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When the periphery comes to the centre: mapping out the securitarian approach to migration in Poland

Kiedy peryferie zbliżają się do centrum: wykorzystanie mapowania bezpieczeństwa w analizie migracji w Polsce

Abstrakt

Definicja uchodźcy zawarta w art. 1A(2) Konwencji dotyczącej statusu uchodźców z 1951 r. oraz Protokołu do niej z 31 stycznia 1967 r. nie ewoluowała, nie dostosowała się ani nie odpowiedziała na ruchy o podłożu społeczno-ekonomicznym. W rezultacie migranci pochodzący z krajów, w których czynniki przemieszczania się uchodźców są powiązane z upadkiem gospodarczym, niestabilnością polityczną i ubóstwem, są uznawani za zagrożenie dla bezpieczeństwa, bez prawa do ochrony międzynarodowej w Unii Europejskiej. Wykorzystując Polskę jako studium przypadku, artykuł ma na celu wykazanie, że kategoryzacja migrantów jako niepożądanych, na granicy polsko-białoruskiej pokazuje przyjęte przez Polskę restrykcyjne podejście, o charakterze sekurytarnym wobec przepływów migracyjnych. W artykule zastosowano typologię jakościowej w metodologii internetowej, która obejmuje zebrane w sieci dane z instytucji zajmujących się polityką wobec uchodźców i ich ochroną w Polsce i poza jej granicami. Opinie ekspertów są wykorzystywane do konsolidacji badań, w celu określenia powodów, dla których Polska zabezpiecza swoje granice przed migrantami z Bliskiego Wschodu i Afryki. Zabezpieczanie polskich granic przed migrantami z Bliskiego Wschodu i Afryki jest oceniane jako surowe, restrykcyjne i niezgodne z prawem azylowym Unii Europejskiej. Artykuł kończy się przedstawieniem planu, w którym sekurytyzacja granic powinna być zrównoważona podejściem humanitarnym, respektującym prawa migrantów.

Słowa kluczowe: sekurytyzacja, migracja tranzytowa, instrumentalizacja, granica polsko-białoruska

Abstract

The refugee definition in Article 1A(2) of the Convention Relating to the Status of Refugees of 1951 and its Protocol of 31 January 1967 has not evolved, adapted, nor responded to socio-economic induced displacement. As a result, migrants who come from countries where refugee displacement factors are interconnected with economic failure, political instability, and poverty are labelled as a security threat and undeserving of international protection in the European Union. Using Poland as a case study, the paper aims to show that the categorization of migrants as undesirable at the Polish-Belarusian border, has led to Poland adopting a restrictive securitarian approach against migratory flows. The paper employs a typology of

qualitative online methodology that incorporates web-scraped extant data from institutions dealing with refugee policy and protection in and outside Poland. Expert opinion is further employed to consolidate desk research in mapping out the reasons Poland is securitizing the borders against migrants from the Middle East and Africa. The securitization of the Polish border for migrants from the Middle East and Africa is assessed as harsh, restrictive and not in sync with the European Union's asylum law. The paper concludes by providing a blueprint on how the securitization of borders should be balanced with a humanitarian approach that respects the migrants' rights.

Keywords: securitarian, transit migration, instrumentalization, Polish-Belarus border

Introduction

At the centre of the securitarian approach to migration is the definitional debate as to who is a migrant or refugee in the context of the new and mixed migratory flows (Shacknové, 1985; Wolff, 2021). This is tied to the existential threats receiving countries might face if the mixed migratory flows are not monitored (Fauser, 2006). On the other hand, current discourse on mixed migratory flows points to the fact that oppressive regimes, mismanaged economies, insecurity, environmental change and acute shortage of resources has recently led to an implosion of cross-border forcibly displaced persons (Adepoju, 2019, p. 8; Foster, 2007; Zetter, 2015) who are perhaps a "consequence of globalization" (Goodwin-Gill & McAdam, 2007, p. 15). To that end, this has created a blurred distinction between migrants, refugees and asylum seekers. In response, receiving countries have adopted a securitarian approach by pushing back migrants at the frontiers seeking international protection.

