Łukasz Gruszczyński & Réka Friedery*

THE POPULIST CHALLENGE OF COMMON EU POLICIES: THE CASE OF (IM)MIGRATION (2015-2018)**

Abstract: *One of the major conflicts between populist and non-populist forces (movements, parties, governments) as well as the European Union (EU) institutions has manifested in the area of immigration policy. This article investigates how the influx of migrants in 2015-2016 was subsequently used by populists as a policy conflict ground within the EU. In this context, it particularly looks at how the problem of migration was framed and map the policy responses in the selected EU Member States. The article covers the 2015-2018 period and includes the following countries: France, Germany, Greece, Italy, Hungary, and Poland.*

The article observes that the 2015-2016 migration crisis and the response to it led to (or reinvigorated existing) politicisation of the topic across the EU, forcing the parties from all sides of the political spectrum to take a position on it. Simultaneously, one may also observe a process of securitisation of migration in the political debate in all analysed countries. Irregular migration was construed as a security threat by many political parties and leaders, requiring emergency measures and justifying actions outside the normal bounds of political and legal procedures. While the securitisation strategy was most visible in the discourse of the right-wing populist parties, its elements were progressively taken by the mainstream parties, arguably in response to increased salience of the issue.

The article also finds a correlation between the ideological profile of the parties and their approach to the migration crisis and the proposed EU response. All the parties located close to the right extreme tended to take a strong anti-immigration and an-

* Łukasz Gruszczyński, Associate Professor, Kozminski University (Poland) & Research Fellow, HUN-REN Centre for Social Sciences, MTA Centre of Excellence (Hungary); e-mail: lgruszczynski@kozminski.edu.pl; ORCID: 0000-0002-4780-4132; Réka Friedery, Research Fellow, HUN-REN Centre for Social Sciences, MTA Centre of Excellence (Hungary); e-mail: Reka.Friedery@tk.hu; ORCID: 0000-0002-1902-5772.

ti-EU stance. All of them also ranked high in the populist index. On the other hand, the populist parties located on the left side or in the centre of the political spectrum took a moderate stance on this issue.

Keywords: immigration, populism, common EU policies, national policies, migration crisis

INTRODUCTION

One of the major conflicts between populist and non-populist forces (movements, parties, governments) as well as the European Union (EU) institutions has been manifested in the area of immigration policy. This article investigates how the influx of migrants in 2015-2016 was used by populists as a policy conflict ground within the EU. In this context, it particularly looks at how the problem of migration was framed and map the policy responses in the selected EU Member States (MSs). The article covers the 2015-2018 period and includes the following countries: France and Germany (representing two destination countries), Greece and Italy (representing two frontline countries), and Hungary and Poland (representing two new EU Members).[1]

For the purpose of this article, we understand populism as thin-centred ideology that considers society to be ultimately separated into two homogeneous and antagonistic camps, the "pure people" versus the "corrupt elite".[2] In measuring the populist orientation of the parties, we use the populism index provided as part of the Populism and Political Parties Expert Survey (POPPA). The dataset measures positions and attitudes of 250 parties on key attributes related to populism, political style, party ideology, and party organisation in 28 European countries. The index is based on the factor regression scores of the following items: Manichean (i.e. the extent to which a party sees politics as a struggle between good and evil, indivisible (i.e. the extent to which a party considers ordinary people to be indivisible), general will (i.e. the extent to which a party sees the ordinary people's interest to be singular), people centrism (i.e. the extent to which a party believes that sovereignty should lie exclusively with the ordinary people), and anti-elitism.[3]

---

[1] The article is based on the DEMOS working paper (available at: https://bit.ly/42i8yGe) and (in its descriptive parts) on seven country reports prepared within the H2020 project DEMOS: "Democratic Efficacy and the Varieties of Populism in Europe". They were authored by Rosita Forastiero (EU), Viktor Szep (France), Réka Friedery (Germany), Angeliki Dimitriadi (Greece), Zsolt Kortvelyesi (Hungary), Andrea Crescenzi (Italy), and Katarzyna du Vall (Poland). The working paper also covered Slovakia (by Andrej Školkay), which is however not included here (for the text of this report see https://bit.ly/3LKcSIM) (accessed 30 April 2023).

[2] C. Mudde, *The Populist Zeitgeist*, 39(4) Government and Opposition 541 (2004), p. 543.

[3] M. Meijers, A. Zaslove, *Populism and Political Parties Expert Survey 2018 (POPPA)*, 2020, available at: https://doi.org/10.7910/DVN/8NEL7B (accessed 30 April 2023).

The article has been structured in the following way: Section 1 provides a brief background on the 2015-2016 European migration crisis and the EU response to it. Section 2 summarises statistical data on the size and character of migration in the covered MSs. Section 3 looks at how the problem of migration was framed in the political discourse of the parties, while Section 4 examines how the political postulates were translated into actions, including law. Section 5 connects the previous discussion with the problem of populism. The article ends with some brief conclusions.

1. THE EU LEGAL FRAMEWORK AND THE 2015-2016 MIGRATION CRISIS

The competences of the EU in the field of asylum and immigration for third country nationals date back to the 1992 Maastricht Treaty,[4] when this area was included in the third pillar concerning intergovernmental cooperation in justice and internal affairs. A significant change was introduced by the Treaty of Amsterdam (1997),[5] which moved asylum and immigration policies to the first pillar of the EU and empowered the Council of the European Union to regulate this field. On that basis the EU adopted a series of instruments that have gradually expanded the EU asylum *acquis.*[6] Further reforms were introduced as a consequence of entry into force of the Lisbon Treaty in 2009.[7] In particular, the Treaty on the Functioning of the European Union (TFEU) now outlines a common asylum, immigration and external border control policy, which are based on solidarity between MSs, and fairness to third country nationals. The current system is largely determined by Regulation 604/2013 (Dublin III Regulation)[8] that identifies which MS is responsible for the examination of an application for asylum, submitted by persons seeking international protection within the EU under the 1951 Geneva Refugee Convention[9] and the EU Qualification Directive.[10] Although these initiatives have

---

[4]   Maastricht Treaty (Treaty on European Union), 7 February 1992, OJ C191/1.

[5]   Treaty of Amsterdam Amending the Treaty on European Union, the Treaties Establishing the European Communities and Certain Related Acts, 2 October 1997, OJ C340/1.

[6]   *See generally* A. Geddes, P. Scholten, *The Politics of Migration & Immigration in Europe* (2nd ed.), Sage, London: 2016.

[7]   Treaty of Lisbon Amending the Treaty on European Union and the Treaty Establishing the European Community, 13 December 2007, OJ C 306/1.

[8]   Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast), OJ L 180/31.

[9]   Convention relating to the status of refugees (signed on 28 July 1951, entered into force on 22 April 1954), 189 UNTS 150.

[10]   Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection,

brought an increased level of harmonisation in applied standards, there is no "common" or unified European asylum system but rather 27 different asylum systems with common minimum denominators.[11]

The European migration crisis[12] can be traced back to a series of uprisings in the Middle East and North Africa (MENA) region in 2011 (so-called "Arab Spring"), with some of them eventually transforming into civil wars. This resulted in a gradual increase in the migratory flows to Europe, a process that culminated in 2015-2016. Alone in 2015 there were 1.8 million irregular border crossings into the EU, an increase of 546% compared to 2014.[13] Most migrants travelled either through Turkey to Greece or through Libya to Italy.[14] The crisis placed unprecedented pressure on the existing mechanisms, particularly in the frontline MSs, and exposed limits of the Dublin system. For example, in 2015 856,723 irregular arrivals entered through the Greek maritime border, while an additional 153,842 arrived to Italy. Among the measures adopted by the EU was Recommendation 2015/914 of 8 June 2015[15] that defined an EU-wide emergency resettlement scheme to offer 20,000 places for people in need of international protection on the basis of a distribution key and allocations for each MS. In this context, the Council of the EU adopted two decisions,[16] which provided for a temporary and exceptional relocation mechanism from Italy and Greece to other MSs of persons in clear need of international protection. The relocation was based on objective criteria (e.g. a country's population, gross domestic product and unemployment rate). The EU also proposed the creation of a permanent mandatory

---

for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast), OJ L 337/9.

