

The Status of Refugees in the European Union after 2022

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Abstract

The article deals with the issue of refugee policy in the European Union and the changes related to the events of the Ukraine-Russia war. The author's aim is to show the reasons for the most significant changes related to the determinants of the refugee influx in 2022, and to demonstrate that the EU asylum rules need to be revised and adapted to the needs that have arisen as a result of the war and such a massive relocation. The study takes an institutional-legal approach. The research analysis of the mentioned topic includes a literature review, official and political documents, secondary statistical data and content analysis. The author of the study used the statistical technique as well as dogmatic, sociological and comparative methodologies. To sum up the considerations in this article, it should be stated that the migration crisis of 2015 and 2022 revealed many shortcomings and gaps in the EU asylum and refugee policy. The Russian invasion of Ukraine showed that EU legislation needs to be reformed, which is why new institutional and legal solutions have been introduced, an example of which is a regulation¹ aimed at combating irregular migration and facilitating the return of people to their country of origin, rather than just speeding up the process of processing asylum applications. Such a reform will enable a better verification of applicants filing more than one application.

Keywords: refugee policy, asylum, status, European Union

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The concept of refugee in international law

Under international law, the concept of refugee has a closely defined meaning. In the Geneva Convention of 28 July 1951 relating to the Status of Refugees and the New York Protocol of January 31, 1967² it is established in Article 1A that the term refers to a person who “as a result of a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the State of which he is a national and is unable or, owing to such fear, is unwilling to avail himself of the protection of that State, or who has no nationality and, being outside the State of his former habitual residence as a result of similar events, is unable or, owing to such fear, is unwilling to return to that State.”³

1. See: Proposal for a Regulation of the European Parliament and of the Council introducing a screening of third country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817, COM/2020/612 final.

2. See: Konwencja dotycząca statusu uchodźców, sporządzona w Genewie dnia 28 lipca 1951 r. [Convention relating to the Status of Refugees, prepared at Geneva on July 28, 1951]. DzU z 1991 r. nr 119 poz. 515; Protokół dotyczący statusu uchodźców, sporządzony w Nowym Jorku dnia 31 stycznia 1967 r. [Protocol relating to the Status of Refugees, prepared at New York on January 31, 1967]. DzU z 1991 r. nr 119, poz. 517.

3. However, the Geneva Convention leaves a fairly wide margin of interpretation to the parties, which is often a cause of disputes between the Member States. In turn, these differences could be a reason for refugees to choose the state that offers the best protection. For this reason, on February 10, 1999, the European Parliament adopted

A completely separate concept is the term “asylum,” which denotes a different legal institution. This distinction is not always applied (Wiśniewski 1997, 87; Wróbel 2008, 423). Article 18 of the Charter of Fundamental Rights⁴ states that the right to asylum should be guaranteed with due respect for the principles enshrined in the Geneva Convention of July 28, 1951, including the Additional Protocol of January 31, 1967, relating to the status of refugees and in accordance with the Treaty of Lisbon.⁵

Neither the 1951 Convention nor the 1967 Protocol deals at all with the situation of a mass influx of refugees. The only international act directly addressing such a situation and shaping a certain sphere of state rights and obligations is the 1967 Declaration on Territorial Asylum.⁶ Article 3 explicitly states that an exception to the principle of non-refoulement may be made in the case of a mass influx of refugees. Thus, a situation defined as a mass refugee influx allows states not to apply a fundamental principle for the entire refugee protection system. Given that international law does not define a mass influx of refugees in practice, an extended interpretation of the term is also possible (Bończak-Kucharczyk 2022, 68).

While refugee status and asylum-seeker status have significant similarities and the prerequisites for granting asylum or refugee status are alike, there are also some differences between them. Refugee status serves to guarantee international protection and involves a decision by an international body or state. It is worth emphasizing at this point that the right to asylum is the right of any state to admit foreigners into its own territory for political or humanitarian reasons. This right derives from sovereignty (Oleksiewicz and Stachurska-Szczesiak 2017, 44–45; Wróbel 2012, 24–25), thereby recognizing asylum-seeker status as equivalent to refugee status within the meaning of the Convention (Kuczma 2014, 88).