A case in point is the conflict between Poland and Belarus. In early September of 2021, a small group of 32 Afghanistan migrants were reportedly denied entry into Poland at the Polish-Belarus border (Deutsche Welle, 2021; Grupa Granica, 2021). According to some experts, the migrants were fleeing both "persecution and poverty" (Kulakevich, 2021), while others were of the view that the migrants had legitimate reasons to seek asylum as they were fleeing from "countries ravaged by armed conflicts and human rights violations" (Grupa Granica, 2021, p. 11). By the end of November 2021, the number of migrants at the Polish-Belarusian border is reported to have increased to a conservative figure of over 3,000 migrants from the Middle East and Africa (Grupa Granica, 2021). The Polish government, with the support from the European Union, in turn blamed the Belarus government for weaponizing the vulnerable migrants as a backlash to the economic sanctions imposed on Alexander's Lukashenko's government for stolen elections (Forti, 2022; Kliem, 2021).

On 1 December 2021, the European Commission proposed a Council Decision (COM/2021/752) with a set of provisional emergency measures for the benefit of Latvia, Lithuania and Poland that remained in force for six months (ECRE, 2021). The measures included among others detention of migrants, delayed asylum registration process, and limiting basic materials that may be offered to asylum seekers at the port of entry. The justification for these measures stemmed from the security threat posed by Belarus in the "context of instrumentalization of migrants" at the external borders of the EU members. In terms of Article 78(3) of the Treaty on the

Functioning of the European Union (TFEU), the European Commission can trigger such a number of provisional measures in the event of a “sudden inflow of nationals of third countries” into the territory of the EU (ECRE, 2021).

Two weeks later, the European Commission further announced two proposals aimed at curtailing irregular migratory flows after the aftermath of the Polish-Belarus border standoff. First, the Commission announced COM/2021/890 as a legislative initiative aimed at addressing situations of instrumentalization in the field of migration and asylum (EU Monitor, 2021). This proposal was borne out as a result of State actors [Belarus] weaponizing migrants for political purposes (Forti, 2022). The second proposal was the revision of the Schengen Borders Code so that EU member states may re-introduce internal border controls when faced by a threat affecting their internal security (PICUM, 2022).

These measures complemented a number of securitarian actions taken by the Polish government at the onset of the humanitarian crisis. Poland had declared a state of emergency in early September 2022 in Podlaskie and parts of Lubelskie Voivodeships (BBC News, 2021). The ordinance further banned any gathering of people along the Poland-Belarus border, and further handicapped humanitarian organisations and media personnel from reaching out to the migrants at the Polish-Belarus border (Aljazeera, 2021; Grupa Granica, 2021; Kulakevich, 2021). This was followed by the Act of 14 October 2021 that amended the Act of 12 October 1990 on the protection of the state border, and the Act of June 13, 2003 on granting protection to foreigners within the territory of the Republic of Poland (*Ustawa z dnia 14 października 2021 r. o zmianie ustawy o cudzoziemcach oraz niektórych innych ustaw, 2021*). The effects of the amendments resulted in the criminalization of anyone who may assist migrants to enter Poland illegally and also effectively allowed State actors to pushback migrants to countries where they faced danger (Szulecka & Klaus, 2021). In January 2022, the Polish government began to build a wall along its border with Belarus as another way to deter migrants out of Poland and the EU (Harlan & Zakowiecki, 2022).

Therefore, this paper aims to analyse the reasons and the effects of the securitarian approach taken by Poland in dealing with the migrant crisis at its border with Belarus. To show and reflect on the securitization of Polish borders, the paper proceeds in the following order: The next section will discuss the methodological aspect in particular a typology of qualitative online methodology that incorporates web-scraped extant data from institutions dealing with refugee policy and protection in and outside Poland. After the imposition of the State of Emergency by the Polish government that covered 115 towns in Podlasie and 68 towns in Lubelskie, physical access to the Polish-Belarus border was difficult and online sources became the major sources of information. In the third section, I intend to lay the foundation on the underlying issue that has given rise to mixed migratory flows on the Polish-Belarusian border. I argue that the blurred distinction between the categories of migrants, asylum seekers and refugees has given rise to selective and restrictive immigration approach in Poland. Part of the problem is that the refugee definition in Article 1A(2) of the Convention Relating to the Status of Refugees of 1951 and its Protocol of 31 January 1967 (hereinafter The Geneva Convention) has not evolved,

