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# THE IMPACT OF POLITICAL AND STRUCTURAL CHANGES WITH MIGRATORY FLOWS ON THE RESILIENCE OF THE SCHENGEN SYSTEM – CHALLENGES FOR EUROPEAN INTEGRATION

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## Abstract

Science and technology are constantly advancing, both to the benefit of finding new solutions to maximise the security of modern states around the world, and to the detriment of creating new threats. The Schengen countries have the tools to protect their internal security despite the abolition of external border controls. However, interoperability of databases is still lacking. Despite repeated announcements of the completion of the project, the EU's operational systems are not interconnected, leading to significant information gaps. In most cases of illegal immigration for both material

and non-material reasons, it should be noted that these are migratory movements of people coming from underdeveloped countries and trying to find their way to highly developed countries. Illegal immigration has a significant impact on the growth of crime by creating threats such as terrorism, drug, and dangerous cargo smuggling. It is a well-known fact that smugglers are earning crores from the migration crisis, but when analysing the financial aspect of the crisis, it is important to note that someone has to finance it to some extent. It is worth considering who would be the main beneficiaries of the profits generated by the phenomenon described.

## Key words

Frontex, SIS, VIS, immigrant, hybrid warfare, organised crime group, disinformation

## Introduction

Hybrid warfare defies precise definition.<sup>1</sup> It can be described as a combination of conventional and unconventional methods of action that exploit an opponent's vulnerabilities to weaken his position, while blurring the line between war and peace. It also involves deliberately created ambiguity, i.e. any ambiguity in the situation aimed at avoiding responsibility on the part of the attacking state and the failure of the attacked state to respond appropriately. The civilian population and its positive attitude towards its own state, which can be undermined by the public disinformation spread by the attacking state, plays an important role here.<sup>2</sup> It is the citizens' lack of trust in the state that is the main target of hybrid warfare.<sup>3</sup> Europe has changed significantly over the last fifty years. The technology associated with digitalisation and information technology has transformed life on earth. The perennial conflict between Eastern and Western European states has also evolved. Grey tones blurred the red-white colours of relations. As the

Cold War came to an end and the "demolitions" breathed a breath of freedom, it was time to use information as the main tool in the fight against the enemy. This information is often untrue or exaggerated, and in this form, it is the enemy's strategy to distort the true picture and mislead public opinion. After the organised rush of immigrants across the Belarusian-Lithuanian, Belarusian-Latvian and Belarusian-Polish borders, the time has come for Finland. The issue of the Finnish-Russian border came at a time when the largest such movements in the entire EU were taking place. The year 2015 brought a huge amount of change for which the community was not prepared. In fact, the Schengen Treaty did not anticipate that there would ever be a situation where foreign nations would enter the territory of the European Union.<sup>4</sup> The year 2015 heralded a series of changes that will be reflected in the Union's internal and external policies<sup>5</sup>. On 13 May 2015, the 'European Agenda on Migration' was launched, providing guidelines for further action on migration. Particular attention was paid to the need to fight

1 See: M. Banasik, *Hybrid warfare and its consequences for Euro-Atlantic security*, Warszawa 2017; A. Bilal, *Hybrid warfare – new threats of complexity and 'trust as antidote'* (<https://www.nato.int/docu/review/articles/2021/11/30/hybrid-warfare-new-threats-complexity-and-trust-as-the-antidote/index.html>, access: 29.09.2023 r.); T. Rid, *Information warfare*, Warszawa 2022; Turkowski S., *Hybrid Warfare. Istota, struktura i przebieg konfliktu*, Warsaw 2021.

2 See: T. Balcerzak, E. Jasiuk, A. Fellner, M. Feltynowski, *The Polish perspective of using unmanned aerial vehicle systems in international firefighting and crisis management missions-legal and technological analysis*, 2021 International Conference on Unmanned Aircraft Systems (ICUAS) (publication date: 15.06.2021), p. 1478-1487.

3 See: R. Socha, *Security and threats – mutual relations*, [in:] *Selected aspects of security research*, (ed.) B. Kaczmarczyk, A. Wawrzusiszyn, Elk 2014; B. Wiśniewski, *Description of Security Systems – a Few Reflections*, "Internal Security" January–June, No 11/2019, Police Academy, Szczytno 2019, pp. 9-20; B. Wiśniewski, *National Security Governance System – a few Remarks and Reservations*, "Security Forum", Volume 6 No 1/2022, WSB University, Dąbrowa Górnicza 2022, pp. 51-60.