E. Vierdag (1977, 294) distinguishes between the formal and material status of persons residing abroad. Substantive status refers to personal rights such as the right of the choice of residence, education, free movement, social security, etc. This status is specified in the 1951 Convention. Formal status concerns, *inter alia*, admission to a territory, expulsion, residence in third countries, the principle of non-refoulement or extradition. This status is specified in the law of asylum. There is a general consensus that there are no rules governing asylum in the Convention, apart from expulsion and non-refoulement (Chlebny 2011, 15).

The rights of third-country nationals residing in the Union are enshrined in numerous legal instruments. At the European level, this is primarily the 2000 Charter of Fundamental Rights of the Union, which, following amendments, was re-published in 2007 and became legally binding on December 1, 2009.⁷

1 The determinants of the changes in EU refugee policy before 2022

Migration movements were boosted in the aftermath of the Arab Spring in 2011. They lost some momentum in the following years to reach their crisis in 2015–2016. However, the situation in many countries in Africa and the Middle East did not stabilize and prolonged conflicts eventually led to a humanitarian crisis on Europe’s southern periphery. This was only a prelude to what was to happen in 2022, when a record number of irregular migration cases of more than 3 million were recorded as a result of the war in Ukraine.

Already in 2014, the number of recorded illegal border crossings into the EU was over 280,000, almost three times as many as in 2013, with 1,255,600 in 2014 and 2015. The number of Syrians seeking international protection doubled in 2015 compared to the previous year, reaching 362,800, and the number of Afghans almost quadrupled to 178.2 thousand. Among Iraqis, the number was 7,121.5 thousand. These were the three main nationalities seeking asylum in EU Member States in

a resolution on the unification of forms of protection for refugees in the European Union, see: Official Journal of the European Communities, C 150, 28 May 1999.

4. See: Official Journal of the European Union, C 326, 26 October 2012.

5. See: Official Journal of the European Union, C 306, 17 December 2007.

6. See: UN General Assembly, Declaration on Territorial Asylum, 14 December 1967, A/RES/2312(XXII), available at: <https://www.refworld.org/docid/3b00f05a2c.html>.

7. See: Consolidated version of the Treaty on European Union, OJ C 326, 26.10.2012, p. 13–390, Article 6(1).

2015, accounting for more than half of all asylum seekers. The number of asylum applications in the EU was at its highest between 2015 and 2016, before declining to rise again by 33.5% between 2020 and 2021. The highest number of asylum applications was issued in 2017–2018 (+248% compared to 2016 or +300% compared to 2015).

The influx of people into Europe since 2015 has strained the asylum systems of EU countries of first arrival. Indeed, numerous reports including Eurostat (see below), EASOS, Court of Justice of the European Union (CJEU) rulings⁸ and national court rulings have highlighted the dysfunctionality of certain provisions of the Dublin system, particularly in the light of respect for fundamental rights. In order to provide a sound framework for migration and asylum policy, the proposed Asylum and Migration Management Regulation was replaced by Dublin III.⁹ Two key elements of the regulation are the expanded definition of family and the recalibration of standards of proof. While these changes apply to all asylum seekers, it is important to examine the implications for vulnerable groups, particularly in relation to the criteria for determining the EU state responsible for an asylum claim.

The Commission has decided to use the emergency procedure provided for in Article 78(3) of the Treaty on the Functioning of the European Union (TFEU),¹⁰ according to which in the event of one or more Member States being confronted by an emergency situation characterized by a sudden inflow of nationals of third countries, the Council, on a proposal from the Commission, may adopt provisional measures for the benefit of the Member State(s) concerned.

An important element of international protection was the establishment of fair and effective procedures. Regulations¹¹ on a new asylum procedure repealing the Procedures Directive (2013/32/EU) aimed to establish simpler and shorter procedures for processing asylum applications while guaranteeing the effectiveness of decisions—creating and streamlining applicants. On the other hand, one of the amendments of the new pact that concerns vulnerable groups is the establishment of an accelerated border procedure for processing asylum applications, which also concerns returns after a refusal decision (article 41). It should be emphasized that accelerated procedures carry the risk of procedural errors and inappropriate processing of asylum applications. Due to strict time constraints, the protection needs of the applicants may be overlooked and their access to legal aid as well as their ability to properly exercise their right to appeal against negative decisions are limited.

