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Europeanization of Common Migration and Asylum Policies and the Visegrad Countries: From Policy-Takers to Policy-Makers?

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ABSTRACT: Since the Treaty of Amsterdam, the European Union member states have committed to developing a common European asylum and migration policy. Traditionally, Czech Republic, Slovakia, Poland, and Hungary (also known as the Visegrad four) have been seen as policy-takers, pooling sovereignty to the Union level, and internally transforming their laws and policies – a consequence of their efforts to meet the Union's accession criteria. However, in the apex of the migration and refugee crisis, in 2015, these countries promptly showed their lack of commitment to the principle of solidarity and burden sharing and opposed to the temporary mandatory relocation system adopted by the Union. Since then, some key questions arose. Is this an indication these countries are moving from being "policy-takers" to become "policy- makers" in the EU? The paper addresses this question. Empirical evidence suggests we must be cautious when talking about policy change because these countries are too legally and institutionally constrained to become policy-makers on their own, or as a group.

INTRODUCTION

More than six decades after the creation of what later became the European Union (EU) one question is still being discussed: why do states pool some sovereignty to a supranational level in policy areas that are of crucial relevance for their national interests? Immigration policy, in particular, is still seen as a policy-field strongly connected to the ideas of self-determination and sovereignty. For this reason, the question of why states pool some sovereignty to the Union level in matters of migration and asylum becomes particularly relevant. Since the Treaty of Amsterdam, in 1999, states have been in fact pooling more and more sovereignty to the Union level allowing the EU to take crucial decisions on the matter. This process of sovereignty polling seemed to be irreversible. In addition to that, until 2014 migration was an issue that was not politicized in the Union's level; policies were mainly influenced by foreign-policy decisions taken by the executive, with a minimal level of politicization. Geddes and Scholten (2016, 205) argue that until then "immigration has not become an issue that provoked high levels of political concern or wider public concern."

The Visegrad Four (V4), composed of Slovakia, Poland, Czech Republic, and Slovakia joined the Union a few years after the Treaty of Amsterdam entered into force, but as part of the pre-conditions for accession they had to accept the *acquis communautaire*, and this included provisions that touched upon immigration policies. Historically, since the times of pre-accession these countries have been seen as policy-takers, pooling sovereignty to the Union level, and internally transforming their laws and policies in order to comply with EU norms.

Nevertheless, more than ten years after these countries officially joined the EU, Europe experienced what was named the "migration and refugees' crisis," and EU's ability to

exercise influence in this region became questioned. In this context, these countries promptly showed their lack of commitment to the principle of solidarity and burden sharing and opposed to the mandatory relocation system put in place by the Union in 2015. Is this lack of willingness to comply to EU measures an indication that these countries are moving from being "policy-takers" to become "policy-makers" in the EU? The paper addresses this question.

Throughout the paper, I argue that we must be cautious when talking about policy change. What seems to be a shift of behavior of these countries, since the migration and refugees' crisis, from being policy-takers to being policy-makers continues to be ground in strong discursive constructs as it was in the past but now slowly moving apart from "the West" and emanating from the main political elites in the four countries (Kazharski 2017). However, the main argument I put forward in this article is that this process is *not*, at least initially, accompanied by policy changes because these countries are too institutionally and legally constrained by the EU and by the power they have themselves given to the EU as a precondition to accession. In other words, although the political elites can use strategies of securitization of migration that may lead to a "partial" identitarian shift, the four countries are still strongly constrained by the EU and the discourse will most likely keep not being translated into actions. Throughout the paper, I will briefly go through the historical developments of EU common asylum and migration policies and the Europeanization process in the Visegrad Four. By looking at the process of Europeanization and Institutional theory, I then proceed to the empirical analysis where I look for possible policies' transformations currently in place in the EU level as well as for changes in asylum-policies in the four countries in the period from 2015 until now.