[11] A good overview of EU immigration and asylum law can be found in S. Peers, *EU Justice and Home Affairs Law. Vol. 4: EU Immigration and Asylum Law* (4th ed.), Oxford University Press, Oxford: 2016; and K. Hailbronner, D. Thym (eds.), *EU Immigration and Asylum Law: Text and Commentary* (2nd ed.), Brill, Leiden: 2015. For more recent account *see* E. Tsourdi, P. De Bruycker (eds.), *Research Handbook on EU Migration and Asylum Law*, Edward Elgar, Cheltenham: 2022.

[12] For a good background reading *see* L. Buonanno, *The European Migration Crisis*, in: D. Dinan, N. Nugent, W.E. Patterson (eds.), *The European Union in Crisis*, Palgrave Macmillan, London: 2017.

[13] European Commission, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a New Pact on Migration and Asylum*, Brussels, 23 September 2020 COM(2020) 609 final.

[14] H. Crawley et al., *Destination Europe? Understanding the dynamics and drivers of Mediterranean migration in 2015, Unravelling the Mediterranean Migration Crisis*, MEDMIG Final Report 2016, available at: http://www.medmig.info/wp-content/uploads/2016/12/research-brief-destination-europe.pdf (accessed 30 April 2023).

[15] Commission Recommendation (EU) 2015/914 of 8 June 2015 on a European resettlement scheme, OJ L 148/32.

[16] Council Decision (EU) 2015/1523 of 14 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and of Greece, OJ L 239/146 and Council Decision (EU) 2015/1601 of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece, OJ L 248/80.

and automatically triggered relocation system to distribute those in clear need of international protection within the EU.[17]

The relocation system (both the temporary and permanent one) was strongly opposed by the Visegrad countries (i.e. Czech Republic, Hungary, Poland and Slovakia), but many other Members also failed to meet their quotas. This led the EU to relaunch the cooperation with third countries of origin and transit and to make further efforts to implement a policy of containment. In this regard, the agreement with Turkey was signed in 2016 with the aim to stop the flow of irregular migration via Turkey and replace it with legal channels of resettlement of refugees to the EU.[18] In 2017 Italy, acting independently, signed a Memorandum of Understanding with Libya that also concerned cooperation in immigration issues.[19] All these developments, together with a more restrictive approach taken by the EU and MSs as well as some stabilisation in at least some countries of origin, led to a significant decrease in the number of irregular migrants arriving in the EU from 2017 onwards.

2. THE EU MEMBER STATES AND IMMIGRATION

Unlike the Western European countries, all the Central European (CEE) MSs have been historically countries of emigrants rather than immigrants.[20] Their accession to the EU in 2004 initially strengthened this trend with many citizens leaving for Western Europe, but as the time passed a new tendency has emerged as some of them gradually have become an attractive destination for economic migrants, particularly drawing people from the former Soviet republics. For example, between 2014 and 2018 Poland has welcomed approximately 1-2 million Ukrainian citizens, while in 2015 one out of five first residence permits were issued in Poland (541,583; 20.8%).[21] Nevertheless, the size of foreign-born population living in those countries has remained lower than in most of the "old" EU states.

---

[17] Proposal for a Council Decision establishing provisional measures in the area of international protection for the benefit of Italy and Greece, COM/2015/0286 final.

[18] EU-Turkey Statement of 18 March 2016, in European Council Press Release 144/16 of 18 March 2016. For further details *see* C. Costello, *It need not be like this*, Forced Migration Review, January 2016, p. 12.

[19] Memorandum of understanding on cooperation in the fields of development, the fight against illegal immigration, human trafficking and fuel smuggling and on reinforcing the security of borders between the State of Libya and the Italian Republic, 2 February 2017, available at: shorturl.at/eFLV3 (accessed 30 April 2023).

[20] *See generally* C. Wallace, D. Stola (eds.), *Patterns of Migration in Central Europe*, Palgrave Macmillan, London: 2001.

[21] Eurostat, *Residence permits for non-EU citizens*, Eurostat News Release, 211/2016, available at: shorturl. at/FQVW2 (accessed 30 April 2023).

Table 1: Foreign-born population (as of on 1 January 2018)[22]

Country	Size of foreign-born population	Percentage of population
France	8,156,208	13.06%
Germany	13,745,843	16.6%
Greece	1,277,861	11.91%
Hungary	536,128 (many of them being ethnic Hungarians)	5.48%
Italy	6,175,337	10.23%
Poland	695,850	1.83%

The number of people seeking international protection (i.e. persons who apply for asylum, subsidiary protection or any other form of protection) also differed between Poland and old EU MSs covered by this article. While Hungary witnessed a sharp increase in the applications in 2015, later the numbers returned to their pre-crisis level.

Table 13: Asylum and first-time asylum applications (annual aggregated data)[23]

Country	2015	2016	2017	2018
France	76,165	84,270	99,330	137,665
Germany	476,510	745,160	222,565	184,180
Greece	13,205	51,110	58,650	66,965
Hungary	177,135	29,430	3,390	670
Italy	83,540	122,960	128,850	59,950
Poland	12,190	12,305	5,045	4,110

Another element that differed among the analysed countries was the origin of the applicants. In the case of Poland, they mostly came from Russia, Ukraine and Tajikistan. For Hungary, Greece and Germany the most important countries of origin were Syria, Afghanistan, Pakistan and Iraq. In the case of France these were Sudan, Afghanistan, and Syria, while for Italy the relevant countries included Nigeria, Pakistan and the Gambia.[24]

---

[22] Eurostat, *Foreign born population*, available at: https://tinyurl.com/y34vhzpm (accessed 30 April 2023).

[23] Eurostat, *Asylum and first time asylum applicants – annual aggregated data*, available at: https://tinyurl.com/y6groeej (accessed 30 April 2023).

[24] For the historical and current data see country reports in Asylum Information Database (AIDA) (https://asylumineurope.org).

3. IMMIGRATION IN THE POLITICAL DISCOURSE
OF THE PARTIES

The migration crisis as well as the response to it became one of the leading political themes in all analysed countries in 2015-2018. This section looks at the positions taken by major domestic parties/movements on these two issues. For those countries that held elections during the covered period, the prominence of the topic of immigration and methods of dealing with it is also discussed. For each presented party we provide two indicators: first a party's overall ideology on a scale ranging from 0 (left) to 10 (right) and (ii) second a populism index (between 0 and 10). Both of them were taken from the POPPA dataset.

3.1. France

Since the late 1970s, the question of migration has been a controversial political issue and remains a key policy challenge nowadays.[25] The crisis of 2015-2016 brought it again to the top of the French political agenda. A variety of different positions emerged. *Parti socialiste* (PS, 4.3/1.85), which was in power for most of the covered period (2012-17), took a moderate approach.[26] It was for an active involvement of France in tackling the crisis and supported the EU-wide relocation mechanism. At the same time, its government was constrained by the growing popularity of *Front national* (FN, 8.4/9.0), and eventually decided to opt for limits in the number of migrants to be relocated to France.