adapted, nor responded to socio-economic induced displacement. As a result, I hypothesize that migrants who come from countries where refugee displacement factors are interconnected with economic failure, political instability, and poverty are labelled as a security threat and undeserving of international protection in the European Union. Tied to this section is the mapping out of the securitarian approach by Poland which dates back to the so-called migration crisis of 2015. In the fourth section, I proceed discussing the findings of this research. The paper argues that the securitization of the Polish border for migrants from the Middle East and Africa is assessed as harsh, restrictive and not in sync with the European Union's asylum law. The conclusion maps out a blueprint that balances the securitization of borders with a humanitarian approach that respects the migrants' rights.

Methods

This paper is a culmination of an online policy briefing held by the European Council on Refugees and Exiles (ECRE) on 25 February 2022. The policy briefing, attended by key refugee/diaspora-led organizations and activists living in Poland, was about the situation at the EU's external borders with Belarus and the European Commission's proposals in terms of Article 78(3) of the Treaty on the Functioning of the European Union (TFEU) as discussed above. The expert opinion gathered in this policy briefing and afterwards was consolidated with desk research and qualitative online extant data from institutions dealing with refugee policy and protection in and outside Poland. Opinion was sought from representatives from the following organizations; *Helsinkińska Fundacja Praw Człowieka* (Helsinki Foundation for Human Rights), *Fundacja Ocalenie – Pomagamy uchodźcom w Polsce*, *Grupa Granica (GG)*, and the European Council on Refugees and Exiles (ECRE). In an environment where the Polish government, led by the Law and Justice party (*Prawo i Sprawiedliwość, PiS*), could not allow access to the border, and where the State media had sole access to the border, the organizations helped with a balanced reflection of the humanitarian crisis. The Helsinki Foundation for human Rights has a consultative status with the United Nations Economic and Social Council (ECOSOC) and was founded in 1989 by the members of the Helsinki Committee in Poland. The *Fundacja Ocalenie* assists migrants in settling in Poland and operates in Warsaw and Łomża and has recently gained a national character after the invasion of Ukraine by Russia. *Grupa Granica* is made up of different non-governmental organizations that opposes the Polish government's securitarian response on the Polish-Belarusian border, while ECRE is a coalition of 105 non-governmental organisations in 39 European countries and its main objective is to protect and advocate refugees, asylum seekers and migrants' rights in Europe. Ethical considerations were taken into account in relation to the authenticity of the online data gathered. As advised by (Dame Adjin-Tettey, 2022, p. 1), there is need to "identify fake news, disinformation and misinformation, and sharing intentions", when using extant online data.

Who is need of International protection?

In the wake of the mixed migratory flows, the term ‘migrant’ has generically been used to refer to asylum seekers and refugees at the same time (Wolff, 2021). This blurred distinction has evolved due to the interconnectedness of the factors inducing displacement in the new global era. Therefore, to understand the reasons why some countries in the European Union have adopted aggressive and restrictive border controls in the wake of a wave of mixed migratory flows, the question for determination in this section is who is in need of international protection in the 21st Century? This is because the profile of a refugee as one fleeing State-induced physical harm has not been matched by the harrowing images of “migrants” of all ages drowning at sea in an attempt to reach Europe from Asia and Africa for better economic opportunities (Last & Spijkerboer, 2014).

The term migrant is defined by the International Organization for Migration (IOM) as “any person who is moving or has moved across an international border or within a State away from his/her habitual place of residence” (IOM, 2019). This movement has nothing to do with the migrant’s legal status in the new country, nor is not associated with voluntary or involuntary movement. The IOM further states that the legal status of the migrant is not subject to the length of stay in the new country. Observers are of the view that the definition is broad and includes refugees as migrants too (Adepoju, 2019; Loschi & Russo, 2020). To that end, the term “migrant” has been a source of political debate as some countries are of the view that this broad category is inclusive of people who do not require international protection according to the standard set by the Geneva Convention (PICUM, 2017). In generic terms, the word “refugee” refers to a person migrating or fleeing hardship. It has its historic roots in the revocation of the Edict of Nantes in 1685 which forced about 300,000 Huguenot *réfugiés* to flee France to other countries in fear of their lives (d’Orsi, 2015; Dowty & Loescher, 1996). According to the provisions of Article 1A(2) of the Geneva Convention provides that the term ‘refugee’ shall apply to any person who: [...] *owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country [...]* (Geneva Convention, 1951).