The European Commission presented a new migration and asylum pact on September 23, 2020,¹² which represents a new beginning for refugee and migration policy through improved, faster and more efficient procedures. The new pact envisages overcoming the conflicts that prevented asylum reform in 2016. Based on the Commission's communication, the new document adopts a more "humanitarian approach," promotes the principle of solidarity between EU Member States and emphasizes the protection of vulnerable groups.

The temporary drop in arrivals in 2020 was due to lockdown and the COVID-19 pandemic. The Western and Eastern Mediterranean routes had fewer arrivals compared to 2019, while the West African, Central Mediterranean and Western Balkan routes saw an increase in arrivals.

8. In order to ensure uniform interpretation and application of EU law, it has issued several rulings, mainly concerning questions of preliminary ruling—e.g., the case of the European Commission v. Hungary (C-808/18) or the case of V.L. (C-36/20 PPU). The Court of Justice of the European Union has interpreted the notion of "other authorities" which are competent to receive applications for international protection, similarly to the case of M.S., M.W., G.S. v. Minister for Justice and Equality (C-616/19).

9. The Dublin III Regulation entered into force on January 1, 2014, replacing the earlier Dublin II Regulation. This regulation applies to all EU Member States plus Norway, Switzerland, Iceland and Liechtenstein. Cf. also F. Keller, Report on the Implementation of the Dublin III Regulation (2019/2206(INI)), European Parliament, Committee on Civil Liberties, Justice and Home Affairs Brussels 2020.

10. See: Proposal for a Regulation of the European Parliament and of the Council addressing situations of crisis and force majeure in the field of migration and asylum, COM/2020/613 final, 23 September 2020.

11. See: Proposal for a Regulation of the European Parliament and of the Council establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU, COM/2016/0467 final – 2016/0224 (COD), 13 July 2016; see also: <https://www.europarl.europa.eu/legislative-train/carriage/jd-reform-of-the-asylum-procedures-directive/report?sid=6801>.

12. See: Proposal for a Regulation of the European Parliament and of the Council on asylum and migration management and amending Council Directive (EC) 2003/109 and the proposed Regulation (EU) XXX/XXX [Asylum and Migration Fund], COM/2020/610 final, 23 September 2020.

The COVID-19 pandemic gave a new impetus to the use of digital asylum technologies. In 2020, the Member States implemented new electronic systems in their refugee and asylum policies to increase efficiency, for example through online applications or remote interviews. It is important to bear in mind, however, that technological advances always pose a threat in the form of cyber-attacks.

In 2021, 2.95 million first-residence permits were issued in the EU, compared to 2.30 million in 2020, a figure almost equal to that before the outbreak of the COVID-19 pandemic (3.00 million in 2019). There was a particularly large increase in the number of permits for occupational reasons in 2021, with the proportion rising from 39% in 2020 to 45% in 2021. In 2021, asylum seekers came from around 140 countries. In 2021, there were 632.3 thousand applications in the EU, of which 537.3 thousand were first-time applications. This represents an increase of 34% compared to 2020 but a decrease of 10% compared to 2019, before the COVID-19 pandemic. As for the period from January to July, 2022 saw an increase in the number of border crossers on the Central Mediterranean routes (+42%, 41.5 thousand), on the Eastern Mediterranean routes (+122%, 21.5 thousand) and on the Western Mediterranean routes (+1%, 16.4 thousand), compared to the same period in 2021. At the end of May 2022, the number of pending applications stood at 774,100, 15% higher than a year earlier (675,200). The backlog increased steadily between May 2021 and April 2022. The percentage of pending cases and pending applications varies considerably between the Member States, reflecting differences in processing times. According to AUEA data, at the end of June 2022, half of the first instance cases had been pending for less than six months.

