

EDITORIAL

The Schengen Enlargement 2025: Its Potential to Reshape Migration Routes¹

Dr. Réka Friedery²

“Let 2025 see Schengen become stronger” - said Ursula von der Leyen in November 2024, when Austria, Bulgaria and Romania signed a joint agreement in Budapest for Bulgaria and Romania to join the Schengen Area,³ enhancing their accession to the Schengen Area. This hope is also fortuitously aligned with the 40th anniversary of one of the EU’s most significant achievements in 2025. However, this aspiration can be seen in contrast with recent developments, namely the reintroduction of border controls by the Netherlands and Germany.

The Schengen Area was established in 1985 as a result of an intergovernmental initiative between five Member States (Belgium, France, Germany, Luxembourg and the Netherlands) with the objective of facilitating the free movement of people without internal border controls. The Schengen Borders Code (SBC),⁴ as set forth in Regulation (EU) 2016/399, establishes the regulations governing the control of persons at external borders, the conditions for entry, and the circumstances under which border controls may be temporarily reintroduced at internal borders within the Schengen Area. According to the Schengen Borders Code, border controls are not solely in the interest of those Member States situated at external borders; they are also beneficial to all Member States that have abolished border controls at their internal borders. Controls can assist in the prevention of illegal immigration and human trafficking, as well as the mitigation of threats to the internal security, public policy, public health, and international relations of Member States.

In 2011, the Commission confirmed in the Schengen Evaluation Reports that Bulgaria and Romania had fulfilled all the requisite criteria for full integration into the Schengen Area. It is noteworthy that it was during the first Hungarian Presidency in 2011 that the Member States were afforded the opportunity to vote on the matter of their accession. At the time, the French and Germans were the most vocal opponents, citing the Cooperation and

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² Dr. Réka Friedery, LL.M., is a research fellow in the HUN-REN Centre for Social Sciences at the Hungarian Academy of Sciences Centre of Excellence and co-editor of the QRP.

³ With the Council decision taken on 12th of December, 2024 during the second Hungarian presidency, the two countries become full members of the Schengen area from 1st of January 2025. See <https://data.consilium.europa.eu/doc/document/ST-16327-2024-INIT/en/pdf>

⁴ Regulation (EU) 2016/399 of the European Parliament and of the Council of 9th of March, 2016, on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) (codification) OJ L 77, 23.3.2016, pp. 1–52.

Verification Mechanism for Bulgaria and Romania (CVM)⁵ that was launched immediately after Bulgaria and Romania joined the EU in 2007. This was because the two countries were not yet fully ready for EU membership in the areas of justice and the fight against corruption. Consequently, despite the European Commission declaring the two countries eligible for Schengen in 2011, the decision was delayed. The situation was further exacerbated by the influx of refugees in 2015. In the wake of the 2015 refugee crisis, hundreds of thousands of individuals fleeing conflict and persecution in the Middle East and North Africa arrived in the Balkans from Turkey. After crossing the Bulgarian or Greek borders, they were compelled to cross an external Schengen border, with Hungary being the closest by air. It is stipulated by principle that asylum seekers must be registered, and their applications processed at the first external border. If they evade detection, they can proceed virtually unhindered elsewhere in the region.

As a result of next years' enlargement, migrants can now enter Bulgaria, or the long-standing member Greece without undergoing any further checks. One potential route is via Hungary to Austria, which has the highest number of asylum applications submitted each year. Austria previously exercised its right of veto, citing the risk of 'uncontrolled' migration. Currently, migrants arriving from Turkey via Greece or Bulgaria to the EU, still have an external Schengen border at Hungary or Croatia. However, this would no longer be the case with the Bulgarian-Romanian accession. A joint security package has been agreed, whereby a joint contingent of a multilateral police contingent of at least a hundred border guards will be sent to the Bulgarian-Turkish border, with the Hungarian government contributing the technical equipment.

The development could also facilitate the Migration and Asylum Pact, adopted in May 2024, should there be a reduction in the number of individuals attempting to enter from the south. The new regulations would introduce a border processing capacity, which would determine the number of applications that national authorities are able to process in a fast-track procedure, and those that they must process in the meantime. The calculation will be based on a formula that aggregates irregular border crossings. Hungary has the highest number of irregular border crossings, although the specificities of the Hungarian system, which violates EU law, have played a role. If the route shifts to the internal border, where there are no controls, the number of known irregular border crossings could also decline significantly.

In accordance with the Schengen rules, routine checks may be conducted in justified cases, and for a limited period of six months. In accordance with the quadrilateral agreement, this will also be implemented at the Hungarian-Romanian and Bulgarian-Romanian borders for a minimum of six months. The Schengen area has also faced significant challenges in recent years. The 2015 migration crisis, followed by a public health crisis, resulted in the implementation of enhanced border control measures. These have remained a popular policy, irrespective of the rationale behind their introduction, whether it be to enhance public security or to protect public health. Some Member States, like Austria, have maintained such a measure continuously since 2015, and they renewed every six months. Migration was a constant reason for border control and later was used

⁵ On 1st of January 2007, the Commission established a Cooperation and Verification Mechanism to assess the commitments made by Bulgaria and Romania in the areas of judicial reform, fight against corruption and – for Bulgaria - organised crime.

in conjunction with COVID-19.⁶ The reasons cited by Member States for reintroducing or extending temporary internal border controls after 2015 reflected crisis-driven decision-making on migration, asylum and borders (Carrera et al, 2018). For the time being, it seems that this approach will be maintained in the near future.

References

Carrera, S., Stefan, M., Luk, N. C., & Vosyliūtė, L. (2018). *The future of the Schengen area: Latest developments and challenges in the Schengen Governance Framework since 2016*. European Parliament. [https://www.europarl.europa.eu/RegData/etudes/STUD/2018/604943/IPOL_STU\(2018\)604943_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2018/604943/IPOL_STU(2018)604943_EN.pdf)

⁶ Member States' notifications of the temporary reintroduction of border control at internal borders pursuant to Article 25 and 28 et seq. of the Schengen Borders Code. https://home-affairs.ec.europa.eu/document/download/11934a69-6a45-4842-af94-18400fd274b7_en?filename=Full%20list%20of%20MS%20notification_en.pdf