



▲ The EU’s recent migration and asylum pact is far from perfect — but if the pact collapses under the weight of bigotry and paranoia, any replacement is likely to be far more hostile to refugees’ basic rights (Photo: Jan Garup/Danish Refugee Council)

Opinion

Does the fundamental right to seek asylum still exist in the EU of 2024?

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In the forests of eastern Poland, where the country meets its authoritarian neighbour, Belarus, temperatures aren’t yet sub-zero – but they will be soon. Winter is fast approaching, and with it the risk of **hypothermia and death** for refugees who’ve made it to the doorstep of Europe, but now find themselves trapped in geopolitical purgatory.

Reduced to pawns in the EU’s standoff with Russia and its allies, the situation facing these vulnerable individuals went from bad to worse last month: the Polish government, in a truly chilling move, **proposed suspending the right to asylum entirely**.

This was no isolated act of callousness.

Across the continent, a once-fringe anti-immigration rhetoric is creeping into the popular discourse, as leaders spooked by the **far-right’s electoral gains** abandon humanitarian commitments in favour of draconian deterrence.

The choice facing EU policymakers – and Europeans in general – is stark: honour our core values and legal obligations, or allow fear-mongering to trump compassion and good sense, betraying the fundamental principles that define us?

The populists’ doomsday pronouncements are eye-catching, but the facts tell a different story. **Frontex data shows irregular border crossings into the EU dropped 42** percent in the first three quarters of 2024 compared to the same period in 2023 (**75 percent of the world’s refugees** are hosted in low and middle-income countries, according to the European Commission).

While certain routes have seen upticks, including Poland’s frontier with Belarus, the overall numbers pale in comparison to 2015-2016. The current situation is challenging, but manageable – and the EU has proven it can rise to the occasion.

Think back to Europe’s response to Ukrainian refugees. Millions were welcomed with open arms, buoyed by an outpouring of public support and political solidarity. It was a proud moment for the EU, and a powerful reminder of what we can achieve when we lead with our values. That same compassion must extend to all arrivals, regardless of their origin.

Yet, across Europe, a “fortress mentality” is taking hold – whether it’s **Germany’s curbing of asylum seeker benefits**, **France ramping up border checks**, or the **European Council’s unequivocal support** of Poland’s shock announcement, it seems the drawbridge is being pulled up across the continent.

By adopting the rhetoric of a migrant “invasion” orchestrated by foreign foes, these countries risk betraying the EU’s founding principle that human rights are universal and non-negotiable. Do we really want authoritarian regimes dictating our moral obligations in this way?

We must also remember that the individuals braving Europe’s barbed wire and border guards aren’t nameless, faceless invaders. They are fathers, mothers, and children fleeing some of the most treacherous places on earth; **Afghanistan** and **Syria** in particular.

The European Commission acknowledges the unimaginable suffering in these nations, where millions require urgent humanitarian aid just to survive. We cannot claim ignorance of their plight.

Despots and dictators' rhetoric

However, rather than extending a helping hand, Europe risks being seduced by Russia’s cynical “hybrid warfare” framing, which treats asylum seekers as chess pieces in a global power struggle, rather than people in urgent need of assistance.

We must not allow despots and dictators to rob us of our moral compass. The EU was founded on the fundamental truth that dignity is inherent to all people, not conditional on nationality.

The stark reality is that fortified borders and hardline deterrence **do not stop desperate people** from seeking sanctuary – they only make the journey more perilous. **Research shows** that stricter policies simply drive refugees to take more dangerous routes, placing them at greater risk of exploitation and lining the pockets of smugglers.

There are two key solutions that, working in tandem, can help protect lives while undercutting demand for criminal smuggling networks. The first is expanding legal pathways and investing in a fair and effective asylum procedure for people who’ve already made their way to Europe. This means ensuring that every asylum seeker receives a full and impartial hearing of their protection claim, with access to legal assistance, interpreters, and decent reception conditions.

At the same time, we must focus on addressing the conflicts, persecutions, and human rights abuses that drive individuals from their homes in the first place. While Europe cannot solve these challenges alone, we have a moral imperative to be part of the solution through robust diplomacy, peacebuilding efforts, and targeted development aid.

None of this will be easy – but it will be immeasurably harder without cohesion across the European community. We must unite behind our shared commitments and work in lockstep to uphold our moral and legal duties to those in need. Regrettably, the forces of division are fighting hard to reverse progress on this front.

Collapse of pact?

The EU’s recently adopted Migration and Asylum Pact, while far from perfect, represented the strongest possible framework for cooperation given the political realities of the day.

However, the rising tide of far-right populism risks unravelling this fragile agreement entirely – and if the pact collapses under the weight of bigotry and paranoia, any replacement is likely to be far more hostile to refugees’ basic rights.

To avert this disaster, member states must urgently recommit to safeguarding the rights of asylum seekers and support the Pact’s solidarity mechanism. Crucially, this cannot mean simply paying to militarise the EU’s external borders – an approach the accord sadly accommodates. True solidarity demands that all members step up to welcome asylum seekers and provide them with full and fair opportunities to have their protection claims heard.

If Europe continues down the dark path of eroded asylum rights, we risk becoming an unrecognisable fortress, walled off from the world’s most vulnerable by razor wire, suspicion, and the very xenophobia the EU was founded to overcome.

The signposts of this grim future are already emerging – **several member states** have suggested that Syria, **a country where 70 percent of the population still requires urgent aid**, is safe for returns.

We need an urgent course correction, rejecting the siren song of far-right nativism and recommitting to refugee policies guided by evidence, human rights, and basic decency. Upholding our asylum obligations and border management are not mutually exclusive. Both are essential to the integrity, and soul, of not just the European project, but the humanity that unites us all.

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