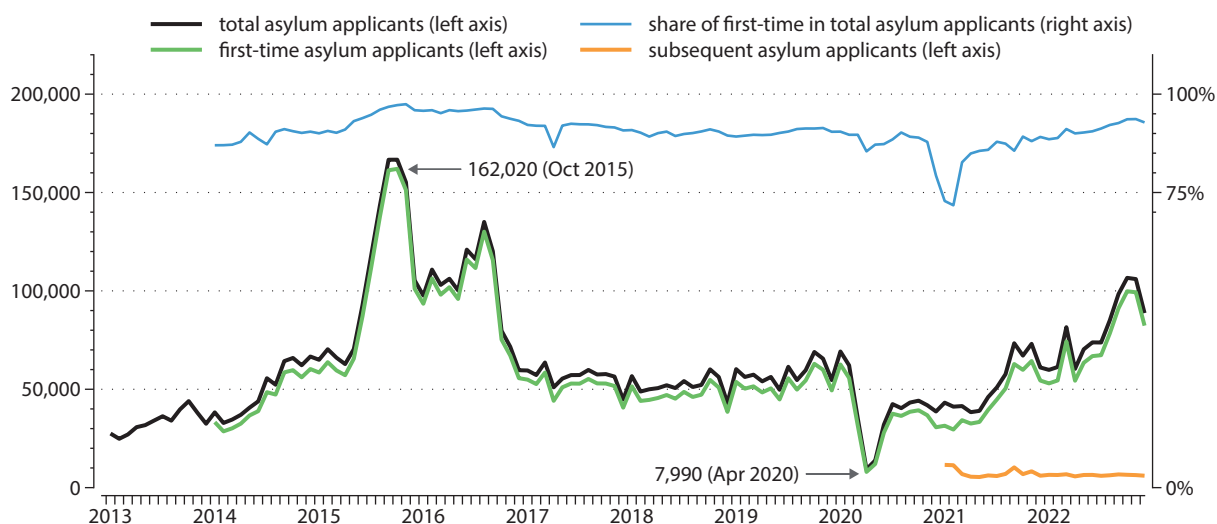


Figure 1. Summary of asylum claims in 2013–2022

Source: Data retrieved from Eurostat database, as published on July 10, 2023.

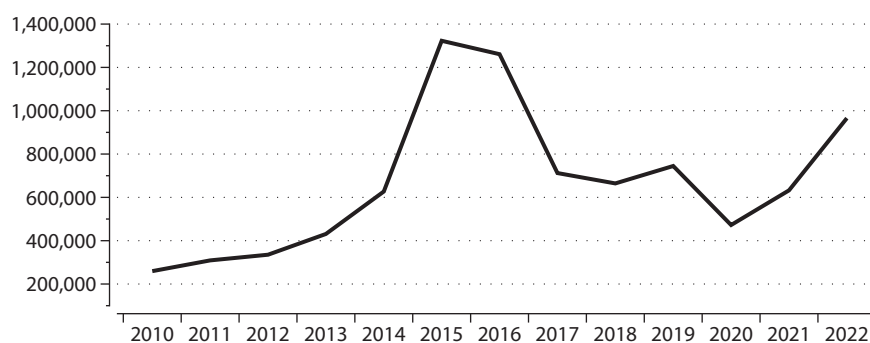


Figure 2. Total overview of asylum applications for the period 2010–2022

Source: Data retrieved from Eurostat database, as published on July 10, 2023.

In June 2021 the European Commission has presented its Schengen strategy.¹³ Work also continued on the interoperability of large-scale IT systems in the area of freedom, security and justice.¹⁴ Pending further legislative progress on the proposed directive, in April 2021 the European Commission adopted the first EU strategy on voluntary return and reintegration,¹⁵ in which it promotes these solutions as integral elements of a common EU return system for third-country nationals.

An important development was the entry into force in January 2022 of Regulation 2021/2303 of 15 December 2021 establishing the European Union Asylum Agency (EUAA),¹⁶ which replaced the European Asylum Support Office (EASO) and which obtained an extended and strengthened mandate.

2 Refugee status in EU law as a result of the outbreak of the Ukraine-Russia war

After years of discussion among the Member States of the European Union, common criteria for the identification of persons in need of international protection were established in Community law as a guideline for national authorities observing the Convention rules.

