

## INTERNATIONAL LAW

### Exploring the complexity of the migration phenomenon within the European Union\*

Iuliana Anane<sup>1</sup>

#### Abstract

*The movement of people from one place to another due to either social, political, demographic, economic or environmental factors represents a real challenge for the member states of the European Union, eager to have secure external borders and an accurate number and territorial distribution of the population. The phenomenon of migration has known intense periods throughout the history of mankind, but on the European level the most resounding was the refugee crisis of 2015, two decades after the establishment of the European Union through the entry into force of the Maastricht Treaty. This exodus was followed by the peak on the Gaussian curve represented by the flow of emigrants caused by the invasion of Ukraine in early 2022, Europe's largest refugee crisis since World War II to date. The European Union and the member states were thus put in a position to deal with the management of the phenomenon and the migration flows, to create strong institutions, efficient instruments and clear procedures, along with specific rules. But in addition to external migration, internal migration is equally significant, which is based on multiple pressure and attraction factors, both of which affect the social structure of a state. Thus, the approach and understanding of the phenomenon of migration, the determination of the causes and reasons behind leaving the native places and the identification of the economic and social implications produced are essential elements for a more efficient management of migration in the future by European actors.*

**Keywords:** migration, uprooting, refugees, European Union, war, asylum, Europeanization, globalization

**JEL Classification:** [K-37]

#### 1. Introductory considerations

The mass movement from one territory to another, although it is not new, is current and brings with it new dimensions, perspectives and challenges, difficult

---

\* This paper has been presented at the 10th Annual International Conference on Law and Administrative Justice from an Interdisciplinary Perspective, 24rd-26th November 2023, Bucharest, Romania.

<sup>1</sup> PhD student in Administrative Science, National School of Political Studies and Public Administration, Bucharest (Romania), iulia.anane@yahoo.com.

to manage for the actors of the community space. This dispersion of the population has been encountered in various antagonistic forms over time, respectively: temporary - permanent, internal - external, rural - urban, voluntary - forced.

In what follows, we propose a broad historical and analytical approach to the phenomenon of migration from the establishment of the European Union to the present, emphasizing, in particular, the most important events found on the temporal axis of humanity.

On the one hand, we will pay attention to the reasons underlying migration, which are complex and multiple, the most predominant being of a political, economic, demographic, social, environmental or security nature. Thus, today's migration takes place in several important forms, such as: labor migration, migration of family members of previously emigrant workers, migration forced by natural calamities, political or religious persecution, wars, etc.<sup>2</sup>

On the other hand, we will not omit the ways and policies of the integration of immigrants in the host community states, but also the effects of the migration phenomenon on the native population, among which are the cultural, linguistic and racial changes, which are increasingly visible in contemporary society.

The social costs of the migration phenomenon, the influence on family relationships and the connection between parents' migration and children's deviant behavior, future emotionally and behaviorally unbalanced adults, should not be neglected.

At the same time, we want to address the connection between migration and terrorism, since the amplification of the migration phenomenon has made many people associate terrorist attacks with massive illegal migration, a fact that has led states to take a series of measures in an attempt to stop this phenomenon<sup>3</sup>. That is precisely why it is necessary, equally, to deal with the effects of migration on society and the consequences of migration on the security of nations, but also of the citizens in question.

Individual or group movement is a favorable factor for the path to globalization, which involves an expansion of social, political, economic and cultural activities in the context of crossing borders, so that events, decisions and activities in one region of the world have meaning for individuals and communities in distant parts of the globe<sup>4</sup>. Thus, it is necessary to understand the relationship between globalization and Europeanization and the implications of migration as an active factor of the two processes.

---

<sup>2</sup> Petronela Daniela, Feraru, *Religion and migration in contemporary Romania: case study – Romanians from Italy*, Lumen, Iasi, 2016, p. 170.

<sup>3</sup> Daniela Simona, Orza, *Preventing and combating terrorism*, Publishing House C.H. Beck, Bucharest, 2023, p. 73.

<sup>4</sup> Victor, Moraru, "Migration in the context of globalization". *Journal of Philosophy, Sociology and Political Sciences*, 2018, no. 1(176), pp. 20-30.

Last but not least, we will focus on confirming or dismantling some myths regarding the granting of European citizenship to migrants, respectively on the mechanism through which millions of non-EU citizens exceptionally enter the European Union, thus avoiding the conditions, legal norms and the process of granting citizenship.

## **2. The evolution of the migration phenomenon in the community space**

With the creation of the European community<sup>5</sup>, the hindrance of borders was eradicated and implicitly the mobility of individuals and groups of people became much more intense and diverse. The possibility of a better life, an integral part of the European attractiveness, prompted most to resort to cross-border mobility. At the same time, many non-EU immigrants and asylum seekers are attracted by what the European home can offer, whose institutions focus on the creation and development of policies, mechanisms and instruments specific to the phenomenon of migration and the process of immigrant integration. This normative conglomerate is made in correlation with the respect of human rights, a goal pursued by the United Nations (UN), a fact due to the global character of the issue.