EU COMMON ASYLUM AND MIGRATION POLICIES

During the first ten or fifteen years after the end of the Second World War, immigration to Western European countries was seen a necessity for economic reconstruction to occur. The primary assumption was that the temporary workers would only stay for a certain period, but this did not happen. By the 1970s there was an increase in immigration regulation in Western Europe and, as a result, the main form of immigration to the region became through family reunification, which, in turn, increased the number of women and elderly immigrants in Western European countries. High-skilled workers were still welcome. During the Cold War, the type of immigrant arriving in Western European countries changed once more – there was an increase in the number of asylum-seekers and refugees as well as an increase in the number of irregular migrants (Geddes and Scholten 2016). It is in this context that the European Community felt the necessity to give the first steps towards developing common asylum and migration policies, in the 1990s.

Since the Treaty of Amsterdam, in 1999, the European Union member states have committed to progressively establishing an area of freedom, security, and justice. In the Treaty, member states committed to developing a system of common European asylum and migration policies within a five-year period (Article 73, Treaty of Amsterdam). Europeanization of migration policies was initiated, but the competencies were still limited concerning both "the scope of the work programme and the level of harmonization to be achieved" (Kaunert and Léonard 2012). In addition to that, we must bear in mind that the Central and Eastern European countries were not involved in this process of *communitarization* of asylum and migration policies. More importantly, Central and Eastern European countries were instead a source of asylum-seekers than a part of the solution to the challenges faced by other European countries dealing with immigration.

There was a ten-year period between the Treaty of Amsterdam and the Lisbon Treaty. A series of Directives were implemented in the between (such as the Directive on temporary protection, conditions for reception, and family reunification), the European Border and Coast Guard Agency also known as Frontex was created, the European Court of Justice (ECJ) was given the competence to judge certain cases related to asylum and migration law, and the Dublin II regulation was put into place. Even more significant changes came with the Lisbon Treaty.

Kaunert and Léonard (2012) point out that the Lisbon Treaty has transformed EU asylum policies on three grounds. It increased EU competences from setting minimum standards, as it was defined in the Treaty of Amsterdam, to having competences on a broad range of issues, as stated in article 78 of the Treaty on Function of the European Union (TFEU)[1]. In addition, the Treaty increased and strengthened the role of EU institutions when dealing with asylum and migration policies by a) changing the decision-making process to *the ordinary legislative procedure* where the Council and the Parliament are both involved in the decision-making and b) by reinforcing the role of the ECJ. Finally, the Lisbon Treaty "has rendered the Charter of Fundamental Rights, which was originally adopted in 2000, legally binding on all EU Member States[2]" (Ibid, 15).

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[1] The EU was given competence do adopt measures comprising "(a)uniform status of asylum for nationals of third countries, valid throughout the Union; (b) a uniform status of subsidiary protection for nationals of third countries who, without obtaining European asylum, are in need of international protection;(c) a common system of temporary protection for displaced persons in the event of a massive inflow; (d) common procedures for the granting and withdrawing of uniform asylum or subsidiary protection status;(e) criteria and mechanisms for determining which Member State is responsible for considering an application for asylum or subsidiary protection;(f) standards concerning the conditions for the reception of applicants for asylum or subsidiary protection;(g) partnership and cooperation with third countries for the purpose of managing inflows of people applying for asylum or subsidiary or temporary protection." (Article 78, TFEU)

[2] The United Kingdom and Poland negotiated an opt-out.

Moreover, article 80 also introduces key principles and creates new duties on member states

> The policies of the Union set out in this Chapter, and their implementation shall be governed by the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States. Whenever necessary, the acts of the Union adopted pursuant to this Chapter shall contain appropriate measures to give effect to this principle.

The principles of solidarity and fair sharing of responsibility played an important role in giving the Commission the competence to propose the 2015 mandatory relocation system that was highly opposed by the four Central European Countries.

In this section, I briefly presented some of the most important developments in the attempt to establish a system of EU asylum and migration. Nowadays, these developments give the Union competences to lay down the conditions governing entry and legal permanence of third-country nationals in a Member States, including in cases of asylum-seekers and refugees and family reunification, while the Member States still retain the right to define and limit immigration of people seeking to work in their territories (European Parliament 2018).

