

Impact of the COVID-19 on the migration in the European Union

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Abstract

Migration within the European Union is one of the main mechanisms for promoting and supporting the citizens of the Member States, being a component of the European internal market. For the last 6 years, amid illegal migration from outside Europe, the Union has been under strong pressure of solidarity, with border states, especially Greece and Italy, being severely affected. The emergence and development of COVID-19 has affected both the countries of the Union, the economies and the citizens, but also the migrants in the camps organized on the territory of the Union. The scientific paper addresses the legal aspects of the situation, the legal ways to ensure solidarity, but also respect for human rights for those in the camps. By using the logical method, the comparative method, but also the historical one, the presentation of the legislative norms, of the judicial practice for a good knowledge and understanding of the phenomenon is considered. Through this study we contribute to the standardization of scientific approaches to migration and to the determination of the obligations of the Member States of the European Union.

Keywords: migration, European Union, union policies, solidarity clause, human rights, sovereignty, medical crisis.

JEL Classification: K32, K33

1. Migration, a reality of the international society

Migration has been, throughout history, and still is, perhaps more acutely than ever, a topic that has yet to give Europe peace. From the occupation and plundering of Rome by Alaric's Visigoths in August 410 until today, civilization has faced such phenomena. The causes that determined the migration phenomenon are diverse, but a common thread connects all these events: the desire of people for a better standard of living, to live in a better society, to benefit from more opportunities. The causes that determined and determine the migration are multiple, analyzed sociologically and politologically in detail. The development of the Communities and, subsequently, of the European Union, led to an extensive process of legal migration in the internal market, which led to an indisputable progress in the construction of Europe, cultural exchanges being doubled by a development of the regions and a strengthening of the European spirit. Freedom of movement as well as freedom of establishment are today indisputable values of European citizenship. But at the same time, the success of the construction of Europe has generated a desire of the citizens of other states, outside Europe, to try, not always by legal means, to look for a better future for themselves and their families; in which security, freedom,

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values are not questioned. From a legal perspective, in this study we will address the phenomenon of transnational migration, which the European Union has faced for the last 6 years.

The causes that determined the migration phenomenon start from the Arab Spring, the jasmine revolution in Tunisia being the first international event that determined major political and legal changes in the Middle East. Revolutions spread and dictatorial regimes were overthrown in both Egypt and Libya, but the consequences of military clashes affected the security of citizens, the security of life, their heritage, and the political succession dominated by the lack of democratic culture and education in the spirit of promoting human rights has led to constant revenge against those who did not share the beliefs of those who ruled those states.

2. Legal migration in the European Union

During the Union's development, both the Member States and the institutions encouraged internal migration, whether for educational, cultural or employment purposes, but also the legal migration of third-country nationals. The legal regulations of the European Union have generated a solid institutional framework, in which citizens of various states can participate in sectoral development by holding highly qualified positions² by applying to a fast-track system for obtaining a residence permit for profit, followed by the regulation of a mechanism for applying for a work visa in a single, simplified procedure.³ Subsequently, Union regulations were aimed at seasonal workers in third countries, who have the possibility to work in the Member States in temporary work for a maximum period of 9 months, depending on the nature of the work performed⁴.

In the conditions in which the economy adapts to a process of globalization, and economic operators develop and diversify their activity, without taking into account the physical borders between states, Union regulations have also been updated to allow the relocation of third-country nationals within the same companies⁵. These facilities have been extended both to the states that are in the process of negotiating accession and to the citizens of the Eastern Partnership states, the Asian partnerships, or to the countries in the vicinity of the Union. The development of scientific research, the extension of the Erasmus + university exchange program for researchers, teachers or students, training courses or student exchanges are regulated by acts deriving from legislation⁶.

Even if the legal regulation of these situations has not been the subject of a primary, treaty rule, legal relations are opposable to the Union, states and those wishing to use a form of legal, temporary or permanent migration. The form chosen for the regulation, that of the directive, took into account the need to standardize

² Directive 2009/50/CE, JO L 155, 18.6.2009, pp. 17-29.

³ Directive 2011/98/UE, JOL 341, 23.11.2011, pp. 1-9.

⁴ Directive 2014/36/UE, JO L 94, 28.3.2014, pp. 375-390.

⁵ Directive 2014/66/UE, JO L 157, 27.5.2014, pp. 1-22.