The conflicts in the Arab states, such as Syria, Afghanistan and Iraq, which unfortunately have a repetitive characteristic and consequences that have the most impact on the civilian population, have developed a large number of refugees. Thus, it is necessary to mention the Syrian refugee crisis of 2015 when more than four million Syrians fled war and persecution. Such circumstances led to an increasing number of refugees to neighboring countries and to Europe, even if a large number remained in the affected regions.

Although the vast majority of Syrian refugees have high expectations of life in Europe and the protection of human rights and dignity by EU governments, some question the decision to migrate due to the risks of travel, family disunity, separation from the place of birth, but also cultural, social and linguistic differences.

However, the number of immigrants in European society is constantly increasing, especially against the backdrop of armed conflicts in recent years, the most impactful being the war in Ukraine, followed by the one in the Gaza Strip.

Since the start of Russia's military aggression in Ukraine in February 2022, Europe has received the largest number of refugees since the Second World War to date<sup>6</sup>. Thus, shortly after the Russian invasion, the European Union showed empathy and solidarity by offering direct humanitarian aid, border support

<sup>5</sup> Political and economic union of 27 member states located mainly on the territory of Europe.

<sup>6</sup> [https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/promoting-our-european-way-life/statistics-migration-europe\\_ro#refugia%C8%9Bi-%C3%AEen-europa](https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/promoting-our-european-way-life/statistics-migration-europe_ro#refugia%C8%9Bi-%C3%AEen-europa), accessed on November 16, 2023.

and civil protection to those fleeing the war and seeking European protection. (see fig. 1)



Fig. 1. The situation of refugees from Ukraine in Europe

Source: [https://home-affairs.ec.europa.eu/policies/migration-and-asylum/migration-management/migration-management-welcoming-refugees-ukraine\\_en?prefLang=ro](https://home-affairs.ec.europa.eu/policies/migration-and-asylum/migration-management/migration-management-welcoming-refugees-ukraine_en?prefLang=ro)

This armed conflict created the circumstance for the European Union to activate, for the first time, the Temporary Protection Directive which establishes the legal norms regarding the management of the mass arrival of refugees.

From another perspective, with regard to the war in Ukraine, this may be the implementation of a policy of forced integration into the community space, meaning that in mid-2022<sup>7</sup> the European Council granted the former Soviet republic the status of a candidate country for the European Union. But also a policy of expansion and neighborhood of the European Union towards the Western Balkans, respectively Ukraine and Moldova, meaning that the community developed a policy to support the phased integration of the states of the former Yugoslavia.

Another tragedy that impacted the migration wave in the community space, as I mentioned before, is represented by the conflict between Israel and the Islamist terrorist group Hamas that arose in October 2023, a continuation of an old Israeli-Palestinian war. The attacks on the civilian population, including people of other nationalities, the obstacles imposed in the evacuation of holders of foreign passports, the lack of a humanitarian truce, determined the organization of an emergency summit of the leaders of the European Union. Due to fears that the war between Israel and Hamas could fuel tensions between different communities in Europe and bring more refugees to the continent, the heads of state had to agree on a common position on the complex situation in Israel. Thus, the head of the European Council, Charles Michel, emphasized that

<sup>7</sup> <https://www.consilium.europa.eu/ro/policies/enlargement/ukraine/>, accessed on November 16, 2023.

"there is a significant risk of migration and movement of masses of people to neighboring countries, which already host a large number of refugees, which creates the risk of new waves of migration for Europe"<sup>8</sup>. Unfortunately, only a few of the diplomatic efforts to allow foreign nationals to leave the area and to bring aid into the besieged Palestinian territory have come to fruition.

There are pessimistic scenarios regarding the end of the war in Ukraine, which is turning out to be a long-term war, but also on the conflict in Gaza, which tends to expand to Lebanon, which will lead to new waves of migration.

If, as a rule, war focuses only on a certain territory or on a certain population, in the case of an epidemic, borders have no value anymore, if the phenomenon is not kept under control. Thus, the COVID-19 pandemic should not be omitted, which has affected migration and human mobility in the European region for three years, as countries have restricted international, cross-border and internal movements to minimize the spread and impact of the pandemic<sup>9</sup>. The European Union had to take actions to limit the socioeconomic impact of the pandemic and support the recovery of the member states. Naturally, migration intensified after the pandemic, putting pressure on the reception and integration capacities of Member States<sup>10</sup>.

However, it should be noted that despite the scale and severity of the migration phenomenon, the majority of the global population lives in their place of origin.