4 More: P. Lubiewski, *Hidden dimension of immigration and human rights – consequences for public security*, [in:] Wiśniewski B., Czupryński A., Gikiewicz M. (ed.), *Rationalisation of management of uniformed formations responsible for internal security*, Volume VI, Warsaw 2020.

5 A. Bilal, *Hybrid warfare – new threats of complexity and 'trust as antidote'*, (<https://www.nato.int/docu/review/index.html> (access: 09.10.2023 r.)).

organised criminal groups that exploit migrants and organise their smuggling under life-threatening conditions. There is a need to reduce the incentives that lead people to undertake such journeys, which may result in them being refused asylum and having to return to their country of origin. The annex to this document contains European resettlement and relocation programmes. One cannot help but think that this document is optimistic and that its authors are hoping for a situation in which migrants will turn out to be able students and skilled workers needed by the EU economy. The forced relocation of foreigners is reflected in the current asylum and migration pact prepared by the European Commission, which is a proposal to amend EU rules with a 'compulsory solidarity' rule. In short, countries that do not accept migrants will have to pay the equivalent of 20,000 zlotys per person. Speaking at the European Political Community summit in Granada, European Parliament President Roberta Metsola said these changes were a solution that 'protects our borders and is fair to those who need protection, firm with those who do not qualify and tough on the criminal networks that prey on the most vulnerable'. An agreement is expected before the end of the current EP<sup>6</sup>.

## Methodological and methodical assumptions

The aim of this article is to outline the impact of political and structural changes, as well as migration flows, on the

resilience of the Schengen system. The article also outlines the specificities of the functioning of the European Border and Coast Guard Agency and the use of tools such as the Schengen Information System and the Visa Information System.

This article is an analysis and is based on content analysis and qualitative statistical data analysis. The study also used the historical method to reconstruct the events that led to the challenges of European integration. The research problem has come down to the question: How is the resilience of the Schengen system affected by political and structural changes and migratory movements?

The hypotheses of the text under discussion were formulated as follows:

- The smuggling machine profits from the conflicts at the external borders of the Schengen area.
- Wracked by violence against its own citizens, Europe is fighting an unequal battle to help migrants in need against organised traffickers who seek to destabilise and disrupt a seemingly secure system.
- The Schengen Information System, which operates in countries in the area where internal border controls have been abolished, helps to protect the internal security of these countries.
- EU information systems are still not interconnected, resulting in significant information gaps.
- It is imperative that the EU Travel Information and Authorisation System, originally announced for 2020, is implemented as soon as possible.

<sup>6</sup> Polish Press Agency, *When will the migration pact be funded? EP chief gives date* (access: 06.10.2023 r.).

## Illegal immigration

The Italian Island of Lampedusa lies between Tunisia and Malta. In the month of September 2023 alone, around 6.8 thousand migrants arrived there on 120 boats. Since January 2023, around 126,000 migrants have arrived in Italy by sea, crossing from Tunisia. According to Frontex, 232,350 cases of crossing the external border of the European Union were detected in August 2023 alone<sup>7</sup>. As a result of September's events, France closed its border with Italy and Germany suspended the 'voluntary solidarity' procedure 'until further notice'. Portugal's Secretary of State for European Affairs, Tiago Antunes, said: "One of the main challenges today ...is to overcome the smuggling of human beings. This is a very important dimension of the current migrant crisis" and "smugglers exploit the vulnerability of migrants who risk losing their lives during the sea journey". At the same time, the Portuguese police broke up a gang smuggling illegal migrants and the Portuguese government agreed to take in illegal African migrants arriving in Lampedusa<sup>8</sup>. Spain is also a destination for migrants arriving by sea. From the beginning of January to the end of September, more than 26,000 illegal migrants arrived there, a 13% increase on the same period last year. In one 24-hour period alone, 800 boat migrants arrived illegally in Spain. Their