Other parties, while taking different positions on migration, shared the critical view of the relocation mechanism. *Parti de gauche* (later transformed to *La France insoumise*: 1.5/8.44) argued that such a mechanism did not tackle the root causes of migration.[27] *Les Républicains* (LR, 7.5/4.43) indicated the limited capacity of France to integrate all migrants.[28] However, the most vocal opponent was FN. It rejected the relocation mechanism, seeing it as encroaching on national sovereignty. Instead, FN called for strengthening the national borders, systematic return of

[25] S. Wolff, *Immigration, a consensual issue in the French presidential campaign?* LSE Blog, 15 April 2017, available at: https://blogs.lse.ac.uk/europpblog/2017/04/15/immigration-a-consensual-issue-in-the-french-presidential-campaign/ (accessed 30 April 2023).

[26] B. Remy, *Case study: Immigration in France and latest reaction to the refugee crisis*, December 2015, a conference paper, available at: shorturl.at/evBMO (accessed 30 April 2023).

[27] J.-L. Mélenchon, *Mélenchon sur les migrants: «Il faut régler les causes du départ»*, YouTube, 12 September 2015, available at: https://www.youtube.com/watch?v=O4zjC0bFRXw (accessed 30 April 2023).

[28] A. Réaux, *Pourquoi les accords de Schengen sont-ils remis en cause?*, Le Monde, 16 June 2015, available at: https://www.lemonde.fr/les-decodeurs/article/2015/06/16/pourquoi-les-accords-schengen-sont-ils-remis-en-cause_4655302_4355770.html (accessed 30 April 2023).

irregular immigrants to their home countries, ending all social incentives for such immigration and drastically reducing legal forms of immigration.[29]

Migration remained a central political topic in the 2017 presidential campaign. It dominated Le Pen's (FN) political message who proposed prohibiting natural-isation of illegal migrants, capping legal immigration and repealing the law of the soil.[30] Fillon (LR), whose position was influenced by the stance taken by FN, also called for capping legal migration, restricting access to social assistance, reforming the Schengen system, and giving French nationality only to those who clearly assimilate.[31] On the other hand, Hamon, supported by PS and the Greens, took a more liberal stance, as he put the emphasis on integration incentives. However, he was also in favour of eliminating the Dublin system given its failure during the crisis.[32] Macron (*La République En Marche*, 6.11/3.51) supported Merkel's open-door policy and concentrated on integration, skilled migration and taking a fair share in welcoming refugees.[33]

3.2. Germany

In 2015, Chancellor Merkel decided to leave the German borders open to irregular migrants coming to Europe as a humanitarian necessity (the assumption was that most of them were either genuine refugees or could be classified for other type of international protection). Her move can also be seen as an emergency gesture reflecting the critical situation in the frontline and transit Members. This decision triggered an increasingly polemic discussion on security, identity and belonging within German society and had an impact on the results of the 2016 regional, and the 2017 federal, elections.[34] In particular, the surge in asylum applications in 2015–16 played a key role in growing popularity of the far-right *Alternative für Deutschland* (AfD, 8.94/9.43) and anti-Islam movement Pegida (*Patriotische Europäer gegen die*

---

[29] N. Bay, *Immigration massive forcée: L'Union Européenne s'acharne contre les peuples!* RN - Rassemblement National, 2016, available at: https://rassemblementnational.fr/communiques/immigration-massive-forcee-lunion-europeenne-sacharne-contre-les-peuples (accessed 5 January 2022, now inaccessible).

[30] M. Le Pen, *144 engagements présidentiels*, 2017, available at: https://t.ly/AGgJ (accessed 30 April 2023).

[31] F. Fillon, *Mon projet pour la France*, 2017, available at: shorturl.at/aBJTU (accessed 30 April 2023).

[32] Wolff, *supra* note 25.

[33] En Marche, *Le programme d'Emmanuel Macron concernant l'asile et l'immigration*, La République En Marche! 2017, available at: https://en-marche.fr/emmanuel-macron/le-programme/immigration-et-asile (accessed 30 April 2023).

[34] B. Glorius, *Migration to Germany: Structures, processes, and discourses*, 8(1) Regional Statistics 3 (2018). *See also* J. Tjaden, T. Heidland, *Does welcoming refugees attract more migrants? The myth of the 'Merkel effect'*, KIEL Working Paper no. 2194, August 2021.

Islamisierung des Abendlandes), which called for the defence of the Judeo-Christian foundations of Western culture from islamisation.[35]

Eventually, all the parties represented in the Bundestag took a stance on migration, integration and asylum in their electoral programmes. The main issues around which the disagreement arose included: (i) family reunification for beneficiaries of international protection; (ii) limits on the number of immigrants/asylum seekers accepted per year; (iii) deportation of rejected applicants; and (iv) character of the integration policy. There were also serious differences over those matters between Merkel's *Christlich Demokratische Union* (CDU, 5.72/076) and its coalition partner Bavaria-based *Christlich-Soziale Union* (CSU, 7.11/3.24) as the latter demanded a stricter approach and the EU-wide solution to the question of migrants and refugees subject to sanction for non-compliant Members. *Sozialdemokratische Partei Deutschlands* (SPD, 4.11/1.52) – the third coalition partner – took a moderate approach, rejecting limits on the number of accepted refugees and ending the moratorium on family renunciations for subsidiary protection recipients.[36] *Die Linke* was even more liberal, advocating for a right to stay for anyone residing in Germany. All mainstream German parties were in favour of the relocation mechanism and a system of quotas for MSs.[37]

3.3. Greece

Immigration has been politicised in Greece for a long time and the 2015 migration crisis changed little in this regard. At the same time, one also needs to admit that other concerns dominated the political discourse for most of 2015. Greece was in the middle of the financial crisis and the question of the bailout preoccupied everyone. Eventually, the snap election was won again by populist *SYRIZA* (2.84/7.63), which formed a government with the equally populist but right-wing *ANEL* (8.30/8.46)[38] The narrative of *SYRIZA* focused on helping irregular migrants and accusing MSs of a lack of solidarity. *SYRIZA* purposefully linked the Euro crisis with the migration crisis, with the former utilised as a bargaining chip to gain more financial concessions.[39] *ANEL*, while maintaining its anti-immigration rhetoric, in practice followed the policy proposed by its coalition partner.[40]

---

[35] *See generally* H. Vorländer, M. Herold, S. Schäller, *PEGIDA and New Right-Wing Populism in Germany*, Palgrave Macmillan, Cham: 2016.

[36] M. Bierbach, *Germany's major parties on asylum and migration*, DW, 24 September 2017, available at: shorturl.at/glr25 (accessed 30 April 2023).

[37] *Ibidem*.

[38] P. Aslanidis, C.R. Kaltwasser, *Dealing with populists in government: the SYRIZA-ANEL coalition in Greece*, 23(6) Democratization 1077 (2016).

[39] A. Nestoras, *The Gatekeeper's Gambit: SYRIZA, Left Populism and the European Migration Crisis*, Institute of European Democrats, 2 February 2016.