### 3. The dimensions and implications of migration at the European level

According to the International Organization for Migration, the analyzed concept is defined as "the movement of a person or a group of persons, either by crossing an international border or within a state". Thus, the main types of migration can be identified, namely vertical and horizontal movement. At the base of the migration phenomenon are various reasons and various factors, which play a significant role in the decision regarding mobility, be it internal or external. The search for more favorable economic opportunities, better living conditions, social and political stability, safety, respect for human rights and dignity are only some of the considerations that are taken into account in the act of migrating.

Both the movements of people within a state or region, as well as those that cross national borders, present certain elements of specificity. On the one hand, horizontal migration aims at moving to other areas of the country in order to access

---

<sup>8</sup> <https://adevarul.ro/stiri-externe/europa/ue-va-convoca-un-summit-de-urgenta-asupra-2308242.html>, accessed on November 16, 2023.

<sup>9</sup> Prof. Univ. Dr. Irina, Moroianu Zlătescu, Foreword in *Immigration and the integration of immigrants* by Dr. Alexandra Bucur-Ioan, University Publishing House, Bucharest, 2021, p. 16.

<sup>10</sup> The European Commission, *Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions*, Brussels, 20.6.2023 COM (2023) 336 final, p. 2.

better-paid jobs, moving to regions with a more favorable climate, with better developed infrastructure, quality public services and can contribute to the redistribution of the population between state borders for the development of specific geographical areas. On the other hand, vertical migration refers to the spatial mobility of people and labor force, which includes two categories of people, respectively: emigrants and immigrants. The latter are both people who leave their country of origin and obtain the right to settle permanently in the host country, as well as asylum seekers, refugees, repatriates or people with dual citizenship<sup>11</sup>.

It is necessary to differentiate between "refugee" and "migrant", two terms so often encountered in recent years, but still not fully understood, with serious implications in case of confusion for the safety of those seeking support. The United Nations High Commissioner for Refugees (UNHCR) defines this special category of people as citizens who cross national borders to flee armed conflict or persecution. The principle of non-refoulement, one of the fundamental principles of international law, states that refugees should not be deported or returned in situations where their life and freedom are threatened. To this end, UNHCR and other organizations work closely with governments, providing advice and support where necessary to fulfill their responsibilities under international, regional and national laws and practices. UNHCR also argues instead that migrants are those people who choose to leave not because of the direct threat of repression or death, but primarily to improve their lives by finding a job abroad, for educational reasons, family reunification or for other reasons. Unlike refugees, who cannot return home safely, migrants face no obstacles in returning to their country of origin, continuing to benefit from government protection.

For governments, this distinction is important, as states deal with migrants in accordance with their own immigration laws and procedures, and deal with refugees through refugee protection rules and asylum procedures set out in national and international law.

In the context of the importance of clarifying the difference between the two terms mentioned before, the phenomenon of illegal migration finds its place, namely "the crossing of citizens through the territory of the party state, the entry, transit on/through the territory of the party states, third countries and persons without citizenship, in violation of the legislation of the respective state"<sup>12</sup>. Within this complex phenomenon, there is also the illegal trafficking of migrants, the subject of international and European norms, which establish the instruments for

---

<sup>11</sup> Adrian, Coroi, *Contemporary European migration and asylum policy - Migration*, "Alexandru Ioan Cuza" Police Academy, Bucharest, 2019, p. 3.

<sup>12</sup> Victor, Frumusachi, "The phenomenon of illegal migration: notion and forms of manifestation", University of European Political and Economic Studies "Constantin Stere", *National Law Review*, no. 2 (248), 2022, Chisinau, Republic of Moldova, pp. 71-83, p. 80.

sanctioning the activities of people who illegally introduce migrants, carried out on the territory and outside the European Union. As the Union transposes into European law the sanctions agreed by the UN, the United Nations Protocol to Combat Illegal Trafficking of Migrants by Land, Air and Sea must be recalled, which requires states to criminalize migrant smuggling and other activities that support the illegal introduction of migrants.

It must be emphasized that there is an important distinction between migrant trafficking and human trafficking, also known as the most extensive forms of cross-border organized crime. The concept of "trafficking in persons" is often confused with "trafficking in migrants", although the two expressions are fundamentally different from the perspective of some defining elements, such as: lack of consent, exploitation of victims, fluctuation of transnational character and source of profit. Thus, not infrequently, those who carry behind them the desire for mobility for family, work, asylum, educational reasons, but also for other thoroughly justified reasons, which are the very basis of issuing a residence permit, become victims of human trafficking. However, whether it is human trafficking or migrant trafficking, there is no doubt that it represents a flagrant violation of human rights and impacts on the dignity and integrity of the person, on personal security, as well as on social and ethical values.