⁶ Directive 2016/801/UE, JO L 132, 21.5.2016, pp. 21-57.

migration procedures, in conjunction with the elements of the sovereignty of the Member States of the European Union. The criticism that some states have been late in transposing the provisions of the directives into national law is remedied by applying the effects of the directive to the legal rules applicable to the parties. In order to prevent misconduct by States, the Court of Justice of the European Union has maximized the legal effectiveness of the Directive, by its direct effect, as a genuine indirect sanction against States⁷. Any person affected in his legitimate right by the incorrect, partial implementation, or failure to transpose the Directive into law, has the possibility of invoking the direct vertical upward effect of the Directive in litigation before the courts⁸.

The legal migration of third-country nationals is regulated both in the legislation of the Member States and in the legal regulation of the European Union. Article 2 (2) of the TFEU lists the area of freedom, security and justice as being in the shared jurisdiction of the Union with the Member States. Respecting the principle of subsidiarity, each national state has its own national legislation on the establishment of legal rules on immigration, asylum and return policies in the country of origin and at European level legal regulations have been approved as well. Regulation 343/2003 laying down the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national⁹ was correlated with the provisions of Regulation 1560/2003¹⁰ supplemented by rules on common procedures for protection and withdrawal of international protection.¹¹ Regulation 604/2013¹², also known as the Dublin III Regulation, laying down the criteria and mechanisms for determining the Member State responsible for examining an application for international protection, presented in one of the Member States by a third-country national or a stateless person shall include the elements taken into account in determining responsibilities for granting international protection to third-country nationals entering the Union by land, water or air, whether or not they are refugees. Article 13 of the regulation designates as the state responsible for processing the application, the first state in which the person entered¹³.

⁷ Gabriel Liviu Ispas, Daniela Panc, *Drept instituțional al Uniunii Europene*, Hamangiu Publishing House, Bucharest, 2019, p. 94.

⁸ Ibid, pp. 95-97.

⁹ Published in JOL 50, 25/2/2003, p. 1.

¹⁰ Published in JOL 222, 5/9/2003, p. 3.

¹¹ Directive 2013/32/UE.

¹² <https://eur-lex.europa.eu/legal-content/RO/TXT/PDF/?uri=CELEX:32013R0604&from=RO>, accessed on 1.10.2020.

¹³ Giuseppe Morgese, *The Dublin System vis-a-vis EU Solidarity before the European Court of Justice: The Law, The Whole Law and Nothing But The Law!*, in Giovanni Carlo Bruno, Fulvio Maria Palombino, Adriana Di Stefano (eds.), *Migration Issues before International Courts and Tribunals*, CNR Editioni, 2019, pp. 381-408.

Migration must be distinguished from mobility within the European Union. The concept of mobility differs from migration in at least two dimensions: spatial and temporal. Mobility covers intra-European cross border movement of EU citizens and has a rather short term, temporary character¹⁴.

Imagining a new model of development, operational and sustainable at European level, forces the members of the scientific landscape but also those of the real economy environment to take into consideration even more parameters such as the transition from a societal logic based primarily on conformity to one in which the proactive behavior open to new challenges in the process of reporting on the mechanisms of European integration is essential¹⁵.

3. The migration flow from 2015-2020

Since the spring of 2015, an impressive number of third-country nationals, usually from the Middle East, have ventured across the Mediterranean to apply for asylum in the Member States. The motivations were diverse, from the fear of war, the fear of political or religious persecution to the search for a better future for themselves and their families, or the desire to have access to a better educational or entrepreneurial system. Regardless of the motivation, the chosen means was an illegal one, of illegal crossing of the sea, towards the border of the Union, with legal and criminal implication¹⁶. Using the despair and fear of the people, vast illegal networks have organized transport operations, in illegal conditions, unsafe for passengers. The overloading of boats, sometimes themselves being improvised and unsuitable for crossing the sea, but also the desire for maximized profit, led to real tragedies, thousands of people losing their lives during the illegal endeavor. In the face of the emerging humanitarian drama, the European Commission proposed a set of 10 immediate measures and sent a communication to the institutions concerned, proposing directions for action aimed at strengthening patrol capacity in the Mediterranean, in order to discourage illegal trafficking to the European Union, operations for the capture or destruction of vessels used in illicit trafficking in human beings to the Union, support for states affected by the high influx of immigrants and international cooperation to protect both the interests and rights of persons and the protection of the interests of Member States¹⁷.

The reaction of states to the Commission's proposal to relocate immigrants

¹⁴ Monica Roman, Dorel Mihai Paraschiv, *The Young Entrepreneurs of Europe and the Role of International Mobility*, „Amfiteatru Economic”, 2019, 21(Special No. 13), p. 764.