[40] *Εθνική γραμμή για το προσφυγικό στο συμβούλιο των πολιτικών αρχηγών* [National unity on the refugee

Conservative New Democracy (ND, 7.23/2.59) was the main party in opposition. It put the emphasis on security and advocated for the creation of closed type pre-departure centres for irregular migrants, the strict separation of refugees from economic migrants, and effective border controls.[41] *Potami* (5.5/1.91) had a middle-of-the-road approach as it stressed the need to respect the human and fundamental rights of migrants, but also expressed concern about the possibility of thousands being stranded in Greece. The centre-left coalition of *PASOK* and Democratic Left (*DIMAR*) (4.91/2.86) held a similar position.[42] While most of the opposition parties were in favour of the EU-Turkey agreement, they all criticised, on different grounds, its implementation. Outside the mainstream parties, Golden Dawn (10/9.12) opposed the presence of migrants in Greece, claiming the policies implemented were part of the "plans for the Islamisation of Greece".[43] Communist *KKE* (0.61/7.51) had the most consistent position on migration, criticising both the EU and the Greek government for policies that stood in violation of the 1951 Geneva Refugee Convention.[44]

3.4. Hungary

The anti-immigration rhetoric was first used by *Jobbik* – a Hungarian far-right party (8.38/7.32),[45] but it was quickly adopted in 2015 by the governing party *Fidesz* (8.76/9.01). Since then, immigration and the response to it has become a key political issue, playing an important role not only in two electoral campaigns (general and local), but also in the intervening period. *Fidesz's* decision to prioritise the topic was motivated by shrinking public support for the party and the need to attract the electorate of the growing *Jobbik*.[46] Immigration was used as a polarisation mechanism that facilitated to construe a people-elites dichotomy. "Pro-immigration" and "liberal" forces, including those in the EU (termed "Brussels" in

crisis in the council of political leaders], EfSyn, 4 March 2016, available at: https://www.efsyn.gr/politiki/61057_ethniki-grammi-gia-prosfygiko-sto-symboylio-ton-politikon-arhigon (accessed 30 April 2023).

[41] L.H. Abdou, T. Bale, A.P. Geddes, *Centre-right parties and immigration in an era of politicisation*, 48(2) Journal of Ethnic and Migration Studies 327 (2022).

[42] *Ibidem*.

[43] Συγκέντρωση μίσους από τη Χρυσή Αυγή ενάντια στους πρόσφυγες στον Πειραιά – Αντισυγκέντρωση από αντιφασιστικές οργανώσεις [Rally of hatred organised by Golden Dawn against the refugees in Pireus], ToPontiki, 8 April 2016, available at: http://www.topontiki.gr/article/166246/sygkentrosi-misoys-apo-ti-hrysi-aygi-enantia-stoys-prosfyges-ston-peiraia (accessed 30 April 2023).

[44] Οι θέσεις του ΚΚΕ για το Προσφυγικό – Μεταναστευτικό [KKE's positions on the refugee-migration issue], Rizospastis, 6 March 2016, available at: https://www.rizospastis.gr/story.do?id=8807449 (accessed 30 April 2023).

[45] A. Bíró-Nagy, *Politikai lottóötös: A migráció jelentősége a magyar politikában, 2014-2018*, in: B. Böcskei, A. Szabó (eds.), *Várakozások és valóságok: Parlamenti választás*, MTATKPTI, Budapest: 2018, p. 272.

[46] G. Tóka, *A centrális erőtér bomlása*, in: B. Böcskei, A. Szabó (eds.), *Várakozások és valóságok. Parlamenti választás 2018*, MTATKPTI, Budapest: 2018.

this narrative) were opposed to the genuine representatives of the people. At the same time, immigration was associated by *Fidesz* with criminality and terrorism, and pictured as the existential threat to the European, Hungarian and Christian civilisation.[47] This narrative also allowed *Fidesz* to play on post-socialist ressentiment and talk about the failure of "the West" to integrate and deal with its own post-colonial problems. The concentration of power in Hungary meant that the positions of the government and of the governing party alliance (with *Fidesz* as a leading force) were indistinguishable.

Fidesz's dominance in the political sphere and public discourse, combined with various illiberal (anti-pluralist) measures taken by the government, effectively eliminated any meaningful discussion on this issue. However, the voice of the opposition was weak not only because of this reason. While the party headed by the former socialist Prime Minister Ferenc Gyurcsány (*Demokratikus Koalíció:* 3.92/2.90) questioned *Fidesz's* narrative most vehemently, his former party *Magyar Szocialista Párt* (3.42/2.45) mostly kept a low profile, arguably in the attempt to avoid clashing with generally anti-immigration public opinion. *Magyarország Zöld Pártja* (4.35/3.38) seemed to be torn between a classical human rights-based approach and the opposition to what they saw as globalist pro-immigration positions.[48] This general unwillingness of the opposition parties was visible during the 2014 general election, the 2016 quota referendum (which eventually failed to meet the required threshold) and the 2018 local elections campaigns.

3.5. Italy

Immigration was an important political topic in Italy well before 2015. Due to its location, Italy for a long time played a frontline role in immigration, with immigrants attempting the sea crossings from Albania and North Africa. In the electoral programmes of the right forces – *Forza Italia* (7.31/5.56), and far-right *Lega Nord* (LN, 8.87/8.59) and *Fratelli d'Italia* (FdI, 9.18/7.43) – the issue of immigration was linked to crime and terrorism. Those parties advocated for strict borders controls, mass repatriation of irregular migrants, abolition of humanitarian protection and conclusion of agreements with countries of origin that would allow for readmission of irregular migrants. LN and FdI were the most extreme as they called for creation of regional identification and expulsion centres, and mandatory detention of migrants.[49] With the time, the LN's discourse increasingly employed an Islamophobic

---

[47] G. Bernáth, V. Messing, *Infiltration of political meaning-production: Security threat or humanitarian crisis? The coverage of the refugee 'crisis' in the Austrian and Hungarian media in early autumn 2015*, CEU School of Public Policy, 2016, available at: https://bit.ly/2HQMHSr (accessed 30 April 2023).

[48] *Ibidem*, p. 11.

[49] *See* J. Dennison, A. Geddes, *The centre no longer holds: the Lega, Matteo Salvini and the remaking of Italian immigration politics*, 48(2) Journal of Ethnic and Migration Studies 441 (2022); F. Brioschi, *Immigration*

repertoire and emphasises the role of Catholicism in the community's history.[50] As the election results showed, these calls resonated well with the Italian electorate.

A different stance was taken by populist *Movimento 5 Stelle* (M5S, 5.63/9.45), which put the emphasis on the management of the EU external borders, with the provision of legal entry channels and the fight against trafficking in human beings. At the same time, M5S proposed a review of the Dublin system and setting up of an automatic and mandatory distribution mechanism of asylum seekers among all MSs.[51] On the centre-left side of the political scene, *Partito Democratico* (PD, 4.37/2.10) argued for better control of the external EU borders. Like M5S, PD intended to review the Dublin system, introducing mandatory redistribution of asylum seekers in the EU with a corresponding sanction system. The new framework included a proposal to sign readmission agreements with the states of origin and transit and the setting up of humanitarian corridors. PD also proposed an improvement of the migrant reception system.[52]

3.6. Poland

Until 2015 the topic of immigration was largely absent in the Polish political discourse, and the problem of migration was only addressed in terms of Polish emigration.[53] It appeared for the first time during the 2015 parliamentary electoral campaign and was used as one of the main political issues. Although the government (at that time controlled by *Platforma Obywatelska*) (PO, 6.4/2.0) was not enthusiastic about relocation of asylum-seekers from Greece and Italy to other MSs, its rhetoric was generally moderate, as reflected in the PO political programme.[54] Its strategy envisaged locating Poland within the European mainstream, by presenting it as a reliable and stable EU Member. On the other hand, conservative and populist *Prawo i Sprawiedliwość* (PiS, 8.8/9.19) took an openly anti-Islamic and anti-immigration stance, taking advantage of people's fears and prejudices. If refugees appeared as subjects rather than objects, the emphasis was given to (undefined) EU/national assistance on the spot, in their countries of origin.[55] A similar approach was also taken by the populistic movement

---

Policies & Citizenship: Where Do Italy's Parties Stand?, Liberties, 28 February 2018, available at: https://tinyurl.com/4p8bb5ak (accessed 30 April 2023).