Global developments combined with regional factors have made the prevention of human trafficking and the exploitation of vulnerable people the greatest concern of European institutions. Having said that, a series of legal instruments aimed at preventing and combating this phenomenon have been developed at the European level and explicitly require member states to take into account the fact that human trafficking and migrant smuggling take more and more diverse forms, entering a series of fields that had previously escaped legal regulations.

As can be deduced, the phenomenon of migration involves a series of risks, but also the most varied consequences for the persons concerned (legal, security, economic, health, social integration, separation, stigmatization, violence), but perhaps the most dramatic are represented by the modification of family relationships and the impact of abandonment on minors. Although there are too few cases in which parents' migration is a choice without professional or pecuniary constraints, being, most often, the only alternative to offer support to the whole family, the action involves emotional and social consequences for the children, who may later develop antisocial or even delinquent behavior, entering into conflict with the criminal law. Thus, the phenomenon of migration influences both physical and emotional relationships between family members<sup>13</sup>.

---

<sup>13</sup> Loredana Florentina, Cătăraiu, *Evaluation of the impact of parental migration on the criminal behavior of children left at home*, Lumen, Iasi, 2019, p. 18.

In addition to the deterioration of intra-family relationships within transnational families, there are other social costs. Thus, migration determines around it a wide set of social phenomena<sup>14</sup>, of which, those who consider the opportunity to migrate, are not always aware. On the one hand, the scope of racially motivated crimes is taking shape with the increase of the communities of foreigners in Europe, ethnic origin or immigrant status being the most common reason for discrimination. On the other hand, with the increase in the share of refugees, the problem of hate crimes arises, a context in which more and more people become targets of abuse determined by their origin, beliefs, physical appearance or personal life choices.

The Charter of Fundamental Rights of the European Union<sup>15</sup> prohibits discrimination, obliging member states to combat crimes motivated by racism, xenophobia, religious intolerance or a person's disability, sexual orientation or gender identity. However, more than two decades after the adoption of non-discrimination laws, immigrants, descendants of immigrants and ethnic minority groups continue to face widespread discrimination in the European Union and in all areas of life, most often when looking for a job.

In the case of hate-motivated harassment, while individuals believe that their ethnic or immigrant background is the main reason they experience discrimination, they identify their name, skin color and religion as additional triggers. Not surprisingly, experiences of discrimination and hate-motivated harassment and violence weaken people's trust in public institutions and undermine feelings of attachment to their country of residence<sup>16</sup>.

Committing a crime against a person based on belonging to a group characterized by nationality, race, ethnicity or other equivalent groups already constitutes an aggravating circumstance in the criminal legislation of some of the member states, such as the Romanian or Finnish Criminal Code.

Therefore, the interest of the European Union and national institutions on the phenomenon of migration has increased, developing policies to reduce most of the difficulties encountered by immigrants in terms of the integration process.

Migration can also be caused by climatic causes. Thus, the movement of a person or groups of persons who, mainly for reasons of sudden or progressive environmental change as a result of climate change, are forced to leave their usual place of residence or choose to do so, either temporarily or permanently, within a state or across an international border<sup>17</sup>, is known as climate migration.

---

<sup>14</sup> Petronela Daniela, Feraru, *Social costs of external migration from Romania*, Lumen, Iași, 2019, p. 8.

<sup>15</sup> Proclaimed by the European Commission, the European Parliament and the Council of the European Union on December 7, 2000, during the Nice European Council.

<sup>16</sup> European Union Agency for Fundamental Rights, *Second European Union Minorities and Discrimination Survey - Main results*, Publications Office of the European Union, Luxembourg, 2017, p. 5.

<sup>17</sup> <https://inee.org/eie-glossary/climate-migration>, accessed on November 16, 2023.



Considering the climate changes, we believe that climate migration will be topical in the future, which will cause both a significant internal and international displacement.

The impulse to emigrate or the migratory impulse can also be found in the form of migratory passionism, a theory developed by the geographer Edward G. Ravenstein, who made the first scientific contributions in the field of migration. The model of migration passionism is bispacial or bivariate, the factors of attraction and rejection varying simultaneously in two spaces, in the one of origin and the one of destination. Migration is thus triggered, under the influence of two sets of factors in a relationship of opposition and complementarity between two different spaces, respectively one of origin and the other of destination<sup>18</sup>. At the same time, migrants usually travel short geographical distances, and the major causes of migration are economic. Although considered rigid and general, Ravenstein's laws left their mark on how migration was later theorized and anticipated the links between rational choice theory, the dynamics of rural-urban structures and development-induced inequalities<sup>19</sup>.