This definition of a refugee has been included in the European Union asylum law¹, in particular the Qualification Directive, and remains the global standard

1 The refugee definition as provided for in the Geneva Convention is reflected as such in the following European Union asylum acquis, and for the purpose of this paper *Directive 2011/95/EU* is the most pertinent: European Union: Council of the European Union, *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, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast)*, 20 December 2011, OJ L. 337/9-337/26; 20.12.2011, 2011/95/EU, Article 2(d), available at: <https://www.refworld.org/docid/4f197df02.html> [accessed 28 June 2021]. The 2011 Qualification Directive supersedes the 2004 Qualification Directive: Council Directive 2004/83/EC of 29 April 2004 on Minimum Standards for the Qualification and Status of Third Country Nationals or Stateless Persons as Refugees or as Persons Who Otherwise Need International Protection and the Content of the Protection Granted; European Union: Council of

used in determining the refugee status for asylum seekers. Yet the definition in the EU asylum law is limited to third country nationals, and thus not as exactly as the standard set in the Geneva Convention. This distinction is therefore important in understanding the reasons why some refugees might be seen as more deserving than others. The definitional challenge constrains institutional assistance from refugee supporting organisations and at the same time can be used by States to select as to who should be given international protection (Bandopadhyay, 2020).

According to the United Nations High Commissioner for Refugees (UNHCR), at least 82.4 million people around the world have been forcibly displaced from their homes.(UNHCR, 2020). Of that number, the UNHCR estimates that 48 million have been internally displaced, whereas 26,4 million are designated as refugees and 4.1 million are asylum seekers.(UNHCR, 2020). It is further estimated that in Africa, over 18 million people are categorised as “people of concern” by the UNHCR (UNHCR, 2020). The term “people of concern” includes refugees, migrants returned or deported to their country of origin, internally displaced persons and asylum seekers (Takaindisa, 2021, p. 7). To that end, asylum seekers whose status has not yet been determined are usually labelled as “economic migrants” or “economic refugees” by receiving States and thus not deserving of refugee status (McAdam, 2009). Critics are of the view that there is no official definition of the term asylum seekers as it is not even a legal term (PICUM, 2017). In fact, this has been slated as an “invention’ of receiving governments who are not willing to take in a wave of immigrants and thus leave this category of migrants in limbo.

Mapping out the securitarian approach

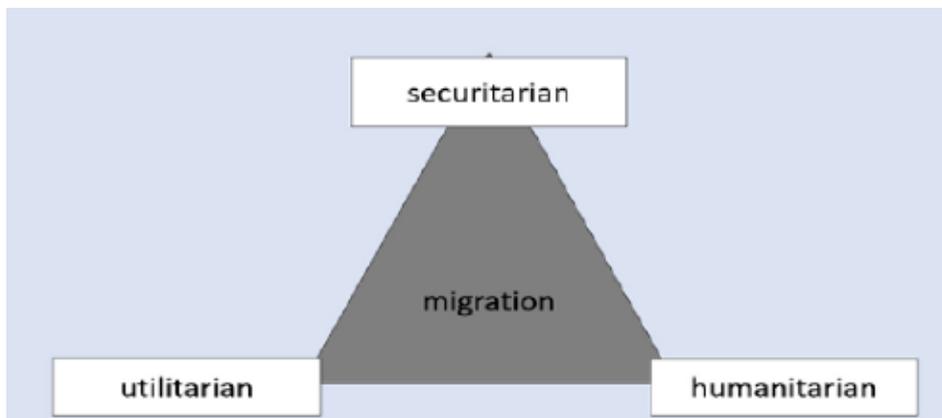
Migration control is an important aspect of national sovereignty. States have an inherent right to determine as to who should enter or leave their territories. This then becomes a matter a public policy as States draws up legislation to protect its borders and internal security (Fauser, 2006). After the September 11 terrorist attacks, States have become more arbitrary when they securitize frontiers at the expense of human rights (Bonacia, 2018). In the process, the States justifies their restrictive approach by linking physical security to the immigration policy so as to convince the public to support securitization as a national interest (Echeverría, 2020).