EUROPEANIZATION OF ASYLUM AND MIGRATION POLICIES IN THE V4

Slovakia, Poland, Hungary, and the Czech Republic are all post-Communist countries that in 1991 formed the Visegrad group in order to strengthen cooperation among countries who shared interests, cultural and intellectual values. Hungary, Poland, and the Czech Republic paths to democracy occurred earlier and had fewer barriers if compared to Slovakia that, after the Czechoslovak dissolution was under the authoritarian government of Vladimir Mečiar, until 1998. Following the democratization period and

the opening of their economies, the four countries were able to join the Union together with six other countries in 2004. The period since the fall of the communist regime, until the four countries were allowed to join the EU formally is marked by a quest for recognition as part of the "West." This question for recognition as part of the West is, in part, what defines these countries as "Central European" countries, as they tend not to identify as Eastern Europe.

Therefore, the concept of Central Europe is not pure geographical but also has identitarian elements (Moskalewicz and Przybylski 2017). In 1984, Milan Kundera, a Czech-born French intellectual, published "The Tragedy of Central Europe," first in the journal Débats, in French, and then in the New York Review of Books. For Kundera (1984, 33). For Kundera, the tragedy of Central Europe is that on that time, this region was kidnapped from the West and that these countries were located "geographically in the center, culturally in the West and politically in the East." With the collapse of the Soviet Union, the tragedy would be over, and these countries would return to where they originally belonged, to the West (to Europe). However, with the fall of the Soviet regime, these countries had to seek recognition from the West, to reaffirm their position and to sustain the fact they belonged, culturally, to the West.

Kazharski argues that throughout history, "the Central European quest for recognition was (…) not limited to intellectual and discursive constructs […but it also] had important policy dimensions, above all, the unconditional acceptance of the *acquis communautaire*" (Kazharski, 2017, 8). Therefore, in the past, the quest for recognition of the Visegrad countries as part of the West had an intellectual and discursive construct associated with a policy dimension (Kazharski, 2017). My argument builds up on that, and I argue that nowadays, what seems to be a shift of behavior of these countries from being policy-takers to being policy-makers continues to be ground in strong discursive constructs, now

slowly moving apart from "the West" and emanating from the leading political elites in the four countries but this is not accompanied by policy change, and most importantly, by legal developments as it was in the pre-accession times. This happens because these countries are institutionally and legally constrained by the EU and by the power they have themselves given to the EU as a precondition to accession.

As part of the pre-accession requisites these countries (and the other countries which aimed at accessing the Union at the same time) had to fulfill a series of criteria, namely the Copenhagen criteria, which required also that the countries accept the *acquis communautaire* or the EU body of laws – including the provisions of the Treaty of Amsterdam that addressed common asylum and migration policies. As a consequence of the pre-accession efforts to fulfill the accession criteria, these countries have a history of being "policy-takers"; they had to go through a process of Europeanization of their national policies.

Europeanization, consequently, is a term that has been used to describe different processes. Johan P. Olsen (2002), for instance, identify five different phenomena that could be labeled as Europeanization such as change of territorial boundaries – through the enlargement of the EU; the development of supranational institutions of governance; the influence and imposition (coercion) of institutions, policies, patterns of political behavior on the national and sub-national levels; the exportation of EU models of governance beyond EU borders through expansion of "good practices"; and a project of a political nature aimed at intensifying the unification of the EU – it is about the development of capacity at EU level, in concordance to the second definition. Throughout this article, I refer to Europeanization when I am talking about a process of "central penetration of national systems of governance" (Olsen, 2002, 923) that emanates from the EU level.

It is often argued that from accession and beyond, the four Central European countries "entered a post-transitionary period, with the differences between the old and the new Europe slowly dissipating" (Moskalewicz and Przybylski 2017, 3). Europeanization seemed to be in place. Fifteen years later, it is not clear that this is what happened, and we can trace it back to the migration and refugee crisis in Europe.

Because of the process of Europeanization of national policies as a result of the accession requirements, Central and Eastern European Countries (CEE) are said to have "developed migration and asylum policies in the absence of migration" (Geddes and Scholten, 2016, 195). They were, for a long time, seen as countries of immigration policies without being countries of immigration.

THE VISEGRAD FOUR: FROM POLICY-TAKERS TO POLICY-MAKERS?

As pointed out earlier, since the Treaty of Amsterdam, a series of measures that emanated from the Union level have been put into place. These measures were widely accepted by EU member states, and for some time Europe did not experience levels of politicization on migration policies in the Union level. In some member states such as Germany and French migration was highly politicized, but this was constrained to the domestic realm and measures taken in the EU level were either welcomed or not discussed by the broader public. This changed in 2015.