Thus, despite the fact that some theories of migration and models for estimating its dimensions lose their relevance in the face of changes in the European Union area and beyond, some of the migration laws remain valid today, such as the one according to which, as a rule, migration occurs in the first part of the active life, between the ages of 20 and 49 years<sup>20</sup>.

#### **4. The position of the community states regarding the migration phenomenon**

Whether it is internal or external migration, intra-Community or extra-Community, voluntary or involuntary, legal or illegal, the Community states find it difficult to manage the migration phenomenon, some of them even wanting to stop migration due to the demographic decline in certain areas or even from the entire border area, others capitalizing on the benefits found in migratory flows.

It is important to state that a migration involving a large number of people, generally of young age, can cause, in the population of origin, a labor force deficit and therefore a weakening of activities, a decrease in the birth rate, a demographic

---

<sup>18</sup> Ecaterina, Zubenschi, "Sociological Theories of Migration", *CSIE Working Papers*, Center for European Integration Studies (CSEI), Academy of Economic Studies from Moldova (ASEM), December 2018, number 10, pp. 44-60, p. 49.

<sup>19</sup> Cristina, Haruța, "Migration as a social phenomenon: perspectives and transdisciplinary theoretical approaches", "Babeș-Bolyai" University, Cluj-Napoca, *Transilvane Journal of Administrative Sciences* 2(43) / 2018, pp. 33-53, p. 35.

<sup>20</sup> Daniela-Luminița, Constantin (coord.), *The migration phenomenon from the perspective of Romania's accession to the European Union*, Study no. 5, European Institute of Romania, Bucharest, 2004, p. 94.

aging and other negative phenomena<sup>21</sup>. On the contrary, if the region in question is overpopulated, then migration can ease the demographic pressure and improve the socio-economic situation of those who remain. At the same time, during periods of economic growth, the situation of the population in the receiving area is influenced by the presence of immigrants, as they can contribute to supplementing the workforce. Conversely, when the national economic activity is in significant decline, immigrants participate in thickening the ranks of the unemployed, being more exposed to dismissal<sup>22</sup>.

Perhaps the most common form of migration among European states is temporary, as a result of the need for skilled or unskilled labor, which came to cover the need for member states to employ citizens from outside the European Union in certain economic sectors, such as: accommodation and food services, administrative and support services, household activities or construction. Instead, in areas such as: public administration and defense, compulsory social insurance, education, health and social assistance or professional, scientific and technical activities, employment by community citizens is preferred.

The freedom to travel within the European space led to a record number of emigrations in the case of Romania, with the accession to the European Union in 2007. External migration is the main reason why the country's population is declining, and the number of Romanian citizens living outside the borders is increasing. The fragile social and economic climate, the poor quality of the political class, insufficient and poorly paid jobs, but also the hope of a better life are the main reasons for emigrating to more stable and developed countries. Unfortunately, the existing strategies of the Romanian state are not effective to stop the exodus, nor to bring back those who left.

Other circumstances in which EU states seem to be overwhelmed by the situation or not aligned with European values are pandemic and armed conflict situations. Increased global mobility following the COVID-19 pandemic has led to an increase in the number of people breaching Europe's external borders, and the outbreak of Russia's war of aggression against Ukraine has resulted in nearly 4 million people being displaced across the European Union<sup>23</sup>.

In the case of large numbers of people displaced by war and unable to return, they are given the right to legal residence and access to employment, housing, social assistance, education and healthcare. But all this can represent a burden for

---

<sup>21</sup> Petronela Daniela, Feraru, *Religion and migration in contemporary Romania: case study – Romanians from Italy*, Lumen, Iasi, 2016, p. 171.

<sup>22</sup> *Idem*, *Social costs of external migration from Romania*, Lumen, Iasi, 2019, pp. 8-9.

<sup>23</sup> European Union Agency for Fundamental Rights, *Fundamental Rights Report*, Publications Office of the European Union, Luxembourg, 2023, p. 17.

the EU states. Thus, on a political background and encouraged by the electoral context, parties and attitudes of anti-migration and anti-EU heads of state are born, such as the case of the Netherlands, where the far-right party won the general elections in November 2023 with promises to stop immigration and reduce contributions to the European Union. Anti-immigration rhetoric, which includes closing borders and deporting illegal immigrants, resonates with Dutch voters.

It is thus considered that migration is imposed by the Union, as the European Commission forces member states to accept migrants, but there are states like Hungary that oppose and emphasize the national interest, and the autocratic model in Hungary has also seduced other European leaders to avoid the effects of the Russian-Ukrainian war. Thus, in the face of this imposition, identity defense reactions appear, as a response to the need for belonging to preserve individual or group identity<sup>24</sup>.