destinations were the islands of the Canary archipelago, the Balearic Islands and the coasts of Almeria, Valencia, and Murcia. Fernando Clavijo, the regional president of the Canary Islands, accused Spain's central government, Pedro Sanchez, of not doing enough to tackle the growing problem of illegal immigration. Returning to Finland, the most recent case, one cannot help but notice the similarities between the way criminal networks exploit people seeking a better life and the situations that occurred during the 2021 migration crisis, which affected our country as well as Lithuania and Latvia. Finland is a country of about 5.5 million people. More than 87,000 people in the country declare Russian as their mother tongue. Finland is closing its borders due to the influx of migrants, which the Russian Ministry of Interior considers a violation of the rights of Russians living and residing on Finnish territory<sup>9</sup>. Finland has asked Frontex to help resolve the conflict and provide the necessary equipment, such as surveillance systems, all-terrain vehicles, and thermal imaging cameras. Border guards, immigration officials, experts and interpreters are to be sent<sup>10</sup>. The situation of migrants at the Finnish border is ridiculous and abstract. It is obvious that it is completely planned and orchestrated. With temperatures around -20°C, people arrive on bicycles from countries hundreds of kilometres away. It is

7 Polish Press Agency, *Chaos in Lampedusa. 6.8 thousand migrants have already arrived on the island* (access: 14.09.2023 r.).

8 <https://www.gospodarkamorska.pl> (access: 20.09.2023 r.).

9 <https://forsal.pl/> (access: 21.11.2023 r.).

10 See: A. Tavares, W. Kolano, *The phenomenon of migration in the context of threats to the internal security of Portugal and Poland*, "Security Forum" 2022, vol. 6. no.2; A. Tavares, W. Kolano, *The role of Poland in ensuring European Security*, "Security Forum" 2022, vol. 6. no.1.

a mystery where these people obtained these means of transport, since it is logical that someone provided them for the last leg of the journey, for which they paid around 2,500 euros per person (and between 100 and 400 euros per bicycle)<sup>11</sup>. The nearest Russian town is almost 170 kilometres from the Finnish border, and it is almost certain that the criminal organisations took these migrants there by bus and car.

## FRONTEX, SIS, VIS – EU security solutions

The European Agency for the Management of Operational Cooperation at the External Borders of the Member States became the European Border and Coast Guard Agency – Frontex – in October 2016. The Agency closely monitors and controls the European Union’s external borders. It is also tasked with assisting in the management of migration and protecting the rights under the principle of free movement of persons.

In November 2019, the responsibilities of the European Border and Coast Guard Agency were significantly expanded by a European Union regulation. Frontex’s role has been enhanced with regard to integrated border management, the fight against cross-border crime, search and rescue operations and other situations involving the protection of human life and health. The EU regulation also provides for the establishment of a permanent service of 6,500 officers by 2021, rising to 10,000 by 2027.

When analysing the current tasks to be performed by the European Border and Coast Guard Agency, the following should be specified:

- Monitoring the situation,
- Deploying forces on the ground,
- Risk analysis,
- Exposure assessment,
- European cooperation on coastguard tasks,
- Return operations,
- Exchange of information on criminal activities,
- External relations development and management,
- Maintaining constant vigilance and responding rapidly to emerging threats,
- Research and innovation,
- Standards development and training.<sup>12</sup>

SIS, the Schengen Information System, is a computerised database for the control of persons and property. The purpose of the SIS is to determine whether persons or property are currently wanted in the Schengen area or are subject to an entry ban when crossing its borders. It should be noted that the Schengen Information System is the largest and most widely used system for the effective exchange of information on security and border surveillance practically throughout Europe. Thanks to the use of the SIS by countries in the area where internal border controls have been abolished, the protection of the internal security of these countries is at a high level. In 2023, the system was updated with the introduction of

<sup>11</sup> <https://economy.co.uk> (access: 26.11.2023 r.).

<sup>12</sup> Official website of the European Border and Coast Guard Agency <https://www.frontex.europa.eu/language/pl/> (access: 12.11.2023 r.).

the second generation of SIS, known as SIS II, which offers new possibilities for maximising security protection, such as updating information with photos and fingerprints. The system is mainly used by border guards and police to check or enter data on persons and objects. The creation of a single, common database greatly enhances the control work of the services. The system allows checks to be carried out throughout the European Union and the Schengen area. The main users of the Schengen Information System are:

- Police,
- Border services,
- Immigration services,
- Customs authorities,
- Judicial authorities.