It is estimated that between the years 2014 and 2017, 1.8 million people have arrived in Europe by sea. One million have arrived just in the year 2015. It was by summer 2015 that the migration crisis had reached its apex. In the midst of the chaos generated by the lack of preparedness of the Union to come up with a coordinated response to the challenges that the high influx of people brought, the EU agreed on the "European Agenda on Migration."

The Agenda aims at providing the EU Member States with a framework to deal with asylum and migration-related issues in the short and long terms. It is based on four main pillars: reducing incentives for irregular migration, border management, developing a stronger asylum policy, and developing a new policy on regular [3]In addition to that, the Agenda outlines immediate responses to the crisis (European Commission 2015). Among the points outlined in the immediate responses sections, it can be found the "mandatory and automatically-trigged relocation system to distribute those in clear need of international protection within the EU when a mass influx emerges" (Ibid, 4). What at the time of the implementation of the Agenda was just a legislative plan became a reality a few months later.

In September 2015, the Union proposed to relocate 120 000 asylum seekers from the most affected countries (mainly Greece and Italy) to other EU member states based on a quota system that took into consideration a series of factors such as the GDP, unemployment rate, size of the population, and number of asylum-seekers spontaneously accepted between 2010 and 2014. After many discussion and disagreement, the relocation system was approved by a qualified majority, even though Romania, Slovakia, Hungary, and the Czech Republic strongly opposed to the proposed measure.

The lack of commitment to the principle of solidarity and burden sharing was promptly shown by the Visegrad countries that denied the attempts coming from the Union to apply the temporary, but mandatory, relocation system. Poland was, at first, in favor of the system and accepted to receive 7000 asylum-seekers, however, after new national elections were held the new government aligned with other V4 against the measures proposed by the EU. Slovakia and Hungary not only were against the relocation system

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[3] The official text uses the word *legal*, instead of *regular* migration.

but after being outvoted they brought a complaint to the European Court of Justice arguing the proposed emergency plan was unlawful. The fact that the two countries initiated a formal complaint at the ECJ shows that regardless of their opposition to the mandatory relocation plan, they still recognize and comply to EU institutions. These countries still recognize and accept the institutional constraints of the Union and the actions that were taken by them still occur within the boundaries of what is set as norms at the EU level.

If questions revolving around admission, stay and deportation of immigrants are still seen as a matter for sovereign states to decide upon, the question then is why EU member states would commit to any efforts to establish a common asylum and immigration policy? Authors such as Lavenex (2007) and Geddes and Scholten (2016) have asked a similar question and came forward with similar explanations. For these authors, the rationale behind the development of common EU asylum and migration policies revolves around two hypotheses.

The first hypothesis is connected to the globalization theory. Under this rationale, the EU, its institutions, pro-integration activities, and the supranational rules developing within it reduce states' ability to fully control the policy outcomes generated at the Union's level (Geddes and Scholten 2016; Sassen 1998). Here, supranational governance emanated from the EU can lead to "constitutionalization" (Geddes and Scholten 2016, 147) – a situation in which EU law becomes supreme over national legislation. The core assumption is that interdependence, and the phenomena of globalization are the driving factors behind EU integration. Integration is seen to have eroded sovereignty of member states to exercise full control over policies, including migration policies.

A second hypothesis has been called *escape to Europe hypothesis*. It is based on the belief that member states have ceded power to the Union's level in order to escape from internal blockades, avoiding, in this way, internal legal and political constraints (Lavenex 2007; Geddes and Scholten 2016). In this latter scenario, transfer of power to the Union level is a reassertion of states' sovereignty rather than loss of control. Here, states are reaffirming their power of control while at the same time fulfilling national interest (material, security).

The historical tradition of being policy-takers make it easier to place the Visegrad four in the first assumption, but neither of the hypotheses alone can explain why states pool sovereignty to a supranational body in matters of asylum and migration. A combination of both hypothesis better explains states' behavior. Since the Lisbon Treaty, it is undeniable that member states have, to some extent, lost their ability to decide especially on matters concerning asylum. On the other hand, compliance with the measures adopted at the Union level still depends upon member states willingness to fulfill their commitments.