Studies on migration law and policy outlines the following three key approaches used by States to control migratory flows: securitarian, utilitarian and humanitarian (Bonacia, 2018; Caplan, 2012; Cusumano, 2019; Wellman, 2011)2018; Caplan, 2012; Cusumano, 2019; Wellman, 2011. Using these studies as a basis of the figure below, it can be argued that a sound migration policy should stand squarely on all these three legs without being skewed on one extreme side. The utilitarian element allows the State to maximize from the benefit of having migrants in the country (Caplan, 2012). This then justifies an open border policy that is to the benefit

the European Union, *Council Directive 2005/85/EC of 1 December 2005 on Minimum Standards on Procedures in Member States for Granting and Withdrawing Refugee Status*, 2 January 2006, OJ L 326; 13 December 2005, pp. 13–34, Article 2(f), available at: <https://www.refworld.org/docid/4394203c4.html> [accessed 28 June 2021].

of human welfare than a strict and discriminatory securitarian aspect (Wellman, 2011) which argues that allowing each state to close its doors to all outsiders has horrible consequences. It considers three concerns about giving each state power to limit immigration: it results in gross economic inefficiencies, economic inequality, and political tyranny. Based on these arguments, utilitarianism appears to be advantageous if states are stripped of the right to set their own immigration policies. The chapter outlines a number of reasons why the utilitarian case is not convincing. For example, if one also factors in potential costs of denying states control over their territorial boundaries, it becomes much less clear that there would be a net gain to such a move. Moreover, the deontological nature of the right to political self-determination entails that a state may withstand such appeals to overall efficiency and other mere consequential considerations.

Figure 1. Approaches underlying Migration policies



Source: Based on studies of (Bonacia, 2018; Cusumano, 2019; Wellman, 2011)2018; Cusumano, 2019; Wellman, 2011.

The securitarian approach is thus broadly defined as a process of social construction in which States associates migration to symbolic politics that demonizes the migrant as both as a security threat and a social burden to the to the public (Ferreira, 2018; Takaindisa, 2021). At the core of it, the process takes a psychological dimension in which the public are constantly reminded of an existential threat that comes with a porous border. This process ends with the “acceptance by the audience” that migration is a securitized object and any irregular migrant is not only the enemy of the politician but of the State (Ferreira, 2018, p. 1). I have argued on other platforms that such political rhetoric stokes up xenophobic elements and leads to the systemic exclusion of migrants in the receiving countries (Mutsvara, 2020). Therefore, the discourse on migratory flows as being ‘irregular’ or a ‘wave’ politicizes migration and brings to the fold an asymmetrical evaluation of migration as being out of control leading to arbitrary pushbacks. Arguably, governments have latched on the nationalistic mantra out of fear that their political opponents will capitalize on the discourse of public safety and sovereignty (Villaverde, 2020)

there are the repeated declarations of concern and condolences in the face of each new human tragedy, and even promises, such as that just given by the European Commission president, Ursula von der Leyen, that the European Union's (EU).