In such circumstances, it seems that the European Union is in fact a simple alliance of sovereign states and that the dynamics of Euroscepticism is on the rise. At the same time, the Charter of the United Nations Organization and the adjacent structures are denied, a fact due to the democratic deficiencies found at the level of some of the community states. Most of the time, the member states are overwhelmed by the situation, solidarity remaining only a political thesis of European essence.

According to Euractiv, at the beginning of 2023, 15 European countries at the forefront of the migration issue called for the strengthening of the external borders of the European Union and the signing of agreements with third countries to receive migrants, namely ways for the border agency, Frontex, to operate in third countries to deter migration. The flow of illegal and undocumented immigrants, for economic or other reasons, demonstrates the limited capacity of many nation-states to independently guard their borders, and states that have expanded their border surveillance have not been able to stem the flow of illegal immigrants<sup>25</sup>.

Seeking shelter in European states in the event of an armed conflict outside the Union's external borders affects European security in the short and long term. It is important to mention that among the massive flows of migrants are also mixed citizens of bad faith, which leads to confrontations between migrants and citizens of the community states against the background of the realization of the mobile groups' own interests. At the same time, irregular migration is worrisome, which is carried out, at the level of the European Union, through illegal and clandestine entry of migrants or through legal entry and subsequent

---

<sup>24</sup> Irina, Moroianu Zlătescu, „Global Approaches on Equality and Non-Discrimination Issues”. *Drepturile Omului / Human Rights*, vol. 2003, 2003, p. 3.

<sup>25</sup> Anghel, Andreescu, *The effect of migration on the security of Romania and Europe*, RAO Publishing House, Bucharest, 2016, p. 202.

overstaying<sup>26</sup>. Thus, irregular migration is often perceived as an element of insecurity, since the illegal entry of migrants can present a direct or immediate challenge to the security of the state<sup>27</sup>.

Since not all refugees are bona fide, they can appear as a mass threat to the security of citizens and the host state. These groups can be organized or amorphous, with an emphasis on criminal organizations that operate in a cross-border context and take advantage of humanitarian disasters, refugees and all these vulnerable people.

It must be realized that migration is often not a choice, but a necessity or even a defense solution, the basis of the action to migrate being the individual will determined by various contexts and other factors. The trials and hardships that refugees go through, forced to leave their homeland due to social or political circumstances against a natural permanent stay in their place of origin, must be highlighted. The flight from war or persecution generates phenomena such as: immigration, loss of identity, uprooting, hostility towards the past, etc.

The breakup of families or even the weight resulting from the death of loved ones, victims of an unwanted war, makes these people deserve the attention and support of the European Union. A look and an empathetic approach to those who bear the status of refugees is necessary, a complicated position in which no one wants to find themselves voluntarily. Refugees are in a struggle to find their identity. At the same time, they also suffer a profound sociocultural shock. These human beings are wounded, grieving and vulnerable.

It is necessary for the key actors to learn from the mistakes of the past, and for the oppressed to reconcile with their fate.

## **5. The role of the European Union regarding the migration phenomenon**

The European Union is the most important of all regional structures in the world, not only from the perspective of the volume of aggregated economic activities, but also of the will of more and more European states to join this structure<sup>28</sup>. This European political-legal construction wants to be a regional actor with hegemonic tendencies and which obliges itself to face one of the most discussed and controversial issues of the contemporary world through the effects it produces, namely migration.

The temptation of migration appears both as an opportunity and as a necessity, against the background of the economic, social, political and cultural realities

<sup>26</sup> Franck, Duvel, "Paths into Irregularity: The Legal and Political Construction of Irregular Migration", *European Journal of Migration and Law*, 13, 2011, p. 276.

<sup>27</sup> Daniela, Drugaș, *The maritime dimension of irregular migration: from crisis to solutions*, Tritonic Books, Bucharest, 2022, p. 48.

<sup>28</sup> Nicolae, Suță, *European economic integration*, Temper collection, Economic Publishing House, Bucharest, 1999, pp. 14-20.

associated with Europeanization, but especially with globalization, and the complex and multiple aspects of globalization interact with the dynamics of migration, influencing international migration trends<sup>29</sup>.

Therefore, the legislation on the phenomenon of migration at the level of the European Union has experienced a continuous evolution related to the scale of the problem in question, and in order to be consistent with the fundamental principles of the European policy on migration, the member states have made efforts for the national legislation to be aligned with that at the Union level. It should be noted that the European Union and its member states are constantly intensifying their efforts to establish an effective, humanitarian and safe European migration policy.

At the same time, the European Parliament adopted numerous resolutions in the field of migration, among which we mention: the Resolution of 19 May 2021 regarding the protection of human rights and the European Union's foreign policy in the field of migration; European Parliament resolution of 20 May 2021 on new ways of legal labor migration; Resolution of 25 October 2016 on human rights and migration in third countries; The Resolution of 10 September 2015 on migration and refugees in Europe or the Resolution of 17 December 2014 on the situation in the Mediterranean and the need for a global approach to migration by the European Union.