Processes of Europeanization and the puzzle generated by the complex dynamic of asylum and migration policies in the EU provides fruitful ground for researchers on policy diffusion or transfer. Policy diffusion is a process through which policies in one country are influenced by the policies adopted somewhere else. Diffusion happens when "one government's choice [is] being influenced by the choices of other governments" (Shipan and Volden, 2012, 788). Among the primary mechanisms of policy, diffusion are the processes of learning, mimicry, and coercion. Learning is based on the idea that by making a rational assessment about policies being taken somewhere else, governments change or adopt particular policies that seem to be the most effective. Mimicry has a strong symbolic and normative dimension, and it implies that states adopt particular

policies because it is seen as the appropriate policies to be adopted by these actors. Coercion, on the other hand, implies that policies are adopted or changed based on pressure that usually comes from above, from more powerful units, but that can also come from bellow (Braun and Gilardi, 2006).

In the V4, policy diffusion on matters of asylum and migration can be traced back to the pre-accession period and occurred mainly through coercion from above, through the already mentioned process of Europeanization of national policies in order to fulfill the conditions for membership. However, by looking at the V4 countries, the years followed by the collapse of the communist regime was marked by their attempt to reaffirm themselves as part of the Western European culture. It was an attempt to become not only officially part of the political project, but it also involved a symbolic dimension of seeming "Western European." In this way, change of policies in order to join the Union also involved some mimicry and learning from West European Countries.

At the moment, we may continue to talk about policy transfer by coercion. What is in place is still a top-down approach from the Union level to the member states level. Concerning asylum and migration policies, this is epitomized by the mandatory relocation system proposed in 2015. Coercion from bellow, meaning that the four countries are becoming policy-makers on their own, seem not to be the case and this can be argued based on recent articulation taken in the Union's level as well as taken by the particular member states.

As mentioned earlier, the fact that as a response to their dissatisfaction to the mandatory relocation system Hungary and Slovakia decided to "follow the rules of the game" by starting a formal complaint at the ECJ, shows both states' recognition and legitimization of the competences of EU institutions to deal with such matters. Almost two years after

the relocation system was proposed, on September 2017, the ECJ dismissed the case brought by Hungary and Slovakia and decided that the relocation plan was adopted in a lawful respecting the Union's mandate under the treaties.

The two countries' decision to act within the limits of the Union's institutional framework can be explained by March and Olsen's (1998) two main "logics of action" guiding behavior: the logic of consequences and the logic of appropriateness. Those who argue actions are purely guided by the logic of consequences tend to ignore the role played by identities, norms, and institutions in defining human behavior. Here, the decision-making process is based on cost-benefit considerations, and political objectives are achieved through negotiation among rational actors pursuing their goals. The logic of appropriateness takes actions as being "rule-based" (Ibid, 951). The decision-making process is affected by what is deemed to be right, and appropriate, for a particular actor to do in specific situations, "the pursuit of purpose is associated with identities more than with interests, and with the selection of rules more than with individual rational expectations" (Ibid). The authors claim, however, that decision-making process is often affected by both logics, as they are not mutually exclusive.

Historical institutionalists believe institutions also can provide moral and cognitive templates for action – they "affect the very identities, self-images, and preferences of the actors" (Hall and Taylor 1996, 8). Another key aspect of historical institutionalism is connected to the idea of path dependency. Pierson (2004) provides different definitions of path dependency, from broader definitions that take path dependency as something that started at an earlier point and whose effects will determine outcomes in the future, to narrower definitions that see path dependence as something that once started tend to perpetuate because the costs of changing it are very high. In Political Science, the core idea behind path dependency is that the policy choices adopted when an institution was

being created, or when a policy itself is being created, will have a continuity effect and will determine policy outcomes in the future (Peters 1999). For Peters "initial choices of policies and structures are argued to be so determinate of subsequent decisions within the institution" (1999, 72).

Regardless of the seeming lack of compliance to measures adopted at the EU level, the Visegrad countries act by both the logic of consequences and the logic of appropriateness by following the expected "path to be followed by them." Although we may experience an identitarian shift, or redefinition, the institutional ties will most likely dictate the policy path to be followed by these countries, while interest in keeping benefiting from the EU project will most likely be the factor pushing for conformity to EU measures.