To that end, an argument about high refugees' numbers cannot be sustained in the face of global statistics. Take for example, in 2018 about 6.7 million refugees fled Syria due to the civil war in that country (Heelsum, 2016; World Vision, 2021). While any form of displacement is tragic, it is erroneous to suggest that a 'wave' of migrants left Syria when this then just represented 0.1 percent of the global population which then stood at 7.53 billion (Castañeda & Shemesh, 2020, p. 3). Many think that immigration is something caused by globalization, and some subsequently blame immigrants for the increased inequalities produced by economic globalization. Xenophobic nationalism has gained popularity around the world, further increasing racial tensions but without addressing the underlying causes of growing socioeconomic inequality, which this paper strives to show is caused by economic policies, not immigration. This paper argues that the apparent retreat from globalization arises from the flawed conceptualization of "globalization" as a bundle of different processes. This study analyzes early framings of economic globalization and shows how it has been linked, for political reasons, to increased migration, diversity, and open borders. Coining the term "globalization"; was not just naming ongoing social change, but it became part of the branding of an elite ideological policy project. The popular framing of globalization purposely entangled independent phenomena such as free trade policies, the expansion of the internet, cosmopolitan identities, and international migration. These couplings brought together neoliberal conservatives and liberal cosmopolitans. Given the current backlash, it is essential to distinguish migration from policies favoring trade and capital movement across borders. It is noteworthy to remember that immigration is something that preceded globalization. Therefore, it is necessary to investigate how migration became entangled with globalization in the popular imagination." Statistically, it is therefore a misnomer to suggest that international migration is out of control.

In this context, a securitarian approach to migration then becomes a subjective phenomenon. It then becomes dependent on who is defining terms and categories of what can be perceived as a security threat. As argued above, the distinction of one as "third country national" in a situation in which the persecution is interconnected with other socio-economic factors not listed or conveniently omitted in the European Asylum law will result in a categorization of migrants as either desirable or undesirable (Armus, 2019) modern "Argentine race." Eugenic discourses rationalized those concerns around the idea of desirable and undesirable immigrants. People with tuberculosis were part of the latter. These discourses, however, were merely discourses, either not implemented in practice or mostly inconsequential. This article underlines the importance of being cautious when historical narratives of eugenics are only based on discourses. In other words, the use of such terms as 'border security', 'internal security', and 'national interest' are aimed at condemning migratory movements as 'irregular' only when those from the periphery of the world seeks to come to the centre (Davison & Shire, 2015).

It can further be argued that a subjective approach to the securitization of national borders is couched and veiled in language of national security. This creates unequal mobility structures to the benefit of one group at the expense of the other (Spijkerboer, 2018). Davison and Shire are of the view that such a skewed securitarian approach creates a polarized hierarchy of entitlement that wrongly suggest that those from developed countries can migrate at will while those coming from poor countries remain immobile (Davison & Shire, 2015). The argument by Giannacopoulos is that such preoccupation by sovereign states to securitise the borders in the name of security, efficiency and national interest presupposes that certain human mobility requires a legal infrastructure to curtail it (Giannacopoulos, 2014). In doing so, categories of migrants emerge as either desirable or undesirable and thus sanitises the violence of war and exclusion (Armus, 2019; Giannacopoulos, 2014, p. 172)2014, p. 172.

On the other hand, the justification for a securitarian approach in migration is compelling. It is argued that the State takes precedence over its citizenry and its broad function is the: (a) provision of internal security; (b) generation of conditions suitable for wealth creation; (c) provision of social justice; and (d) maintenance of institutional legitimacy (Echeverría, 2020, p. 81). These four goals of a State are inherently linked to the migration framework and their achievement is premised on a peaceful and secure environment. While it is debatable that these goals can be achieved simultaneously, the underlying argument is that if migration is strictly controlled, then the national tradition and its social character will be maintained and anchor the State to achieve the above goals (Choucri, 2002; Fauser, 2006; Wolff, 2021).

However, critics are of the view that the securitarian logic should not exist in isolation of the humanitarian approach that takes into consideration the rights of migrants (Cusumano, 2019). The EU member States are signatories of international treaties and should rethink securitization as it violates immigrants' rights and malign the principle of non-refoulement (Cusumano & Gombeer, 2020). In terms of Article 33 of the Geneva Convention, States may not transfer (return, expel, extradite) *any person* to territories or frontiers where they are likely to face the risk of being subjected to torture or any other degrading treatment (Geneva Convention, 1951) This rule has become a customary rule and has been codified in a number of treaties², to which most countries are signatories.