Refugee policy is closely linked to the European Union's asylum policy, which was created at a time of economic crisis. It aimed to reduce the number of refugees and introduced certain restrictions. The first provision appears in the Single European Act, citing the principles of respect for human rights. More precise assumptions of asylum and immigration policy and legal provisions were created only in the Maastricht Treaty.¹⁷ Mass refugee issues, on the other hand, were regulated by Article 100c(2) of the Maastricht Treaty. The Treaty of Amsterdam transfers asylum and migration issues from Pillar III to Pillar I. Relocation is a mechanism for the practical implementation of the principle of solidarity and fair sharing of responsibility, which is now applicable within the meaning of Article 80 TFEU.

The Lisbon Treaty has transformed the action taken on asylum into a common policy. Its aim is no longer simply to establish minimum standards but to create a common system with uniform statuses and procedures. The decision-making process in the EU has not been altered in any way by the treaty. However, judicial review by the Court of Justice of the European Union has been significantly improved. Unlike in the past, a preliminary ruling can now be requested by any court of a Member State, rather than only by the national courts of last instance. This should allow the case law of the ECJ to develop in this area (Mickiewicz and Wyligala 2009, 265–266).

Article 2 of the Lisbon Treaty (TL),¹⁸ in conjunction with Article 3(2) of the Treaty on European Union, states that the Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the right to free movement or asylum. It also points to a further stage in the development of cooperation in this matter, observed since the 1970s (Grosse 2022, 178)¹⁹. The current Article 17 of the TL emphasizes that citizens of the Union enjoy rights including the right to move and reside freely within the territory of other Member States and are subject to the obligations provided for in the treaties.

Refugee and asylum policy has its legal basis in Articles 67, 77–78, 80 TFEU, in accordance with the Geneva Convention of July 28, 1951 and the Protocol of January 31, 1967 relating to the status of refugees. Their aim is to grant an appropriate status to any third-country national in

13. See: Communication from the Commission to the European Parliament and the Council “A strategy towards a fully functioning and resilient Schengen area,” COM/2021/277 final, 2 June 2021.

14. See: Asylum Report 2022, available at <https://euaa.europa.eu/asylum-report-2022>.

15. See: Communication from the Commission to the European Parliament and the Council the EU strategy on voluntary return and reintegration, COM/2021/120 final (SWD(2021) 121 final), 27 April 2021.

16. See: Regulation (EU) 2021/2303 of the European Parliament and of the Council of 15 December 2021 on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010, PE/61/2021/REV/1, OJ L 468, 30.12.2021, p. 1–54.

17. It is assumed that refugee policy is based on Article F of the Treaty, which states that the Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, the rule of law and principles common to all Member States.

18. See: Official Journal of the European Union, C 306, 17 December 2007.

19. [There is also available English version of this publication: *Sovereignty and the Political. A Study of European Integration*, translated by P. Osękowski—Ed.].

need of international protection and to ensure that the principle of non-refoulement is respected. With regard to their rights, refugees benefit from the above principle expressed in Article 33(1) of the Geneva Convention. It prohibits states from returning refugees by any means to countries where their safety would be threatened. Corresponding provisions to Article 33(1) of the Geneva Convention are Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms, Article 5 of the Universal Declaration and Article 7 of the Political Pact. All of the above-mentioned provisions relate to the prohibition of inhumane treatment of refugees. Respect for and integrity of human beings is their guaranteed right. The Declaration states that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Identical provisions are contained in Article 10 of the Political Pact and Article 3 of the European Convention. In accordance with Article 4, TFEU asylum policy is a shared competence between the European Union and the Member States, and the primary task of the Council and the Parliament is to establish a common asylum system. Under the Treaty, any discrimination on grounds of nationality is prohibited.²⁰ The Treaty formulates, *inter alia*, the right to free movement of workers (Szkłanna 2010, 255) and the prohibition of any discrimination.²¹

Council Directive 2004/83/EC of 29 April 2004²² establishes minimum standards for the qualification and status of third-country nationals or stateless persons as refugees or as persons otherwise in need of international protection and specifies the protection granted. This act also formulates for the first time a common definition of subsidiary protection status, on which the Geneva Convention is silent. The common definition criteria here are based on international human rights instruments and existing practices in the Member States. The harmonization of the rules on the recognition and substance of refugee status and subsidiary protection was intended to help reduce secondary movements between the Member States of asylum seekers caused solely by differences in national legislation. The act of Community Law applies to third-country nationals and stateless persons who are entitled to reside in the territories of the Member States for reasons triggered by a need for international protection and not on the basis of a discretionary appeal by state authorities to compassion or humanitarianism (Fermus-Bobowiec and Lis 2016, 27).