However, the 1951 Geneva Refugee Convention, along with the 1969 Additional Protocol, remain benchmarks of modern refugee protection. This convention sets out the basic rights that states should grant to those seeking refuge outside of residence.

In September 2020, the European Commission presented a new Pact on migration and asylum, as well as five new legislative proposals to reform the European Union's asylum regulations. Three years later, amid the European Parliament elections, the growing number of immigrants and refugees, as well as asylum procedures, are among the main themes of the election campaign. Thus, the representatives of the European Parliament and the community governments reached an agreement on the European Union regulations regarding the New Pact on migration and asylum, which should enter into force in 2024. The new pact provides for stricter controls upon the arrival of migrants in the EU states, as well as closed centers near the borders.

The Pact on Asylum and Migration, presented by the European Commission in September 2020, was a new attempt to revise European rules, after the failure of a previous proposal in 2016 following the refugee crisis.

At the level of the European Union, the free movement of persons is a means of creating a European labor market, much more efficient and flexible, for the

---

<sup>29</sup> Daniela, Drugaș, *op. cit.*, p. 10.

benefit of workers, employers and Member States<sup>30</sup>. However, the phenomenon of migration and the process of immigrant integration in correlation with human rights and public administration are not easy for member states to manage. Consequently, it is not surprising that in the most sought-after destination countries for migrants (Germany, France and Italy), national laws have been tightened precisely to reduce the number of arrivals and make deportations easier.

The European Union emphasizes humanitarian values and community development and at the same time invites member states to be in solidarity with those forced to emigrate due to the difficult context in which they were. Effective management of migration and asylum at the level of the European Union is a priority objective of the European Agenda<sup>31</sup>. On 13 May 2015, the European Commission adopted a European Agenda on Migration, underlining the need for better migration management and the fact that it is a shared responsibility.

It must be emphasized that the European Union is making efforts to ensure that asylum seekers are treated uniformly throughout Europe, but simple normative power is one of the premises of the Union's weakness. The European vision postulates an ideal, but reality makes the difference between a perfect community and a feasible one.

Against the backdrop of the evolving refugee crisis, new legislative proposals and a reform of asylum rules, safer and better managed migration, tighter control of illegal migrant routes from the Middle East and the adoption of effective border control measures are needed. The special status of refugees requires specific measures so that the suffering and discrimination suffered by them will not be repeated.

The main policies adopted at the level of the European Union and the community's position in the context of the current migration phenomenon should focus on reducing migration flows, increasing efforts to receive refugees and offer them temporary protection. At the same time, the effects of an armed conflict on the minorities formed in the member states of the European Union, actors of migration from poor countries to rich ones<sup>32</sup>, disadvantaged, ignored or segregated groups should not be omitted.

## 6. Conclusions

We live in a world on the way to globalization, and migration is a contributing factor to this phenomenon. Migration is a natural phenomenon for mankind, as

---

<sup>30</sup> Anghel, Andreescu, *The effect of migration on the security of Romania and Europe*, RAO Publishing House, Bucharest, 2016, p. 11.

<sup>31</sup> <https://www.mae.ro/node/35902>, accessed on November 17, 2023.

<sup>32</sup> Irina, Moroianu Zlătescu, "Global Approaches on Equality and Non-Discrimination Issues". *Human Rights / Human Rights*, vol. 2003, 2003, p. 3.

human beings have migrated since ancient times. However, with the passage of time, its size has become more significant, and the phenomenon is characterized as a complex one, because the motivations for leaving have changed and the arguments for staying in the host country have also differentiated.

For the European Union and its member states, migration has been and will continue to be a challenge. The complexity and management problems of the phenomenon must be an impetus for European leaders and national authorities to know and follow the evolution of migration.

It could be appreciated that the policies in the field of migration and the measures to control the phenomenon adopted until this moment were not effective. Many of those who choose to leave their country of origin become victims of migrant networks or even people, due to poor education and naivety, with the hope of finding a job and a better life in Europe. Thus, the improvement of border security strategies, the efficiency of measures to combat irregular migration and the calculated planning of human and technical resources are required.

The European Union has experienced, since the entry into force of the Maastricht Treaty, when the political foundations of the community were laid, the greatest humanitarian disasters, which produced the largest populations of refugees. Refugees can be found in the issue of human rights and in the field of assistance to persons seeking international protection. Various war-torn countries have generated refugees who have fallen victim to hate crimes, which represent the worst form of discrimination and an abuse of basic fundamental rights.

As noted, war can have major security consequences for Union countries. Thus, armed conflicts fuel intercommunal tensions in Europe and favor the increase in the number of refugees seeking shelter.