¹⁵ Dumitru Miron, Dragoș Șeuleanu, Cezar Radu Cojocariu, Laura Benchea, *The European Model of Development Faced with the Quaternary Sector Emergence Test*, „Amfiteatru Economic”, 2019, 21(Special No. 13), p. 745, 746.

¹⁶ See Bogdan Bodea, *Posibilitatea contopirii pedepselor și deducerii perioadelor executate în străinătate de către persoana solicitată, pe cale incidentală, în cadrul procedurii punerii în executare a unui mandat european de arestare*, in Eugen Gheorghe Crișan, Hunor Kadar (eds.), *Cooperarea judiciară internațională în materie penală*, C.H. Beck Publishing House, Bucharest, 2018, pp. 5-7.

¹⁷ https://ec.europa.eu/commission/presscorner/detail/en/IP_15_4813, accessed on 1.10.2020

was different: states with a colonial memory reacted in favor of identifying solutions, while states with no experience in managing immigrant flows invoked state sovereignty to oppose the proposal. Among the public positions, the position of the Slovak Prime Minister Robert Fico. In a first reaction, he claimed that the government he led would approve of receiving only 100 refugees from Syria, which he would select according to his own criteria. Subsequently, the number increased to 200, provided they were Christians¹⁸. This radical and sovereign position is certainly contrary to the principle of non-discrimination governed by Article 2 of the Treaty on European Union.

Compared to the unprecedented migration flow of over 1.5 million people in 2015 and over 1.2 million asylum applications in member countries in 2016¹⁹, the response was to activate solidarity, as the fundamental principle of the Union, and to identify mechanisms for the resettlement of migrants from frontline states to other states, as well as financial support for those directly affected. The two decisions issued in 2015²⁰ have as object, as stipulated in Article 1 of the decision: *provisional measures in the area of international protection for the benefit of Italy and of Greece in view of supporting them in better coping with an emergency situation characterised by a sudden inflow of nationals of third countries in those Member States*.

The decisions determine, on the one hand, the number of migrants to be relocated to the other Member States, and on the other hand it regulates that Greece and Italy will be the states that will decide directly on the relocated persons and the state in which they will go. Member States may oppose relocation individually, in particular cases and only for reasons of security and public order. The Czech Republic, Hungary, the Slovak Republic and Romania voted against Decision 2015/1601, arguing that human rights and primary law rules had been violated, including by affecting the sovereignty of States²¹.

However, the nationalist discourse has continued at European level, with speeches by Hungarian Prime Minister Viktor Orbán violating fundamental human rights through claims that all terrorists are migrants. The provisions of the Dublin Regulation²², constantly invoked by states in an attempt to justify the non-implementation of those decisions, could not be changed, and the Commission's proposal to amend the 2016 regulation falls within the same institutional typology. The direct or factual opposition of the states to the implementation of the two relocation decisions led to a failure to lift the pressure on the two frontline states,

¹⁸ Iris Goldner Lang, *Human rights and legitimacy in the implementation of EU Asylum and Migration law*, in Silja Voneky and Gerald L. Neuman, *Human Rights, Democracy and Legitimacy in a World of Disorder*, Cambridge University Press, 2018, pp. 234-237.

¹⁹ <https://www.europarl.europa.eu/news/en/headlines/society/20170629STO78631/europe-s-migration-crisis>, accessed on 1.10.2020.

²⁰ Decision 2015/1523 and Decision 2015/1601.

²¹ <https://oda.oslomet.no/bitstream/handle/10642/7231/Migration-Solidarity+Crisis+MTakle.pdf?sequence=1&isAllowed=y>, accessed on 1.10.2020.

²² For details, see Steeve Pearce, *EU Justice and Home Affairs Law*, Oxford University Press, 2011, pp. 500-540.