In accordance with Directive 2011/95/EU of 13 December 2011²³ on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted, a refugee is a third-country national who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of which he is a national and who, owing to well-founded fear, is unable or, owing to such fear, is unwilling to avail himself of the protection of that country, or a stateless person, who, being outside the country of former habitual residence, is unable, owing to the same reasons, to return or, owing to such fear, is unwilling to return to the country of former habitual residence, provided that the third-country national or the stateless person has not been excluded from being a refugee.

Pursuant to Council Directive 2001/55/EC of 20 July 2001 and Council Decision (EU) 2022/382 of March 4, 2022,²⁴ temporary protection was introduced, stating the existence of a massive influx of displaced persons from Ukraine. It should be noted that Ukraine is listed in Annex II of Regula-

20. This is confirmed by Opinion 2/94, European Court Reports 1996, s. I-1759.

21. See: Respect for fundamental rights forms an integral part of the general principles of law protected by the court of justice. The protection of such rights, whilst inspired by the constitutional traditions common to the member states, must be ensured within the framework of the structure and objectives of the community. (Judgment of 12 November 1969, Case 29/69, Rec. 1969, P. 425). In: Judgment of the Court of 17 December 1970. — Internationale Handelsgesellschaft mbH v Einfuhr- und Vorratsstelle für Getreide und Futtermittel. — Reference for a preliminary ruling: Verwaltungsgericht Frankfurt am Main — Germany. — Case 11–70.

22. See: Official Journal of the European Union, L 304, 30 September 2004.

23. See: Official Journal of the European Union, L 337, 20 December 2011.

24. See: Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof. Official Journal of the European Communities, L 212, 07 August 2001.

tion 2018/1806, which exempts citizens from visa requirements when crossing the external borders of EU Member States for stays of up to 90 days in a six-month period.

Pursuant to Article 2(1) of EU Council Decision 2022/382, the aim is to introduce temporary protection for Ukrainian nationals residing in the area and displaced by the outbreak of the Ukrainian-Russian war or, after that date, as a result of a military invasion by Russian armed forces. Temporary protection is also granted to third-country nationals resettled on or after February 24, 2022 who enjoyed legal protection under Ukrainian law prior to that date, and to family members of the persons referred to above. It is worth noting the wording used in Article 2(2) of the EU Council Decision, which mentions “adequate protection” provided under national law. From the context of the statement, it is to be presumed that the legislator had in mind the protection provided by national law as an alternative protection that the Member States may give to stateless persons and nationals of third countries other than Ukraine who are able to prove that, before February 24, 2022, they were legally residing in Ukraine on the basis of a valid permanent residence permit issued in accordance with Ukrainian law, and who are unable to return to their country or region of origin in safe and durable conditions. “Adequate protection” does not necessarily imply benefits identical to the temporary protection provided by Directive 2001/55/EC. Nevertheless, in implementing the Council’s decision, the Member States are obliged to comply with the CFR of the European Union²⁵ and the European Convention for the Protection of Human Rights and Fundamental Freedoms,²⁶ and to act in accordance with the spirit of that Directive.

The EU authorities decided to choose temporary protection as the most appropriate measure due to the unusual and exceptional circumstances, most notably the military invasion of Ukraine by the Russian Federation and the influx of huge numbers of displaced persons. Temporary protection enables the exercise of unified rights throughout the EU to ensure an adequate level of protection. Temporary protection rights reduce the need for asylum seekers to immediately apply for international protection and minimize the risk of overloading the asylum system. In addition, Ukrainian citizens, as visa-free travelers, have the right to move freely within the EU for a period of 90 days from the date of entry into the territory of the first Member State. This gives them the opportunity to choose the country where they wish to exercise their right to temporary protection and join their family and friends. Once a Member State has issued a residence permit in accordance with Directive 2001/55/EC, a beneficiary of temporary protection is entitled to travel within the EU for 90 in a 180-day period. The right to temporary protection can only be exercised in the Member State which issued the residence permit. This is without prejudice to the possibility for a Member State to decide at any time to issue residence permits to persons enjoying temporary protection on the basis of this decision.