Therefore, in trying to maintain a secure border and curtailing irregular migratory flows, a securitarian approach increases human insecurity. This results in dire humanitarian situations on the external borders and leaves migrants in limbo and vulnerable to transnational crimes like human trafficking (Esteveens, 2018) a crisis that stands as one of the most important geopolitical challenges today in

2 See Article 3 of the UN General Assembly, *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, 10 December 1984, United Nations, Treaty Series, vol. 1465, p. 85, available at: <https://www.refworld.org/docid/3ae6b3a94.html> [accessed 25 April 2022]; See Article 16 of the UN General Assembly, *International Convention for the Protection of All Persons from Enforced Disappearance*, 20 December 2006, available at: <https://www.refworld.org/docid/47fdfaeb0.html> [accessed 25 April 2022].

the EU. After developing and applying a framework for analysis derived from a literature review, the existing differences among Member States are clear in terms of strategic cultures and approaches to migration issues. The idea of 'EU'rope without internal borders is at stake as Schengen is under serious attack due to increasing Eurocentrism and growing extreme right-wing populism, which are a consequence of increasing economic protectionism and international terrorism. The solution seems to depend on two critical uncertainties: the evolution of political and social instability in the North Africa and the Middle East, and the future of the EU itself. The results enlighten a securitization of migration mostly centred on the nation-state and national security rather than on people and human security. It is herein concluded that States should move towards the process of de-securitization that realigns relations between the citizens and the immigrants. That way this will lead to a more inclusive society and that aims to better the human security of all in the country and those at the national borders.

Discussion and findings

The securitarian approach adopted by the Polish government towards migrants from the Middle East and Africa at its border with Belarus is assessed as harsh, restrictive and not in sync with the European Union's asylum law. Further, expert opinion will show that the Polish government objectified the immigrants as the enemy of the State thus labeling them as a security threat. The paper concludes by discussing the impact of the European Commission's interventions through a number of legislative regulations and proposals aimed at supporting Poland and other EU member States during the humanitarian crisis. These measures are evaluated as reactionary since they violate the rights of the migrants, but also flouts binding international treaties that are foundational to the European asylum acquis.

From the onset of the Polish-Belarus migration standoff, the Polish government adopted a securitarian approach. The term "illegal migrants" *nielegalnych migrantów* was used together with the information that all migrants from the Belarus border were part of Lukashenko's hybrid war to destabilize Poland (Telewizja Polska TVP, 2021a). According to *Telewizja Polska* (TVP) the wave of migrants at the Polish border with Belarus was an "unprecedented Belarusian operation...aimed at the interests and the security of the Republic of Poland" (Żaryn, 2021). This message of *nielegalnych migrantów* from Belarus was constantly relayed to the public and resulted in divided public opinion over the fate of the migrants.

According to *Notes From Poland* (NFP), 45.5 percent of the Polish society supported the government's securitarian approach while support the Polish government for their stance against the Afghan refugees while 42.4 per cent denounced the heavy-handed approach by Poland (NFP, 2021). Due to variety of online sources on the matter, perceptions within the Polish society began to shift as shown in another poll published by *Fundacja Instytut Badań Rynkowych i Społecznych* (IBRiS) for *Rzeczpospolita*, indicates that 50 per cent of the respondents wanted Poland to take in the migrants, with 26 per cent against the move while 12 per cent were of

the view that Poland should not be discriminatory towards Muslim migrants at the Polish-Belarusian border (NFP, 2021).

The sentiments on the treatment of the Muslim migrants as undesirable has in the past brought Poland before the European Court of Justice (ECJ). On 2 April 2020, the European Court of Justice found that Poland, Hungary and the Czech Republic violated their European Union's obligations on burden sharing during the 2015 refugee crisis (Zalan, 2020). The court (Third Chamber) held that the three European countries shirked from their obligation to host 160,000 asylum seekers at a time when Europe was battling to contain the 2015 migration 'crisis'. This was a violation of the *Council Decision (EU) 2015/1523 of 14 September 2015* and the *Council Decision (EU) 2015/1601 of 22 September 2015* that sought to relieve the refugee burden from Italy and Greece at the time (Council of European Union, 2015; Council of the European Union, 2015).

Poland had been allocated a total of 109 refugees; 73 of which were to come from Greece and 36 from Italy (Commission v Poland, 2020). Of note here is the fact that Poland and Hungary expressed concerns with regard to the possibility of hosting refugees who are "dangerous and extremist persons" with an affinity to carry out "violent acts of a terrorist nature" (Commission v Poland, 2020).

