



By: *Ferry Biedermann*

# Europe's emerging migration paradigm: draconian across the political spectrum



Listening to many European politicians in recent weeks, one might be forgiven for thinking that the EU is facing no more serious challenge than the number of foreigners on the continent.

While EU-leaders **gathering** this week in Brussels discuss weighty issues, such as Russia's war on Ukraine, the war in the Middle East, climate and the bloc's flagging competitiveness, which threatens its entire economic underpinning, most eyes will once more be on their deliberations on migration.

From Poland to France, the Netherlands and, of course, Hungary, European governments have in recent weeks focussed on new proposals to limit the number of asylum seekers they have to deal with or make it easier to deport them. Even though, mostly, the numbers at the moment are not extraordinarily high, nor do they seem to cause widespread disruption.

In many cases, the measures under discussion don't stand up to judicial scrutiny, they undermine even the EU's tough new **pact** on migration that is going to be in force from 2026 and are, hence, unlikely to be approved by the European Commission.

## Hubs in third countries

Instead, European Commission president Ursula von der Leyen has said she's willing to examine the idea of establishing processing 'hubs' in third countries, along the lines of Italy's controversial migration offshoring **agreement** with Albania.

Migration will thus not just remain at or near the top of the international political agenda, it can be expected to keep causing tensions within the EU, take up disproportionate resources due to ill-conceived offshoring schemes and affect the bloc's relations with its neighbours, both in Eastern Europe, around the Mediterranean and even the UK.

## The recourse to harsh, draconian, measures is less and less restricted to the far-right

Also, the remorseless line on migration is likely to further erode what soft power the bloc has left in terms of the promotion of an international rules-based order.

While the focus on migration is by now decades-old in Europe, some new elements are starting to emerge. First of all, the recourse to harsh, some might say draconian, measures is less and less restricted to the far-right.

## The anti-migration wave

Now, also left of centre and centrist governments, like in Germany, Poland and, outside the EU, the UK are riding the anti-migration wave and are taking very tough action. Denmark's Labour party was one of the trailblazers in this respect but had until recently been an outlier.

The attraction of a tough anti-migration stance for otherwise mostly left-wing movements or politicians, can be seen in Germany, in the form of the rapid rise of the former Linke politician Sahra Wagenknecht.

Her Bündnis Sahra Wagenknecht, with its hard-left social and economic policies combined with a harsh anti-migration rhetoric, is hoovering up some former Linke votes but also threatens Chancellor Olaf Scholz's Social Democrats and his coalition partner, the Greens.

This is apart from the 'regular' anti-migration far-right AfD and its recent electoral successes.

## While the EU has recognised the Russian ploy to route migrants to Europe via Belarus, it has warned Warsaw to comply with international law

It's almost certainly one of the factors pushing Berlin towards its high-profile crackdown; resuming deportation flights for Afghans and ordering checks for migrants on internal Schengen borders.

While Donald Tusk in Poland cannot be called left-wing by any stretch of the imagination, he's known as a centrist with a strong allegiance to the rule of law and the EU. Yet, he is now **seeking** to ban migrants from entering the country from Belarus and applying for asylum.

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A European Commission spokesman was **quoted** by POLITICO as saying it recognised the need to act, "in a way that holds strong against the hybrid attacks from Putin and Lukashenko, without compromising on our values."

## Emergency legislation

This highlights the other change in the approach to migration across the continent, which has already been mentioned: an increased willingness to flout laws, international and even domestic.

In the Netherlands, for example, the far-right dominated government seeks to declare an 'asylum crisis' using emergency legislation that many legal experts and opposition MPs say is inappropriate under the circumstances.

Tellingly, the Dutch Prime Minister, Dick Schoof, who is in effect carrying out the wishes of the leader of the coalition's largest party, Geert Wilders and his far-right PVV, said that large parts of the Dutch population were 'feeling' a migration crisis, rather than stating that there actually was one.

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The Netherlands, along with Hungary, is considering asking Brussels for an opt-out from its migration rules and the recently agreed Pact on Migration and Asylum.

Given that this would undermine the pact even before it's in force, spark renewed internal EU bickering and open the door to endless exemptions, the Commission is unlikely to grant such opt-outs. Particularly, since there is no actual crisis to speak of at the moment.

In France, the new government of the right-wing Michel Barnier, has said that it will be working to introduce new migration legislation, to amend a law that was adopted just earlier this year, and then only after the country's constitutional court ripped out almost half of all its clauses.

## Erosion of the rules-based system

The willingness of governments of all political stripes to push the boundaries of what is legal and acceptable in domestic and international terms is indicative of the success of the anti-migration discourse.

That is not new, and Europe is not the only place where this leads to harsh and some might argue, inhumane and legally doubtful measures.



*In the EU, the debate about offshoring asylum processing to third countries is gathering pace - Ursula von der Leyen with Giorgia Meloni*

Australia's, for example, has offshored its migration centres since 2013, which some say has been successful but has caused unending misery for the people caught up in it and appears very problematic under international obligations and EU law.

The US too, is currently taking measures such as Joe Biden's executive order stopping migrants from seeking asylum at the US-Mexican border earlier this year.

In the EU, the debate about offshoring asylum processing to third countries is gathering pace, not least because von der Leyen has condoned the policy as carried out by Italy's far-right dominated coalition of Giorgia Meloni.

Even the UK's Labour Prime Minister, Keir Starmer, last month saw fit to take a closer look at Italy's scheme, in the process cosying up to Meloni, the leader of a far-right, populist, neo-fascist successor party.

Whatever extra steps the EU will take in the coming years to further tighten its migration policy, it's very unlikely to still the debate. If anything, more widespread acceptance of harsh anti-migration policies, is likely to lead to more success for the anti-migration far-right or -left.

That is because migration is a proxy, a useful tool, a wedge issue used by a range of anti-democratic, populist, authoritarian parties that abhor the international rules-based order.

At other times it also allows more mainstream parties to shift the blame for systemic failures to deliver on housing, healthcare, affordable living etc.

True, trying to counter a widespread sentiment, or as the Dutch Prime Minister has said, a 'feeling', has not made the issue disappear either. But leaning into it only opens the door to a further erosion of the rules-based system.