It should be mentioned that since the adoption of the Directive, the powers of the already existing institutions—i.e., Frontex²⁷, Europol²⁸ or the European Union Agency for Asylum (EUA),²⁹ have been extended in order to continuously monitor and analyze situations related to migration crises.

Since the beginning of Russia’s military aggression against Ukraine in February 2022, Europe has received the largest number of refugees fleeing war since the Second World War, with almost

25. See: Charter of Fundamental Rights of the European Union. Official Journal of the European Union, C 326, 26 October 2012.

26. See: Konwencja o Ochronie Praw Człowieka i Podstawowych Wolności sporządzona w Rzymie dnia 4 listopada 1950 r., zmieniona następnie Protokołami nr 3, 5 i 8 oraz uzupełniona Protokołem nr 2. DzU z 1993 r. nr 61 poz. 284.

27. See: Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624, PE/33/2019/REV/1, OJ L 295, 14.11.2019, p. 1–131.

28. See: Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA. Official Journal of the European Union, L 135, 24 May 2016.

29. Regulation (EU) 2021/2303 of the European Parliament and of the Council of 15 December 2021 on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010. Official Journal of the European Union, L 468, 30 December 2021.

7 million people receiving temporary protection in the EU by May 9, 2023 and 29,477 people applying for asylum.³⁰

Table 1. Estimated number of Ukrainian refugees registered in Europe from February 2022 to May 9, 2023 by selected countries

Country	Number of refugees
Poland	1,593,860
Germany	1,061,623
Czech Republic	516,100
Italy	175,107
Spain	175,962
U.K.	203,700
France	118,994
Slovakia	114,628
Austria	96,766
Moldavia	107,645
Romania	97,085
Russia	2,852,395
Total	7,113,865

Source: Data retrieved from Statista platform, as published on July 12, 2023, available at <https://www.statista.com/statistics/1312584/ukrainian-refugees-by-country/>.

Conclusions

The Commission had already proposed a reform of the Common European Asylum System (CEAS) after the first crisis in 2015, but the real challenge to the EU asylum system came after the outbreak of the Ukraine-Russia war, preceded in 2021 by an asylum conflict on the border with Belarus. Events in 2020 and early 2022 resulted in the forced displacement of millions of people, increasing the existing need for protection solutions around the world.³¹ The Russian invasion of Ukraine forced millions of people to leave their homes and seek refuge in neighboring countries. Meanwhile, people continued to flee dangerous displacement points like Africa and Asia. According to estimates by the United Nations High Commissioner for Refugees (UNHCR), as of June 2021, there were more than 84 million displaced people worldwide.³² A record number of displaced persons were recorded in December 2022 as a result of the Ukrainian-Russian war.³³ The figure stands at 108.4 million refugees seeking asylum. It should not be forgotten that during the first refugee crisis, the majority of irregular migrants reached Europe via Italy or Greece. Over time, these two Member States became transit countries where asylum or refugee status was sought. In the EU, the number of returns actually implemented was much lower than the number of return decisions issued. The ECJ identified a number of reasons that explain this, including the long duration of the return procedure³⁴ and the lack of a procedure for mutual recognition of return decisions between

30. See: Migration management: Welcoming refugees from Ukraine. Accessed 2023-07-13, https://home-affairs.ec.europa.eu/policies/migration-and-asylum/migration-management/migration-management-welcoming-refugees-ukraine_en.

31. See: Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Action plan on Integration and Inclusion 2021–2027, Brussels, 24.11.2020, COM(2020) 758 final, 24 November 2020.

32. See: Asylum report for 2022, available at <https://euaa.europa.eu/asylum-report-2022>.

33. See: UNHCR annual report on displaced persons—“Global Trends. Forced Displacement in 2022.” United Nations High Commissioner for Refugees, Copenhagen, 14 June 2023, available at https://www.unhcr.org/pl/wp-content/uploads/sites/22/2023/06/GlobalTrends_2023_v16.pdf.

34. See: Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on com-

different EU Member States. The lack of a harmonized EU approach to asylum and refugee policy across the Member States adversely affects the implementation of voluntary return and reintegration measures (Potyrała 2017, 159–164).

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