with consequences that are difficult to measure in terms of respect for fundamental human rights for those in migrant camps, overcrowded and lacking in minimum comfort elements. The erection of fences on the border with Serbia and Croatia by Hungary has generated images of a cold war, in which humanity seems inferior to the protection of illusory state rights. At about the same time, the European Commission has opened infringement proceedings against states for non-compliance with European asylum rules in the Member States, during which time the Slovak government²³ and the Hungarian government²⁴ brought actions for annulment before the Court of Justice of the European Union against the two relocation decisions, alleging that the measures adopted in the decisions were disproportionate. The two actions were connected, and the Court's judgment was given in September 2017. By judgment of the Court of Justice, the two actions were dismissed as unfounded, on the ground that the two decisions had been taken in compliance with the primary rules of European Union law. With regard to the notion of the responsible state, the Court considers it in its recitals: "The system set up by Decision 2015/1601 establishing provisional measures in the area of international protection for the benefit of Italy and Greece is based – like the system established by Regulation No. 604/2013 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 – on objective criteria rather than on a preference expressed by an applicant for international protection. In particular, the rule concerning the responsibility of the Member State of first entry, laid down in Article 13(1) of that regulation, which is the only rule for determining the responsible Member State laid down in that regulation from which Decision 2015/1601 derogates, is not linked to the applicant's preference for a particular host Member State and does not specifically seek to ensure that there are linguistic, cultural or social ties between the applicant and the responsible Member State"²⁵.

To summarize, we can say that the legal approaches focused on two components: those who spoke out against decisions in support of frontline states invoked the Dublin regulations, according to which the responsibility for managing the flow of migrants lies with the state in which they made the first request, and that any other approach would violate international rules, while the vast majority of states have argued that the principle of solidarity cannot remain a meaningless norm and that states have an obligation, as direct and immediate participants in Union policies, to make this principle effective²⁶.

²³ Case C-643/15 Slovak Republic v. Council of the European Union.

²⁴ Case C-647/15 Hungary v. Council of the European Union.

²⁵ <http://curia.europa.eu/juris/document/document.jsf?docid=197500&mode=req&pageIndex=1&dir=&occ=first&part=1&text=&doclang=RO&cid=18451325>, accessed on 1.10.2020.

²⁶ Ruben Wissing, *Allocating Responsibility for Refugee Protection to States: Actual and Potential Criteria in International (case) Law*, in Giovanni Carlo Bruno, Fulvio Maria Palombino, Adriana Di Stefano (eds.), *op. cit.*, 2019, pp. 45-90.

4. The Union's response to migration issues

In order to counteract the effects of migration, which peaked in 2015-2016, the European Union considered, in addition to the relocation of migrants, the following types of action: partial suspension of Schengen agreements, conclusion of agreements with Turkey, structural change of FRONTEX, respectively the amendment of the Dublin regulations²⁷. The adoption of Regulation 2016/1624 brings important elements regarding the management of the Union's external borders. Article 1 of the regulation provides that it “establishes a European Border and Coast Guard to ensure European integrated border management at the external borders with a view to managing the crossing of the external borders efficiently. This includes addressing migratory challenges and potential future threats at those borders, thereby contributing to addressing serious crime with a cross-border dimension, to ensure a high level of internal security within the Union in full respect for fundamental rights, while safeguarding the free movement of persons within it.”²⁸.

In 2015, more than 850,000 migrants arrived in the Greek islands from Turkey, by sea, in a context in which in 2014 there were just over 41,000 such situations. In response to the concrete situation, in March 2016, after there had been two more such meetings in 2015, the European Union and Turkey adopt a joint declaration aimed at deepening cooperation between the Parties in order to properly manage the flow of migrants under conditions of human rights protection. The Declaration²⁹ contains, inter alia, the following elements:

“1) All new irregular migrants crossing from Turkey into Greek islands as from 20 March 2016 will be returned to Turkey. This will take place in full accordance with EU and international law, thus excluding any kind of collective expulsion. All migrants will be protected in accordance with the relevant international standards and in respect of the principle of non-refoulement. It will be a temporary and extraordinary measure which is necessary to end the human suffering and restore public order. Migrants arriving in the Greek islands will be duly registered and any application for asylum will be processed individually by the Greek authorities in accordance with the Asylum Procedures Directive, in cooperation with UNHCR. Migrants not applying for asylum or whose application has been found unfounded or inadmissible in accordance with the said directive will be returned to Turkey. Turkey and Greece, assisted by EU institutions and agencies, will take the necessary steps and agree any necessary bilateral arrangements, including the presence of Turkish officials on Greek islands and Greek officials in Turkey as from 20 March 2016, to ensure liaison and thereby facilitate the smooth

²⁷ Livia Benkova, *Europe's Response to the Migration Crisis*, in „Fokus” no. 3/2017, Austria Institut für Europa und Sicherheitspolitik.

²⁸ Regulation 2016/1624, published in JOL 251/1 din 16.9.2016 <https://eur-lex.europa.eu/legal-content/RO/TXT/PDF/?uri=CELEX:32016R1624&from=RO>, accessed on 1.10.2020.