In addition to the recognition and acceptance of the institutional constraints posed by the EU, another move by the Commission seem to reinforce the argument that these countries are too legally and institutionally constrained (and fragmented in their positions) to become policy-makers on their own or as a group. On June 14th, 2017, the European Commission stated it would start formal complaints addressed at Hungary, Czech Republic and Poland for fulfilling their obligations under the mandatory relocation plan[4]. However, the same will not apply to Slovakia. How does Slovakia differ from the other three Visegrad countries?

Slovakia received 16 refugees based on the relocation system, even though some members of the parliament were particularly against it. More importantly, Slovakia held the Council presidency from July to December 2016, when the discussions on the future

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[4] By the end of the 2015 mandatory relocation plan, Hungary and Poland did not accept any asylum-seeker relocated based on the mandatory relocation plan. The Czech Republic accepted 12 asylum-seekers, and Slovakia 16. Information available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/press-material/docs/state_of_play_-_relocation_en.pdf

of the common asylum and migration policies were still ongoing. The Slovak political elites, but especially the government, had to conciliate its policy alignment with the Visegrad group, and its role as the country holding the Council presidency during the period when important negotiations on asylum and migration policies were taking place.

Miroslav Lajčák, the Slovak Minister for Foreign and European Affairs, set as one of his priorities during the Slovak Presidency to find mechanisms to deal with the migration crisis "through cohesion and proper functioning of the Schengen area" (European Council 2016). Milan Nič (in Todá 2017), an analyst for the German Council on Foreign Relations (DGAP), points out that Slovakia distanced itself from the other Visegrad countries and he argues that "both Austria and Slovakia have been clever and tactical. Why do you want to open a new front with the European Commission when you already engage in joint action at EU level?".

Moreover, the release of the White Paper on the Future of Europe, by the European Commission in March 2017, revived an old discussion about multi-speed Europe. The Paper draws five possible scenarios for what the European project could become by 2025. One of the scenarios is named "those who want more do more". What this particular scenario did was to revive the debate on the core/margins[5] in Europe – more specifically in Central Europe. Those who want to do more is being framed as the "EU core." In turn, those who do not want to do more are inevitably placed at the margins of the European project.

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[5] The discussion about the "core" of Europe is not evident in Brussels neither in Western European countries the way it is being discussed in Slovakia and the Czech Republic. The geopolitical discourse on the EU core arose from actors (political elites, intellectuals, and ultimately among the citizens) in the Central and Eastern European countries, especially in Slovakia and the Czech Republic and as a result of the way that these actors interpreted the White Paper and the concept of "core."

For Slovakia, the idea of being a margin implies a peripheral position, one in which it assumes a passive position with no active role in influencing the center, or worst – it means regress or backsliding. Reaffirming the Slovak positioning in the core, epitomized by being part of the Schengen area and the Eurozone become a form of a reassertion of belonging, in identitarian terms, to the core - or to the West, similar to the geopolitical discourse of previous times. Robert Fico, the former Slovak Prime, affirmed that "being in the core, together with Germany and France, is the principle of my politics" (Gabrižová 2017).

Similarly, president Andrej Kiska argued that "we, as political representatives, will not be defending the interests of the Slovak Republic if we will angrily scream the uncompromising attitudes from the periphery of European politics" (in Szalai 2017, translated by the authors). In this context, marginality is interpreted as passiveness; it is associated with the periphery, to being left behind. The Slovak political elites have very often referred to the EU core as the EU "first league." For Kiska, the way to go is "to patiently look for compromising solutions on one table - at the heart of the European Union. In the first league of European policy." (Ibid)[6]

The migration crisis in Europe represents one of those moments in which the concepts of core and periphery are being contested and redefined in the geopolitical imaginaries of the Visegrad countries. On the other hand, institutionalization theory, and especially the idea of path dependency enables us to comprehend that although identities can be negotiated and renegotiated through discursive acts, policy change in highly institutionalized environments is a much more difficult task to attain.

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[6] For further debates on the "EU core" see Potočarová (2018) and Kazharski (Forthcoming).