[50] G. Bulli, S.C. Soare, *Immigration and the Refugee Crisis in a New Immigration Country: The Case of Italy*, 18(1) Croatian and Comparative Public Administration 127 (2018).

[51] Dennison, Geddes, *supra* note 49.

[52] Brioschi, *supra* note 49.

[53] *See e.g.* PiS, *Zdrowie, praca, rodzina. Program Prawa i Sprawiedliwości* [Health, work, family. Law and Justice Program], 2014, pp. 12-14.

[54] PO, *Polska przyszłości. Program Platformy Obywatelskiej RP* [Poland of the future. Program of the Civic Platform], 2015, available at: http://www.michalstopka.pl/wp-content/uploads/2015/10/Polska-Przyszlosci-Program-PO.pdf (accessed 30 April 2023), pp. 66-67.

[55] P. Cywiński, F. Katner, J. Ziółkowski, *Zarządzanie strachem. Jak prawica wygrywa debatę publiczną w Polsce* [Fear management. How the right wins the public debate in Poland], Fundacja Batorego, Warszawa: 2019, p. 14. Note that this is in sharp contradiction to the public sentiment towards Ukrainian war refugees in 2022-23.

Kukiz'15 (8.3/9.43), the third political force in the new Polish parliament.[56] Although in both cases, this was clearly motivated by strategic pre-election reasons, it also seems that at least part of PiS (as well as *Kukiz'15*) and its electorate shared the vision of the world in which immigrants were primarily seen as a threat to security and traditional Polish culture/values, the fact that is confirmed by the post-election position of PiS as well as the policy implemented by the PiS-led government. The other parties – i.e. *Polskie Stronnictwo Ludowe* (PSL, 5.8/3.49), *Nowoczesna* (5.7/0.94), *Sojusz Lewicy Demokratycznej* (3.2/2.96) – took either moderate or pro-immigration standpoints, although this issue was not at the centre of their campaigns.[57] The anti-immigration stance of various parties resonated well with the general mood in Polish society. For example, the summary survey for the whole of 2016 found that 67% respondents were against accepting refugees from the MENA region as a part of relocation mechanism (with only 26% in favour).[58]

The issue of migration was also raised before the 2018 local election. Independent presidential candidates supported by PO mostly took either a pragmatic approach or put the emphasis on openness and memory of the Polish multicultural past,[59] while PiS remained anti-immigration. Nevertheless, the issue was not as prominent as in 2016.

4. POLICY IN ACTION: GOVERNMENTAL STRATEGIES AND LEGISLATIVE DEVELOPMENTS

4.1. France

Initially the French reaction aimed at reforming its asylum legislation in order to improve the conditions for receiving and dealing with migrants. This reform (2015) envisaged an increase in the rights of asylum seekers and improvements in the efficiency of the procedures, as well as the introduction of administrative measures that would make it easier for migrants to request asylum. The country consistently supported the EU-wide relocation system.[60]

---

[56] *See e.g.* Kukiz's post on Facebook, available at: https://bit.ly/3NlM3vx (accessed 30 April 2023).

[57] K. Czornik, *Problematyka uchodźców (migrantów) z Bliskiego Wschodu i Afryki Północnej w kampanii parlamentarnej z 2015 roku. Analiza stanowisk* [The issue of refugees (migrants) from the Middle East and North Africa in the parliamentary campaign of 2015. Analysis of the positions], in: M. Kolczyński (ed.), *Polskie wybory 2014-2015: kontekst krajowy i międzynarodowy – przebieg rywalizacji – konsekwencje polityczne*, Vol. 2, Wydawnictwo Uniwersytetu Śląskiego, Katowice: 2017.

[58] CBOS, *Stosunek Polaków do przyjmowania uchodźców* [Attitude of Poles to accepting refugees], Communique for survey, no. 1, 2017, available at: https://www.cbos.pl/SPISKOM.POL/2017/K_001_17.PDF (accessed 30 April 2023).

[59] A. Demczuk et al., *Migranci, uchodźcy i ksenofobia w kampanii wyborczej 2018 – raport z monitoring* [Migrants, refugees and xenophobia in the 2018 election campaign – monitoring report], Helsinki Foundation for Human Rights, 2018, p. 8.

[60] European Migration Network, *Third focused study 2017. The changing influx of asylum seekers in 2014-2016: Responses in France*, 2017.

At the same time, there were attempts, especially after the Marseille attack (2017) committed by an illegal migrant who should have been placed in detention, to increase the number of detention centres. The government also dissolved some migrant camps scattered throughout major cities. There were several cases of police pushbacks of unaccompanied children to Italy that did not comply with French law or international human rights on treatment of unaccompanied children. In six cases between 2012 and 2016, the European Court of Human Rights ruled that France's detention of children violated the prohibition on inhuman treatment or punishment.[61]

The real change of French immigration policy occurred in 2018 (with Macron as the president), when the policymakers decided to introduce drastic reforms due to growing internal political pressure. Despite the criticism of the United Nations High Commissioner for Refugees (UNHCR) and several NGOs, France adopted the Law on migration and asylum (10 September 2018), which radically tightened the rules around asylum.[62] The bill shortened asylum application deadlines (e.g. 90 days, rather than 120, to file an application), doubled the time for which illegal migrants can be detained (from 45 to 90 days), introduced a one-year prison sentence for entering France illegally, and restricted access of asylum seekers to non-urgent health care. The law also envisages (as of 2020) the implementation of annual quotas for skilled immigrants. Overall, the law, which took effect in 2019, made it more difficult to obtain asylum in France.

4.2. Germany

The most important pieces of German law that regulated the situation of migrants included the Immigration Act of 2005, the Asylum Act of 2015 (that replaced the previous Asylum Procedure Act), the Integration Act of 2016 and the Nationality Act of 2000. Two of those acts were adopted in reaction to the migration crisis to facilitate the admission of an increased number of applicants. As mentioned above, Germany decided to open its borders to irregular migrants that reached the EU. However, it quickly turned out that their unprecedent inflow constituted a serious challenge for the German administrative structures, raised concerns over internal security, and negatively affected the political position of CDU and its coalition partner CSU. While the government always saw the European-wide strategy as the only available long-term solution, due to political deadlock at the EU level, it decided to take certain actions nationally and pushed for temporal solutions that could have

---

[61] For review of these cases see B. Zalar, *Detention of Asylum Seekers and Irregular Migrants and the Rule of Law*, European Law Institute, 2017, available at: https://bit.ly/39xlqzU (accessed 30 April 2023).