²⁹ <https://www.consilium.europa.eu/ro/press/press-releases/2016/03/18/eu-turkey-statement/>, accessed on 1.10.2020.

functioning of these arrangements. The costs of the return operations of irregular migrants will be covered by the EU.

2) For every Syrian being returned to Turkey from Greek islands, another Syrian will be resettled from Turkey to the EU taking into account the UN Vulnerability Criteria. A mechanism will be established, with the assistance of the Commission, EU agencies and other Member States, as well as the UNHCR, to ensure that this principle will be implemented as from the same day the returns start. Priority will be given to migrants who have not previously entered or tried to enter the EU irregularly. On the EU side, resettlement under this mechanism will take place, in the first instance, by honoring the commitments taken by Member States in the conclusions of Representatives of the Governments of Member States meeting within the Council on 20 July 2015, of which 18.000 places for resettlement remain. Any further need for resettlement will be carried out through a similar voluntary arrangement up to a limit of an additional 54.000 persons. The Members of the European Council welcome the Commission's intention to propose an amendment to the relocation decision of 22 September 2015 to allow for any resettlement commitment undertaken in the framework of this arrangement to be offset from non-allocated places under the decision. Should these arrangements not meet the objective of ending the irregular migration and the number of returns come close to the numbers provided for above, this mechanism will be reviewed. Should the number of returns exceed the numbers provided for above, this mechanism will be discontinued.

3) Turkey will take any necessary measures to prevent new sea or land routes for illegal migration opening from Turkey to the EU and will cooperate with neighbouring states as well as the EU to this effect³⁰.

This agreement, drawn up in the form of a declaration, not a legislative act or an agreement of international law to which the Union is a party, has given rise to discussions as to its nature³⁰. Given that both the Vienna Convention on the Treaties and the Union's rules of procedure do not require an act to take effect only in relation to its name, an important issue is its opposability to the Member States; in particular as regards the transposition of its understanding into national law³¹. However, being called to rule, The Tribunal annuls the actions on grounds of lack of jurisdiction³², invoking questionable, organizational elements, even if the Commission had been designated as the coordinator of the implementation of the declaration and even if the Union's financial effort was more than EUR 3 billion³³. The appeal, in this case,

³⁰ Narin Idriz, *The EU-Turkey Statement or "The refugee deal"? The Extra-legal Deal of Extraordinary Times?* in Dina Siegel and Veronika Nagy (eds.), *The migration crisis*, Eleven Publishing House, 2018, pp. 61-85.

³¹ Chiara Tea Antoniazzi, *A tale of two courts: The EU-Turkey statement before the Court of Justice of the European Union and the European Court of Human Rights*, in *Migration Issues before International Courts and Tribunals*, CNR edizioni 2019, p. 356-358.

³² Case T 192/16 NF v. European Council, <http://curia.europa.eu/juris/document/document.jsf?docid=188483&mode=lst&pageIndex=1&=&occ=first&part=1&text=&doclang=RO&cid=18467666>, accessed on 1.10.2020.

³³ Chiara Tea Antoniazzi, *op. cit.*, pp. 359-362.

was declared inadmissible by the Court of Justice. The recent jurisprudence of the ECHR does not consider that the mentioned statement could violate Articles 3-5 of the Convention, by reference to the general rules for the protection of human rights³⁴. Even if there are other cases pending before the two courts, which could lead to a substantive assessment of the declaration and its qualification as a legislative act of the Union, from a practical point of view, recent developments in the field of migration regulation lead to a new Union policy.

Announced from the moment of his candidacy for the position of President of the European Commission³⁵, the Pact on Migration and Asylum was the subject of a Communication from the European Commission³⁶ (Final Com. 609 of 23.09.2020). This form of soft law has been used to seek consensus between the Commission, Parliament and the Member States, with the intention of amending and supplementing the derived legislation governing asylum, Dublin regulations, control at the external maritime border and the protection of persons located within the territory of the Union.

The Communication aims to ensure that, following the adoption of the accompanying legislation, there is better and fairer management of external borders, and that there are uniform asylum rules at state level, including in terms of simplification and return rules in the countries of origin, effective solidarity mechanisms when a state is facing humanitarian crisis situations, developing policies on the management of migrants and their return to the countries of origin. At the same time, with regard to the establishment of good diplomatic and economic relations, the Commission envisages developing partnerships with countries facing a large number of departures, respectively with transit states, as well as attracting young talent and supporting effective policies for their integration into host states.