[TBA – asylum-policy changes/continuity in each V4 2015 – 2018]

These are current examples that the four countries are institutionally and legally constrained by the EU and by the power they have themselves given to the EU as a precondition for accession. There is, however, a problem of enforcement to the mandatory relocation system. Since the end of the two-year mandatory relocation plan, a new resettlement plan was put in place to resettle 50000 asylum seekers from Libya, Egypt, Niger, Sudan, Chad and Ethiopia by October 2019, and pressures are coming from the Union to establish a permanent resettlement scheme. The Visegrad leaders are still showing their discontent with such ideas.

Before dealing with the opposition of the V4, at least in through their political discourses, the Union has to deal with more complex questions: the question on how to relocate people to places that are not attractive to the asylum-seekers, and how to ensure they will stay in the territories of the countries to where they were resettled, without jeopardizing the Schengen system. If these asylum-seekers and migrants had indeed an interest in staying in the V4 countries, stronger (coercive) enforcement mechanisms would most likely be adopted.

Another issue of key relevance that would require further scrutiny is securitization of migration in the Central European countries. We still lack comprehensive analysis of the methods, the success, and the consequences of securitized discourse based on fear produced by the political elites from these countries. Securitization is an instance in which through discourse an issue is framed as an existential threat, even if may not indeed pose a threat to any referent object, "requiring emergency measures and justifying actions outside the normal bounds of political procedure" (Buzan et al. 1998, 23-24). Based on that, what is even more concerning in this case is not what these political elites can do

regarding policy change but what they can achieve with their discursive constructs concerning immigration and migrants. (Im)Migrants are often framed as a threat to national security. Moreover, through speech acts, they are connected to the terrorist attacks that have happened in Europe in the past years, to the spread of diseases, and to a danger of exploring the social systems of the member states. Furthermore, they are portrayed as a threat to "us" in identitarian terms, and through discourse, they are framed as being incompatible with "our" culture, and successful integration is portrayed as unlikely to happen (Kazharski and Tabosa 2018).

CONCLUSION

Since pre-accession period, the Visegrad countries have been seen as policy-takers in the European Union context. This is due to the fact these countries had to go through a series of adaptations in order to fulfill the requirements for accession. Among these requirements, there was the duty to accept the *acquis communautaire*, which also included provisions that addressed common migration and asylum policies. Because of this process of Europeanization of national policies and because these countries were not major immigration countries, they are said to be countries of migration and asylum policies in the absence of migration (Geddes and Scholten 2016).

In the apex of the migration and refugee crisis, in 2015, the four countries promptly showed their lack of commitment to the principle of solidarity and burden sharing and opposed to the mandatory temporary relocation system put in place by the Union. This led to the question of whether these countries are now moving from being "policy-takers" to become "policy-makers" in the EU. Throughout the paper I addressed this question and based on recent decisions emanated from the Union level I suggested that what seems to be a shift of behavior of these countries from being policy-takers to being policy-makers

continues to be ground in strong discursive constructs, now slowly moving apart from the West and emanating from the leading political elites in the four countries (Kazhraski 2017) but this is not accompanied by a policy, and most importantly, by legal developments as it was in the pre-accession time. This is because these countries are institutionally and legally constrained by the EU and by the power they have themselves given to the EU as a precondition to accession. **[TBA]**

However, we should not ignore discursive constructs because these seem to be the most powerful instruments the main political elites in these countries have at the moment. Through speech acts the political elites in the V4 have been securitizing migration and framing both immigration and immigrants as threats. Since 2015, we are seeing an increase in the negative perception of immigration and immigrants among citizens of the V4 and this may lead to an increase in racism and xenophobia. The EU will then have to face not only problems in relation to enforcement of its decision but will have to address the questions on how to deal with racism and xenophobia, and how to ensure the main principles of the EU such as the rule of law and human rights' protection will be kept in place among its member states.

Maybe it is time that we revise Kundera's (1984) definition of Central Europe. If in the past the four Central European Countries were "geographically in the center, culturally in the West and politically in the East," the efforts to join the EU transformed the countries in both policy and identitarian dimension and they became *geographically in the center but culturally and politically in the West*. Nowadays we could argue that the V4 are *geographically in the center, culturally moving East* (as argued by Kazharski) *but will most likely politically remain aligned with the West*, represented by the EU and its institutions.

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