[62] S. Fine, *The integration of refugees in France (In-Depth Analysis – Requested by the EMPL Committee)*, 2019, available at: https://bit.ly/33vIifp (accessed 30 April 2023).

eased the migration burden. Consequently, one could have seen a turn to the more conservative approach by the governing coalition (e.g. suspension of family reunification, introduction of the residence rule, possibility of pre-removal detention in regular prisons instead of specialized institutions) and use of solutions outside rather than within the EU.[63] In particular, Germany led the negotiations with Turkey over the new migration agreement that would allow the return of irregular migrants to that country.[64] Germany also concluded in 2018 several bilateral Administrative Arrangements with other EU Members regulating the return of asylum seekers as an interim response.[65] Many commentators argued that those arrangements were incompatible with the basic principle of the Schengen Area (as they presupposed the existence of quasi-permanent border controls) as well as with the Dublin system.[66] In July of 2017, stricter regulations for those with exceptional leave to remain and for people classified as "potential dangers" were implemented through the Law for Better Implementation of the Obligation to Leave the Country. As a consequence, it became easier to be detained prior to deportation.[67] Further reforms were proposed in 2018 and eventually a new package of rules on immigration and asylum was adopted a year later. The new measures opened up the labour market to skilled migrant workers on the one hand, but facilitated the return and deportation of rejected asylum seekers on the other.[68]

4.3. Greece

The period 2015-2018 was rich in regulatory activities, focused primarily at improving the functioning of the Asylum Service to deal with an increased number of applications and implementing the EU-Turkey agreement. In 2016 the Greek Parliament adopted a law which partially attempted to regulate the establishment and function of hotspots and the procedures taking place there (L 4375/2016). However, national legislation failed to effectively address the involvement of the EU agencies, for example

---

[63] Asylum Information Database (AIDA), *Country report: Germany*, 2016 update, available at: https://tinyurl.com/93vkyzux (accessed 30 April 2023).

[64] F. Tassinari, S. Tetzlaff, *What Europe can expect from Germany's changing migration policy*, DIIS Policy Brief, November 2016, available at https://bit.ly/3lBNhBC (accessed 30 April 2023).

[65] European Council on Refugees and Exiles, *Bilateral Agreements: Implementing or Bypassing the Dublin Regulation?*, ECRE Policy Paper no. 5/2018, available at: https://tinyurl.com/mvmb2nfp (accessed 30 April 2023).

[66] S. Poularakis, *The Case of the Administrative Arrangement between Greece and Germany: A tale of "paraDublin activity"?*, EDAL, 5 November 2018, available at: https://bit.ly/2HTuofz (accessed 30 April 2023).

[67] European Council on Refugees and Exiles, *Airport procedures in Germany. Gaps in quality and compliance with guarantees*, 2019, available at: https://tinyurl.com/2p9d4mak (accessed 30 April 2023).

[68] J. Mischke, *Germany passes controversial migration law*, Politico, 7 June 2019, available at: https://www.politico.eu/article/germany-passes-controversial-migration-law/ (accessed 30 April 2023).

Frontex agents.[69] In practice a parallel asylum process also emerged, which was neither prescribed in EU law nor applied elsewhere in the EU, with a fast-track asylum applications on the islands (for asylum seekers arriving after 20 March 2016) and a regular procedure on the mainland.[70] The law establishing the Appeals Authority was amended twice in 2016, following the reported EU pressure relating to the implementation of the EU-Turkey agreement (as some Appeals Committees decided that Turkey was not a safe third country for the appellants).[71] Further amendments to the procedure before the Appeals Committees that were introduced by L 4540/2018, again in response to EU pressure to limit the appeal steps and accelerate the procedure (e.g. the possibility of replacing judicial members of the Appeals Committee in the event of "significant and unjustified delays in the processing of appeals").

4.4. Hungary

All relevant pieces of Hungarian law (e.g. Act No. 80 of 2007 on asylum) witnessed extensive and recurring amendments in the 2015–18 period, which eventually led to several Court of Justice of the European Union rulings.[72] For example, the revised law authorised the government to designate safe third countries. On that basis, Serbia was identified as such. The new law also introduced the concept of "immigration-related emergency". This special legal order allows for extensive restrictions of individual rights (e.g. property rights, freedom of movement) and possibility of using the army in border protection. The amendment of Act No. 140 of 2015 introduced simplified assessment and moved the procedure to the transit zones, with the exception of vulnerable applicants.[73] Although these territories are Hungarian, they are not considered to be falling within the responsibility of the Hungarian authorities.[74] The law also criminalised irregular border crossings.

---

[69] Asylum Information Database (AIDA), *Country report: Greece*, 2017 update, available at: https://tinyurl.com/3y7shf3z (accessed 30 April 2023).

[70] Asylum Information Database (AIDA), *Country report: Greece*, 2018 update, available at: https://tinyurl.com/2p9dsf5z (accessed 30 April 2023); A. Dimitriadi, M.-A. Sarantaki, *The refugee 'crisis' in Greece: politicisation and polarisation amidst multiple crises*, CEASEVAL Working Paper no. 11/2018.

[71] *Submission of the Greek Council for Refugees to the Committee of Ministers of the Council of Europe in the case of M.S.S. v. Belgium & Greece* (App. No. 30696/09) and related cases, 24 April 2019, p. 80.

[72] *See e.g.* Case C564/18 *LH v Bevándorlási és Menekültügyi Hivatal*, ECLI:EU:C:2020:218; Case C-406/18, *PG v Bevándorlási és Menekültügyi Hivatal*; and Case C-821/19 *Commission v Hungary*, ECLI:EU:C:2021:930.

[73] Hungarian Helsinki Committee, *A Magyar Helsinki Bizottság észrevételei az egyes migrációs és menekültügyi tárgyú törvények és kormányrendeletek módosításáról*, 7 March 2016, available at: https://www.helsinki.hu/wp-content/uploads/Menekultugyi_modositasra_Helsink_-eszrevetelek_20160307.pdf:9 (accessed 30 April 2023).

[74] Hungarian Helsinki Committee, *13 abszurditás a „röszkei zavargók" elleni bűnperben. Magyar Helsinki Bizottság*, 1 July 2016, available at: https://www.helsinki.hu/13-abszurditas-a-roszkei-zavargok-elleni-bunperben/ (accessed 30 April 2023).

Criminal proceedings followed, including aggravated cases, e.g. damaging the fence, with the statutory sanction of two to eight years of imprisonment.[75] After a 2017 amendment, all applicants, with the exception of those under 14, had to remain in the transit zones throughout the entire administrative procedure, and asylum applications were also moved to the zones. The amendment of Act No. 94 of 2016 introduced pushbacks: apprehended asylum seekers could be pushed back to the Croatian or Serbian side of the zone within 8 km from the borders without the government registering either the applicant or the asylum request. Later the law was expanded to the entire country. The amendment of Act 6 of 2018 established an automatic rejection of requests from those who had arrived through countries where the applicant was not in danger.[76] The same act criminalised "aiding and supporting illegal immigration" (and this included providing information and legal assistance); later, the Constitutional Court found the act to be compatible with the Constitution.[77]

It is worth adding that the Court of Justice found many of these acts incompatible with EU law (e.g. the automatic rejection of applications by asylum seekers arriving from countries where they do not face danger (C564/18); practice of keeping asylum seekers in the transit zones (C924/19); targeting NGOs receiving funding from abroad, including organisations active in the asylum field (C78/18)).[78] The European Commission also initiated a number of other proceedings against Hungary relating, among the other things, to the third country exclusionary rule (C-821/19) and non-provision of food in transit zones.[79]

4.5. Italy

Three decrees, which had the greatest impact on the situation of migrants in Italy, concerned the procedures for examining the applications for international protection, the reception system, and the management of arrivals by sea. In particular, Decree 13/2017 provided for the abolition of the second instance of appeal for those who had their application rejected in the first instance (note that eliminating the appeal is a violation of the right to an effective remedy set out in the The

---

[75] European Union Agency for Fundamental Rights, *Current migration situation in the EU: Hate crime*, November 2016, available at: https://tinyurl.com/98rcm2c2 (accessed 30 April 2023), p. 12.

[76] Act VI of 2018 to amend certain Laws on measures to combat illegal immigration, Magyar Közlöny, 2018-06-28, vol. 97, pp. 4717-4720.

[77] Decision 3/2019 (III. 7.) of the Constitutional Court of Hungary, 7 March 2019.