5. Covid-19 and human rights

At the beginning of 2020, the medical situation in China surprised the whole world, and the ravages of an unknown virus showed a much greater threat than any other previous medical situation. The Member States of the Union soon faced an emergency medical situation, requiring measures that would temporarily suspend the free movement of persons. Italy, a frontline state in the migration phenomenon in recent years, has been severely affected by the COVID-19 pandemic, and the medical system has not been able to cope with the demands.

The measures taken by the European Union and the states have been aimed at limiting the transmission of the virus and protecting the population from contracting the disease. To this end, measures have been adopted that have affected

³⁴ Application no. 22696/16, European Court of Human Rights, J.R. and others v. Greece, Application no. 39065/16, European Court of Human Rights, O.S.A. and others v. Greece

³⁵ https://ec.europa.eu/info/sites/info/files/political-guidelines-next-commission_ro.pdf, accessed on 1.10.2020.

³⁶ https://eur-lex.europa.eu/resource.html?uri=cellar:85ff8b4f-ff13-11ea-b44f-01aa75ed71a1.0008.02/DOC_1&format=PDF, accessed on 1.10.2020.

the free movement of persons on European territory, but also the economy in its entirety³⁷. Even the lucrative legal migration of European citizens has been affected, with jobs unsafe and unsustainable, while nationalist anti-migration trends have emerged in many European countries³⁸. Being a major crisis in the medical system, in which medical staff often had to decide to provide medical care only to those who needed it, it has certainly also affected migrant/refugee camps on the territory of the Member States.

The exacerbated religious approach started by Hungarian Prime Minister Viktor Orbán has been continued, generating a strong sense of Islamophobia in many states³⁹. On the other hand, the use of the topic of migrants in domestic political campaigns has shown a break between the principles of the European Union and the practice of some states.⁴⁰

Migrant camps have remained few in numbers and overcrowded, with living conditions that do not correspond to a decent living. The poor preparation of states to effectively integrate migrants is still inadequate, and the hope of a better life, which animated the great mass of those who entered the territory of the Union, tends to disappear, leaving in its place a feeling of hatred, of political and religious radicalization.

The interventions of non-governmental organizations and humanitarian organizations cannot replace the precariousness of the national and European institutional effort, and the postponement of a concrete intervention can trigger a humanitarian drama. Access to education, learning the language of the state in which they are housed pending the decisions of the authorities, access to a minimalist medical system and psychological and family counseling are essential to respect the letter and spirit of international human rights norms⁴¹.

The recent misunderstandings between the European Union and Turkey may have a direct and immediate effect on the reopening of the Pandora's box and the emergence of a new wave of migration in the spring of 2021. Such a situation would have direct effects on frontline states, especially if the Migration Pact is not followed by a swift adoption of the accompanying secondary legislation.

³⁷ Gabriel Liviu Ispas, *Politici publice ale Uniunii Europene în criza economică. Căutăm consensul sau salvăm economia?*, in O. Dimitriu (ed.), *Probleme și soluții legale privind criza COVID-19*, C.H. Beck Publishing House, 2020, pp. 565-576.

³⁸ Gabriel Liviu Ispas, *The free movement of workers during a state of emergency*, in *Proceedings of the International Conference of Law, European Studies and International Relations. Romanian Law, 30 Years after the Collapse of Communism*, 8th edition, Hamangiu Publishing House, Bucharest, pp. 39-47.

³⁹ Veronika Kostenko, *Gender Attitudes of Muslim Migrants Compared to Europeans and Public in Sending Societies: A Multilevel Approach*, in Katarzyna Górak-Sosnowska, Marta Pachocka, Jan Misiuna (eds.) *Muslim minorities and the Refugee Crisis in Europe*, SGH Publishing House, Warsaw, 2019, pp. 38-48.

⁴⁰ Ernst Furlingen, *The Invention of the Enemy: The Topics 'Islam' and 'Refugees' in the Election Campaign of the Freedom Party Austria in 2017*, in Katarzyna Górak-Sosnowska, Marta Pachocka, Jan Misiuna (eds.), *op. cit.*, 2019, pp. 197-210.

⁴¹ Hanneke van Eijken, Barbara Safradin, Linda Senden, *The refugee crisis: acisis of law, will or values*, in Dina Siegel and Veronika Nagy (eds.), *op. cit.*, 2018, pp. 27-61.

It is true that most migrants are not refugees and that their status is that of asylum seekers who have entered the territory of the European Union illegally. However, pending a decision on admission or return, we should be aware that if the standards of living in their home countries were sufficient, they would not have risked everything to come to the Promised Land! And we should remember that, just like us, they are human!

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