantly, fortified borders carry little practical value and remain largely symbolic.

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[11] The 1990 Convention provides guarantees for the respect of fundamental rights, including the right to life, liberty, and security, as well as safeguards protecting migrants from torture and from cruel, inhuman, or degrading treatment or punishment.

[12] In particular, Conventions No. 97 of 1949 and No. 143 of 1975.

[13] “Must a nation subordinate its security, its happiness, nay, its very existence to the respect for treaty obligation, to the sentiment of gratitude, to the ties of friendship with kindred states?” (see Morgenthau, 1950, 844).

[14] An expression used by *The Economist*. See: Charlemagne: *Europe’s ring of fire* (2014).

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Summary

The purpose of this article is to examine and evaluate the measures taken by the member states of the European Union towards migration crises. It has been proved that the mass influx of foreigners is treated as a threat to their borders, territories, and populations. It has been demonstrated that contemporary international relations are characterized by a return to the classical understanding of borders, their functions, and, consequently, security – conceived primarily as the protection of state territories and citizens. Combating irregular migration is framed as a matter of national interest, and reaffirmation of each state’s sovereign right to control migration flows. For the purpose of this study, a model of border fortification has been developed, comprised of three key elements: the first is the physical construction or reinforcement of border barriers; the second involves the EU’s legislative activity; and the third refers to the mechanism of remote border control – essentially, the externalization of borders into the territories of third countries. Given the interdisciplinary nature of the inquiry, the analysis draws on methods characteristic of the social sciences, with particular emphasis on those applied in political science, public policy and administration, international relations, and legal studies.

Key words: European Union, migration, migration crises, borders, border fortification

Murowanie granic jako odpowiedź na kryzysy migracyjne. Casus Unii Europejskiej

Streszczenie

Celem artykułu jest ukazanie i ocena działań podejmowanych przez państwa członkowskie Unii Europejskiej względem kryzysów migracyjnych. W toku rozważań udowodniono, że masowy napływ cudzoziemców postrzegany jest w UE jako zagrożenie granic, terytoriów i ludności. Wykazano, że współczesne stosunki międzynarodowe charakteryzuje powrót do klasycznego postrzegania granic, ich funkcji, a tym samym bezpieczeństwa jako dążenia do ochrony terytoriów państwowych oraz jedynie własnych obywateli. Walkę z imigracją nieregularną postrzega się jako interes narodowy oraz potwierdzenie suwerennego prawa każdego państwa do kontrolowania przepływów migracyjnych. Dla potrzeb analiz stworzony został model murowania granic, składający się z trzech elementów. Pierwszy to fizyczne stawianie lub wzmacnianie linii granicznych. Element drugi to aktywność prawodawcza UE, zaś trzeci to mechanizm zdalnej kontroli granicznej, tj. swoiste przesuwanie granic w głąb terytoriów państw trzecich. Z uwagi na interdyscyplinarny charakter rozważań, analizy poprowadzono w oparciu o metody charakterystyczne dla nauk społecznych, ze szczególnym uwzględnieniem metod stosowanych w naukach o polityce i administracji, nauce o stosunkach międzynarodowych oraz w naukach prawnych.

Słowa kluczowe: Unia Europejska, migracje, kryzysy migracyjne, granice, murowanie granic

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