The fear of socio-economic decline, the need to ensure peace at the regional level, individualistic thinking, but also the hatred towards various nationalities, cultures and assumed positions, constitute the constraints of a united cooperation between the member states, leave no room for reason and makes the discussion about human rights in the migration context very difficult.

At the same time, unity is needed in the actions and public statements of European leaders, an increase in political and civic responsibility, but also an effective implementation of community policies.

By better understanding the phenomenon of migration, we can improve the situation of migrants, manage borders effectively and provide support to countries hosting large numbers of refugees, people in need of humanitarian attention and protection. Institutional practice calls for new approaches for a more efficient management of the migration phenomenon, concrete measures proposed by the decision-makers within the community space to control the migration waves that are suffocating the big European cities.

Rethinking a united Europe, tackling the root causes of migration, improving border management and maintaining effective migration partnerships with third countries can be responses to what is a significant migration threat.

Citizen and national security, maintaining peace on the continent, serving community goals while defending the rights and socioeconomic situation of people exposed in the migratory process must be taken into account.

## Bibliography

1. Adrian, Coroi, *Contemporary European policy on migration and asylum - Migration*, "Alexandru Ioan Cuza" Police Academy, Bucharest, 2019.
2. Alexandra, Bucur-Ioan, *Immigration and immigrant integration*, University Publishing House, Bucharest, 2021.
3. Anghel, Andreescu, *The effect of migration on the security of Romania and Europe*, RAO Publishing House, Bucharest, 2016.
4. The European Commission, *Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions*, Brussels, 20.6.2023 COM (2023) 336 final.
5. Cristina, Haruța. "Migration as a social phenomenon: perspectives and transdisciplinary theoretical approaches", "Babeș-Bolyai" University, Cluj-Napoca, *Transylvanian Journal of Administrative Sciences* 2(43) / 2018, pp. 33-53.
6. Daniela, Drugaș. *The maritime dimension of irregular migration: from crisis to solutions*, Tritonic Books, Bucharest, 2022.
7. Daniela-Luminița, Constantin (coord.). *The migration phenomenon from the perspective of Romania's accession to the European Union*, Study no. 5, European Institute of Romania, Bucharest, 2004.
8. Daniela Simona, Orza. *Preventing and combating terrorism*, Publishing House C.H. Beck, Bucharest, 2023.
9. Ecaterina, Zubenschi. "Sociological Theories of Migration", *CSIE Working Papers*, Center for Studies in European Integration (CSEI), Academy of Economic Studies from Moldova (ASEM), December 2018, number 10, pp. 44-60.
10. European Union Agency for Fundamental Rights, *Fundamental Rights Report*, Publications Office of the European Union, Luxembourg, 2023.
11. European Union Agency for Fundamental Rights, *Second European Union Minorities and Discrimination Survey - Main results*, Publications Office of the European Union, Luxembourg, 2017.
12. Franck, Duvell, „Paths into Irregularity: The Legal and Political Construction of Irregular Migration”, *European Journal of Migration and Law*, 13, 2011.
13. Irina, Moroianu Zlătescu, „Global Approaches on Equality and Non-Discrimination Issues”, *Drepturile Omului / Human Rights*, vol. 2003, 2003.



14. Loredana Florentina, Cătărașu, *Evaluation of the impact of parental migration on the criminal behavior of children left at home*, Lumen, Iasi, 2019.
15. Nicolae, Suță, *European economic integration*, Temper collection, Economic Publishing House, Bucharest, 1999.
16. Petronela Daniela, Feraru, *Religion and migration in contemporary Romania: case study – Romanians from Italy*, Lumen, Iasi, 2016.
17. Petronela Daniela, Feraru, *Social costs of external migration from Romania*, Lumen, Iasi, 2019.
18. Victor, Frumusachi, "The phenomenon of illegal migration: notion and forms of manifestation", University of European Political and Economic Studies "Constantin Stere", *National Law Review*, no. 2 (248), Chisinau, Republic of Moldova, 2022, pp. 71-83.
19. Victor, Moraru, "Migration in the context of globalization". *Journal of Philosophy, Sociology and Political Sciences*, 2018, no. 1(176), pp. 20-30.
20. <https://adevarul.ro/stiri-externe/europa/ue-va-convoca-un-summit-de-urgenta-asupra-2308242.html>.
21. [https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/promoting-our-european-way-life/statistics-migration-europe\\_ro#refugia%C8%9Bi%C3%AEn-europa](https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/promoting-our-european-way-life/statistics-migration-europe_ro#refugia%C8%9Bi%C3%AEn-europa).
22. <https://www.consilium.europa.eu/ro/policies/enlargement/ukraine>.
23. <https://inee.org/eie-glossary/climate-migration>.
24. <https://www.mae.ro/node/35902>.