Marta Górczyńska of the Helsinki Foundation for Human Rights is of the view that Poland took a securitarian approach when it militarised the border. The razor wire fence at the frontier suggests that entry into the territory is prohibited. Grupa Granica also reports of two battalions from Białystok and Hajnówka and anti-terrorist troops were put on high alert, while a total of 21,000 armed personnel (soldiers, Border Guard officers and Police Officers) patrolled the area near Kuźnica (Grupa Granica, 2021, p. 8). The effect of this military narrative objectifies migrants as the enemy of the State and an existential security threat. As discussed earlier on in the previous section, this narrative is aimed at drawing the public to the State's side and sanitize its securitarian approach in the name of protecting internal security.

This narrative was peddled in the State media with such headings as: *Nowa taktyka. Migranci atakują w małych grupach i z większą agresją* [WIDEO]: A new tactic. Migrants attack in small groups and with more aggression" [VIDEO], *Czy migranci zaatakują w Święta Bożego Narodzenia?: Will migrants attack on Christmas?* (Telewizja Polska TVP, 2021b). Such headings are aimed at creating fear in the public and justifies the State's heavy-handed approach in dealing with the migrants. In the case of Poland, this has led to the amendment of the National law on asylum and made it difficult for humanitarian organisations or members of the public to render assistance to the migrants trapped at the border in snowy conditions (*Ustawa z dnia 14 października 2021 r. o zmianie ustawy o cudzoziemcach oraz niektórych innych ustaw, 2021*).

In the aftermath of the humanitarian crisis at the Polish-Belarusian border, the European Council came up with the following interventions; (a) emergency measures for the benefit of Poland, Lithuania and Latvia, (b) regulation addressing situations of instrumentalization in the field of migration and asylum, and proposed revision of the Schengen Borders Code. Josephine Liebl, Head of Advocacy (ECRE) is

critical of these measures as they expand the securitarian matrix not only in Poland but also in the EU.

First, she is of the view that the proposed emergency measure to extend and expand the border procedure for Poland will effectively allow Poland to detain migrants and delay their registration. This does not exempt children and other vulnerable applicants. In the ultimate end, the proposed emergency measures will go against the European Asylum *acquis* and raises concerns about the right to asylum, prohibition of torture and inhuman or degrading treatment, right to liberty and security, the rights of the child and protection in the event of removal, expulsion or extradition.

Experts from ECRE, *Grupa Granica* and *Fundacja Ocalenie* further highlight the fact that Poland failed to take a balanced approach to migratory flows. They are of the view that the Polish migration policy and law is ultra securitarian and should be counterbalanced by a utilitarian and humanitarian approach. For example, the limitation of reception condition for Poland, Latvia and Lithuania violates human dignity. A recommendation to the European Council will be to consider the option of allowing humanitarian assistance at the border and the possibility of free legal assistance and language interpreters.

Conclusion

The paper attempted to map out the migration approach taken by Poland in controlling the migratory flows at its border with Belarus. To understand the securitarian approach, attention should be given to the murky definitional categorizations of migrants, asylum seekers and refugees. Current developments have shown that factors of displacement in the Geneva Convention and European asylum law are exclusionary of interconnected factors that makes it difficult to determine with certainty if someone is in need of international protection. However, events at the Polish-Belarusian border are evidence to the fact that a securitarian approach is extreme and subjective. It fails to give a wholesome determination of coalescent factors that make people seek asylum. The minimum basic requirement for the States is to at least allow the reception of the migrants and then make a legalistic determination giving cognizance to the due process of the law. It is therefore recommended that Poland adopts a balanced approach that is inclusive, in equal measure, of all three key migratory approaches discussed above. That way internal security and human insecurity of migrants and citizens will be assessed objectively with the aim of uplifting human welfare. The paper is also critical of the double standards employed by the European Council when intervening on behalf of EU member states. In controlling the migratory flows of the European Union. As shown by the ECJ case, Poland has wilfully opposed in the past the Council's proposals when Greece and Italy had faced the same problem in 2015. This then lays the ground for further comparative research on how other countries in the EU have dealt with these migration approaches in curtailing mixed migration flows.

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