The aforementioned institutions cooperate with each other within the European Union as well as in the Schengen associated countries<sup>13</sup>.

VIS, the Visa Information System, is a system containing a database for verifying the data of third-country nationals for the purpose of issuing them with a short-term visa entitling them to enter the Schengen area<sup>14</sup>. On 27 May 2021, European Union updated the VIS Regulation.

Articles 5-7 of the Act on the participation of the Republic of Poland in the Schengen Information System and the Visa Information System (Dz.U. No. 165, item 1170, as amended) unambiguously specify which authorities are entitled

to access the data contained and processed in the Visa Information System. It should therefore be indicated that the right of access to the VIS is granted in Poland:

- Border Guard,
- Police,
- ABW,
- CBA,
- Prosecution,
- Courts,
- Head of the Office for Foreigners,
- Consuls.

Its data may be stored in the VIS for up to five years and, importantly, must be kept intact without the possibility of early deletion<sup>15</sup>. Personal data that may be processed in the VIS include:

- name(s), including mother's family name,
- date, place, and country of birth of the person concerned,
- gender,
- current nationality held, including the nationality the person had at the time of birth,
- the type as well as the number of the document authorising travel. The document must indicate the authority that was authorised to issue it, as well as the date of issue and the date on which the document ceased to be valid,
- the date together with an indication of the place where the application was filed,
- type of visa,

<sup>13</sup> Official website of the European Commission – Schengen Information System [https://european-union.europa.eu/index\\_en](https://european-union.europa.eu/index_en) (access: 13.11.2023 r.).

<sup>14</sup> Council Decision of 8 June 2004 establishing the Visa Information System (VIS) (OJ L 213, 15.6.2004, p. 5-7).

<sup>15</sup> Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation) (OJ L 218, 13.8.2008, pp. 60-81).

- accurate information about the person who invites or is responsible for bearing any costs related to the maintenance of the applicant during his/her stay,
- main destination, place, and time of intended stay, with detailed indication of arrival and departure dates,
- the boundary to be crossed first,
- current occupation, including employer or school/college name,
- photography,
- fingerprints,
- where a minor is applying for a visa, the first and last names of the minor's parents.

It should be noted that there are exceptions to the taking of fingerprints for the purposes of the Visa Information System. Firstly, fingerprints will not be taken from persons under the age of 12. Another exception is where it is physically impossible to give fingerprints, e.g. when an amputee applies for a visa. Those who travel regularly to the Schengen area do not have to provide fingerprints each time they apply for a visa. Those already in the system can be used within five years<sup>16</sup>.

## Summary

The migrant smuggling machine relies on profits in the form of conflicts at the external borders of the Schengen area.<sup>17</sup> The cultural profile of the average 'refugee', whose ideals are far removed from European culture, is not insignificant.

Terrorism, rape, and violence have been the experience of countries trying to assimilate immigrants. Europe, plagued by violence against its own citizens, is fighting an unequal battle to help migrants in need, which includes organised trafficking to destabilise and create chaos in a system that seemed safe. It is not without reason that mothers with children are among the "young and angry" who try to break through the borders of the European Union. This is a phenomenon designed to hide the true intentions of the organisers of this practice. Humanitarian considerations and a sense of morality dictate that people should help the defenceless, who may have been deliberately placed in this situation. There are dramas and dilemmas on both sides of the conflict. However, it must not be forgotten that the security of the European Union is paramount and indisputable. The Schengen Agreement is an achievement of European civilisation and an asset for its citizens. Criminal organisations involved in the smuggling of migrants undermine this asset and thus harm the citizens of the countries that are part of the treaty structure. It can be argued that the pandemic, which has closed all borders and stopped air traffic, has only delayed the process of migrant invasion in Europe. It has delayed the process of hybrid warfare that has been going on for years with the aim of destabilising and confronting the countries of the European Union.

<sup>16</sup> <https://archiwum.uodo.gov.pl/479/2065> (access 17.11.2023).

<sup>17</sup> See: W. Fehler, K. Cebul, *Migration as a challenge for the European Union and selected member states*, Warsaw 2017; E. Jaremczuk, *Migration and the refugee crisis in Europe*, Ankara 2017.



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