[78] UNHCR, *UNHCR Position on Hungarian Act LVIII of 2020 on the Transitional Rules and Epidemiological Preparedness related to the Cessation of the State of Danger*, June 2020, available at: https://www.refworld.org/docid/5ef5c0614.html (accessed 30 April 2023).

[79] European Commission, *Hungary: Commission takes next step in the infringement procedure for non-provision of food in transit zones*, Press release, 10 October 2019, available at: https://tinyurl.com/2jzasxs5 (accessed 30 April 2023).

Charter of Fundamental Rights of the European Union (Charter) and the Asylum Procedures Directive). Even though the decree provided a legal basis for hotspots, it neither specified their nature, nor defined how and for how long an applicant may be detained for identification purposes (which is a violation of the Reception Directive). Decree 113/2018 introduced a number of special permits (rather than providing humanitarian protection) and, although the former is not formally provided at the European level, it is advocated in the Qualification Directive. The decree also contained a set of measures limiting personal freedoms: from the detention of asylum seekers in hotspots to the extension of the detention of irregular migrants in pre-removal centres (solution incompatible with the Asylum Procedures and Qualification Directives). Equally troublesome was the lack of exemption for vulnerable persons from accelerated procedure and restrictive rules on subsequent application, both solutions apparently being incompatible with the Asylum Procedures Directive. Similarly as in Greece, there was a problem of ensuring a proper standard of living in regular reception centres and lack of any specific forms of reception for vulnerable asylum seekers (as prescribed by the Reception Directive). The last piece of legislation (Decree 53/2019) gave rights to the Ministry of the Interior to limit or prohibit vessels that violate Italian immigration laws from entering the Italian territorial sea. Removing such vessels is equivalent to collective *refoulement*, which is forbidden by the TFEU, theCharter and the Qualification Directive.

4.6. Poland

The issue of migration is regulated by several laws, the most important being the Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland and Act of 12 December 2013 on foreigners.[80] While the government had plans to amend both acts (e.g. a draft law envisaged adding information on party, religious and trade union affiliations, as well as information about sexual life to information that could be processed in proceedings conducted regarding foreigners),[81] eventually no changes were introduced. However, in 2016, the law on counter-terrorism activities was adopted, with controversial provision on secret operations and reconnaissance regarding foreigners who raise concerns of

---

[80] Ustawa o udzielaniu cudzoziemcom ochrony na terytorium Rzeczypospolitej Polskiej [Law on granting protection to foreigners within the territory of the Republic of Poland], Journal of Laws 2022, item 1264 (consolidated text) and Ustawa o cudzoziemcach [Act on foreigners], Journal of Laws 2021, item 2354 (consolidated text).

[81] Projekt ustawy o zmianie ustawy o udzielaniu cudzoziemcom ochrony na terytorium Rzeczypospolitej Polskiej oraz niektórych innych ustaw [Draft act amending the act on granting protection to foreigners within the territory of the Republic of Poland], available at: https://legislacja.rcl.gov.pl/projekt/12294700 (accessed 30 April 2023).

conducting terrorist activities.[82] At the same time, the government put priority to immigration from the East. In this context, the Act on the Polish Charter, aimed at foreigners of Polish origin, was amended to expand the group of people who could take the advantage of its provisions.[83]

The area in which the tension with the EU was the most visible was the relocation mechanism. Initially, the new PiS government agreed to implement the scheme approved by its predecessor (the PO-PSL coalition), but later it suspended the process arguing that the verification procedures were insufficient to guarantee the Polish national security. Poland was not involved in developing a common EU policy apart from suggesting strengthening of EU external borders and advocating for European support of policies adopted individually by MSs. Poland was also a party (together with Czech Republic and Hungary) to the non-compliance proceeding concerning the temporary relocation mechanism for applicants for international protection. Ultimately, all three countries lost the case in the Court of Justice.[84]

5. POPULISM, POLITICISING AND SECURITISING IRREGULAR MIGRATION

The 2015 migration crisis and the response to it led to (or reinvigorated existing) the politicisation of the topic across the EU. For two CEE countries analysed in this article, this was the first time that immigration emerged as a political issue.

Politicisation is understood here as an increase in salience and diversity of opinions on a specific societal topic. Salience can be defined as the importance attributed to an issue, while polarisation indicates that there are different attitudes to the issue and the "solutions" proposed.[85] As discussed above, in all analysed countries, the migration crisis and strategies employed to deal with it became (or returned as) one of the most important political topics, forcing the parties from all sides of the political spectrum to take a position on it. The right-wing populist parties were the ones that were mostly interested in keeping the topic in the centre of the public discussion (see discussion below). The level of polarisation was high, ranging from the fairly liberal approaches (e.g. granting a right to stay for anyone residing in

---

[82] Ustawa o działaniach antyterrorystycznych [Act on counter-terrorism activities], Journal of Laws 2016, item 904, Art. 9.

[83] M. Pacek, *Polish Migration Policy in the Context of Migration Crisis*, 3 Studies in European Affairs 85 (2020).

[84] Joined Cases C-715/17, C-718/17 and C-719/17 *European Commission v Republic of Poland and Others*, ECLI:EU:C:2020:257.

[85] P. De Wilde, *No polity for old politics? A framework for analyzing the politicisation of European integration*, 33(5) Journal of European Integration 559 (2011); F. Pasetti, B. Garcés-Mascareñas, *Who is responsible, for what and to whom? Patterns of politicisation on refugees and the European solidarity crisis*, CEASEVAL Working Paper no. 16/2018.

Germany as proposed by *Die Linke*) to the Islamophobic and racist positions (e.g. migration as an element of the broader plan for the Islamisation of Greece as argued by Golden Dawn), with many intermediate views in-between. This variety of views also reflected division in the respective societies (with proponents of closed borders dominating in the CEE region and Italy). It also appears that the importance of the issue of migration does not necessarily relate to the number of arriving asylum seekers. The example of Poland– which did not witness any increase in migration during that period – shows that salience of the issue may depend more on the media exposure and deliberate politicisation of the topic by the parties. At the same time, it should be acknowledged that the silence of the issue faded away with time, reflecting both decreasing number of irregular migrants in Europe and changes in the strategies of those parties that previously exploited the topic.

One can also observe a process of securitisation of migration in the political debate in all analysed countries. Irregular migration was construed as a security threat by many political parties and leaders, "requiring emergency measures and justifying actions outside the normal bounds of political procedure".[86] While the securitisation strategy was most visible in the discourse of the right-wing populist parties, its elements were progressively taken by the mainstream parties, arguably in response to increased salience of the issue (e.g. Germany, Italy, and France). The case of the CEE countries (i.e. Hungary and Poland) is particularly interesting as security constituted one of the main arguments for rejecting the relocation scheme proposed by the European Commission and advocated by other MSs.

It seems that securitisation had mainly instrumental character as it allowed to mobilize the supporters and polarise the political scene, thus politicising the topic further.[87] In this context, it also should be noted that securitisation increased society's interest in this problem, which under the influence of the nature of the political debate was becoming more and more critical and unwilling to accept refugees, particularly if they come from countries with different traditions, cultures and religions.[88]

Immigration was an attractive topic for the right-wing populist parties as it allowed them to construct more easily the opposition between the "people" and the

---

[86] B. Buzan, O. Waever, J. de Wilde, *Security: A New Framework for Analysis*, Lynne Rienner Publishers, Boulder: 1998, pp. 23-24.

[87] *See e.g.* B. Majtényi, A. Kopper, P. Susánszky, *Constitutional othering, ambiguity and subjective risks of mobilization in Hungary: Examples from the migration crisis*, 26(2) Democratization 173 (2019); H. Wiczanowska, *The Relocation of the Iron Curtain to the Middle East: The Polish and Slovak Position Towards the EU Migration and Asylum Policy*, 46(1) Polish Political Science Yearbook 63 (2017), p. 70 (also citing C. Mudde, *A Slovak Shocker! How Syrian Refugees Kidnapped the Slovak Elections*, Huffington Post, 3 May 2016).

[88] R. Podgórzańska, *The Issue of Securitization of the Refugee Problem in the Polish Political Debate*, 48(1) Polish Political Science Yearbook 67 (2019), p. 68.

"elites". In this narrative, the elites were represented by the domestic governments (only when right-wing parties were in the opposition) and the EU that attempted to reengineer the Christian and national fabric of Europe in order to construct a new type of multicultural polity. On the other hand, in this narrative, the populist right-wing parties were representing the will of the people: silent national majorities that were doomed to lose their subjectivity in this new political arrangement. Highlighting ethnicity and Christianity also allowed them to distinguish the group of people from the others (migrants, Muslims, etc.) Of course, for those countries in which the populist right-wing parties were in power (Poland and Hungary) the main enemy was the EU (particularly after the relocation system was proposed) and the local liberal forces, pictured as the fifth column of Brussels.

At the same time, there appears to be a strong correlation between the ideological profile of the parties and their approach to the migration crisis and the proposed EU response. All the parties located close to the right extreme tended to take a strong anti-immigration and anti-EU stance. All of them also ranked high in the populist index. On the other hand, the populist parties located on the left side or in the centre of the political spectrum (e.g. *SYRIZA* and M5S) took a moderate stance on this issue. They also tended to be in favour of the relocation mechanism, but this might relate to the fact that they were active in the front-line states. Therefore, it seems that a populistic character of a party as such does not pre-determine its position on the issue of migration and the required policy response, as it is rather the ideological orientation of a party (right/left). Consequently, for left-wing populist parties, the construction of the people-elite dichotomy goes along different lines (e.g. the existing political classes, previous governments). This finding fits well to the conceptualisation of populism as a thin ideology. Since populism is defined in negative terms, as "opposition to", it has a limited core set of beliefs and can be combined with a variety of political positions, from nationalism to socialism, so long as the political movement allows for a focus on the needs of the "authentic people" and an antagonism against the "elite".[89]

Despite the existing differences between countries (reflecting the positioning of each country as a "frontline or final destination", or past experiences of hosting migrants), one may identify some common lines of arguments used for and against migration in the political discourse of all analysed countries. Moral obligation ("humanitarian necessity") and general respect for human rights were frequently referred to as a basis for a decision to accept asylum seekers and other people in need of international protection (Germany, France, Greece, Italy and Poland). Interestingly, the legal arguments pertaining to the specific EU and international

---

[89] L. Gruszczynski, J. Lawrence, *Trump, International Trade and Populism*, 49 Netherlands Yearbook of International Law 19 (2018), p. 22.

law obligations were rarely raised in this context. Equally frequent were the arguments relating to the European solidarity and burden sharing between the MSs (Germany, France, Greece, Italy, and Poland). In some countries, the need for skilled immigrant workers, who could, after integration, contribute to the local economic development, was also highlighted (Germany, Greece, and Italy). Those (rational-type) arguments were, however, rarely made in the CEE region (at least not with respect to MENA migrants).

On the other side of the spectrum, one may find the arguments relating to security, culture, national identity and religion. These arguments were increasingly instrumentalised by right-wing populist parties (both inside and outside of the governments), but as the time passed, they were also absorbed by the mainstream forces. As explained above, the most common argument used in the political discourse relates to the protection of national security. In this narrative, some immigrants were not genuine refugees but rather disguised terrorists who would continue their illegal activities in Europe (all analyzed countries). Those arguments gained traction after the terrorist and sexual attacks in Western cities in 2015-2016. This approach is well captured in the official statement of the Polish Minister of Internal Affairs and Administration, who said (explaining the decision of his government to reject the relocation mechanism); "[t]here would be [now] almost 12,000 refugees […], then after a few years there are tens of thousands, then several hundred thousands, then several millions. These communities form closed enclaves that constitute a natural terrorist base".[90]

The cultural and identarian narratives were strongly present in Hungary and Poland (arguably due to the homogenous and peripheral character of these societies). In most cases, they were based on simplified statements and focused on abstract issues like "national identity", "ethnic homogeneity", "defending Christian culture", and "liberalism as new totalitarianism". In Poland, failures of the multiculturalism as a form of social policy promoted by the liberal elites were also frequently referred to. This would suggest that culturally grounded arguments for the rejection of migration are particularly pronounced in countries with a low share of foreigners (and hence limited exposure to such contacts).

Poland and Hungary also questioned the European character of the crisis, suggesting it was just a German problem as the country decided to open its borders, attracting the migrants from different parts of the world. In Western Europe one can also find more pragmatic arguments (at least on their face) relating to societal costs of migration in receiving countries. In this context, references were made to

---

[90] *Imigracyjny kryzys w Europie. Błaszczak o migrantach* [Immigration crisis in Europe. Błaszczak about migrants], TVN24, 13 June 2017.

limited financial resources available to states, potential disruptions in job market, and abuse of the welfare system.

It seems that the anti-immigration rhetoric – based mostly on people's fears and prejudices – met expectations of large segments of the respective societies and eventually was translated into political success of those parties that took a strong anti-immigration stance (Germany, Hungary Poland, and France – in terms of public support for FN).

The countries under investigation reacted to the migration crisis in different ways. The minimum harmonisation approach that functions in the EU made the divergences even easier. While those differences did not disappear, one may observe progressive tightening of the relevant migration rules in most of the investigated countries (Germany, France, Greece, Hungary and Italy), including those which initially took a very open approach. In this context, one can see that the boundaries between detention, restriction on freedom of movement and reception have been unclear in legislations, purposefully bypassing the obligation to ensure access to key procedural safeguards stemming from EU and international law. Many analysed countries also made it harder for rejected asylum seekers to avoid deportation (e.g. Germany, France, and Italy). In some countries, the anti-immigration stance also found its reflection in the adoption of new laws on combating terrorism (e.g. Poland).

Arguably, while some countries took harder regulatory steps on immigration in order to "avoid a radicalisation of public opinion," by dislodging the far right's monopoly on immigration issues (e.g. France), other governments (e.g. Germany) used a mixture of softer measures to tackle issues that the far-right hijacked to attract the public. On the other side of the spectrum are those countries that used immigration issues (i.e. Hungary, Poland and Italy) to polarise the political scene and strengthen their positions. Surprisingly, despite their though rhetoric, Poland has changed very little in its national legal regime.

CONCLUSIONS

The 2015 migration crisis and the response to it led to (or reinvigorated existing) the politicisation of the topic across the EU, forcing the parties from all sides of the political spectrum to take a position on it. Simultaneously, one may also observe a process of securitisation of migration in the political debate in all analysed countries. Irregular migration was construed as a security threat by many political parties and leaders, requiring emergency measures and justifying actions outside the normal bounds of political procedure. While the securitisation strategy was most visible in

the discourse of the right-wing populist parties, its elements were progressively taken by the mainstream parties, arguably in response to increased salience of the issue.

This article also finds a correlation between the ideological profile of the parties and their approach to the migration crisis and the proposed EU response. All the parties located close to the right extreme tended to take a strong anti-immigration and anti-EU stance. All of them also ranked high in the populist index. On the other hand, the populist parties located on the left side or in the centre of the political spectrum took a moderate stance on this issue.