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**Analysis
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BULGARIA AND ROMANIA MAY GAIN FULL SCHENGEN MEMBERSHIP – BUT ARE THEY UP TO THE CHALLENGE?

Austrian Interior Minister Gerhard Kerner withdrew his veto on the Schengen membership of Bulgaria and Romania in Budapest. Chaired by Hungarian Interior Minister Sándor Pintér, the summit resolved one of the most important home affairs issues in the European Union. Bulgaria and Romania were able to deal effectively with the pressure they came under in recent years. But further improvements are unavoidable.

Out in the cold for years

The issue of Romania and Bulgaria's Schengen accession has long divided European politics. The two countries, which joined the EU in 2007, were initially scheduled to become members of the Schengen area around the turn of 2010-2011, but negotiations stalled, and the Netherlands announced in 2015 that it would not support their membership due to the threat from organized crime and the high levels of corruption in the two countries.

The 2015 migration crisis has further complicated the negotiations. Bulgaria posed a risk as a major entry point on the Western Balkans route, while Romania as an alternative route. Therefore, in 2022, Austria joined the Netherlands to vote against the accession of the two countries. According to Austrian Interior Minister Gerhard Kerner, "it was not the time for the enlargement of a Schengen which was not functioning properly."¹ The minister pointed out that the migratory pressure on Austria comes via the Western Balkans route, and Bulgaria is not doing enough to tackle the problem. The then Dutch Prime Minister Mark Rutte pointed out that irregular migrants had to pay just €50 to cross from Turkey to Bulgaria.² Sofia rejected the accusations. The Dutch and Austrian vetoes also complicated the situation for Croatia that was lumped into a single package with the other two states

¹ POLITICO 2022.

² IBID.

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during accession. However, Croatia could join the zone from 1 January 2023, while Bulgaria and Romania had to keep waiting.³

Gerhard Kerner formulated the demands for Bulgaria and Romania in fall 2023.⁴ The Austrian minister called for an expansion of the Frontex mission in Bulgaria, a tripling of the number of officers, and the purchase of border protection equipment to be financed by the European Commission. Austrian Chancellor Karl Nehammer also called for the construction of an EU-funded border fence along the Bulgarian–Turkish border to improve the effectiveness of the existing 130 km fence.⁵ Secondly, the Austrians called for increased controls on the Romanian–Bulgarian and Hungarian–Romanian border. Thirdly, the need to send an Austrian advisory mission to both states was suggested. Lastly, they asked Romania and Bulgaria to readmit Syrian and Afghan irregular migrants who had crossed one of the two countries on their journey. At the December 2023 meeting of the Home Affairs Council, member states’ interior ministers agreed that from March 2024, the Schengen area rules will also apply to Romania and Bulgaria for air and sea travel.

The two countries continue to be treated in a single package by the Commission on the issue of Schengen, so both countries had to change their migration policies to win full membership. In the following, we will review the nature of the irregular migration challenges faced by Bulgaria and Romania, as well as highlighting the trends affecting the Western Balkans route as a whole.

Bulgaria

Bulgaria became a key entry point on the Western Balkans route after 2021. While in 2021, Bulgarian authorities detected 55,000 illegal border crossing attempts, the figure rose to 164,000 in 2022 and 180,000 in 2023.⁶ Reasons for the increase included the reinforcement of Frontex presence in North Macedonia, the other main entry point on the route, and restrictions imposed by other states in the region. The mountainous and rocky Bulgarian–Turkish border is favorable for irregular migrants who fear the strictness of Greek authorities and the sea crossing to Greece. The challenge posed by irregular migration is reflected in the fact that President of the European Commission Ursula von der Leyen identified the state of the Bulgarian–Turkish border as one of the EU’s top priorities.⁷

Bulgaria has seen coverage in the international press for several cases of migrant attacks and deaths involving border guards and police, as well as deaths of irregular migrants. In Burgas, two police officers were killed in August 2022 after their patrol car collided with a

³ LYNCH 2022.

⁴ SCHENGEN VISA INFO 2023.

⁵ BARIGAZZI 2023.

⁶ NOVINITE 2023.

⁷ STATEWATCH 2023.

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bus carrying migrants.⁸ According to the authorities, the officers attempted to stop the bus with their car, but it ran them over. Two Syrian and one Bulgarian citizen were detained in connection with the incident. In November of the same year, a member of the Bulgarian Border Guard was killed during a joint patrol with the Bulgarian army.⁹ The patrol was inspecting the Bulgarian border fence when they were fired upon from the Turkish side of the border, with one shot ending in a fatality. In the other case, an abandoned truck was discovered near Sofia carrying 40 irregular migrants, 18 of whom were killed.¹⁰ In response to the problems, the Bulgarian border police tightened and increased the number of checks. A Frontex mission of 500 officers also arrived in the country, with their mandate extended again this year.¹¹

According to the Bulgarian Border Guard, in the first nine months of 2024 the authorities apprehended 40,210 irregular migrants, a significant decrease compared to previous figures. However, the continuity of the pressure is shown by the fact that the Border Guard detained a further 38,457 irregular migrants who voluntarily agreed to return to Turkey.¹²

Various NGOs have been articulating allegations since 2002 that Bulgaria engages in push-backs or illegal returns¹³. This means that irregular migrants arriving in Bulgaria are returned by the Bulgarian authorities to the country of former transit, in Bulgaria's case Turkey, without taking into account the relevant international and national legislation. According to data from Bulgarian NGOs, push-backs concerned 87,650 irregular migrants in 2022 and 176,000 in 2023. Exact figures for 2024 are not available yet, but several NGOs are also investigating the involvement and responsibility of Frontex.¹⁴

Romania

Irregular migration became a serious problem for Romania in 2019. After the failure of repeated attempts to cross the Hungarian–Serbian border, a portion of the smugglers and irregular migrants took a detour from Serbia towards Romania to try to circumvent the Hungarian border fence. From a few isolated cases in the past, the number of illegal border crossings detected in the country increased to 2,048 in 2019 to more than triple the following year.¹⁵ By 2021, the number of irregular border crossings reached 11,232. In response to the hitherto unprecedented migratory pressure, the Romanian authorities, with the support of Frontex, reinforced the protection of the Serbian–Romanian border, with 239 EU officers directly involved in securing the border section, and 135 additional officers

⁸ TODOROV 2022.

⁹ BNT 2022.

¹⁰ DEUTSCHE WELLE 2023.

¹¹ DAILY SABAH 2024.

¹² BTA 2024.

¹³ BRUUNERSUN 2023.

¹⁴ STAVINOHA-CHERESEVA 2024.

¹⁵ JRS ROMANIA 2024.

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monitoring the banks of the Danube.¹⁶ As a result, a total of 4,966 illegal border crossings were recorded by the authorities in 2022. The figures show that the number of crossings did not decrease, rather the efficiency of the authorities improved. According to the data available, the authorities prevented 27,524 attempted illegal border crossings. According to Minister of the Interior Cătălin Predoiu, in 2023, authorities detected 19,793 illegal border crossing attempts, 16.5% more than in the previous year. However, it is worrying that 60.7% of migrants were detected only at the Hungarian–Romanian border while attempting an exit.¹⁷

The number of expulsions also rose sharply. Following low numbers in the past, 2023 saw the expulsion of 1,222¹⁸ third-country nationals, while 916 people were expelled in the first nine months of 2024.¹⁹ Nationals of Bangladesh topped the list on both occasions, but nationals from several South Asian countries such as Nepal and India are also well represented. This is mainly because most of them arrive in Romania legally on a work visa, then try to cross the Hungarian–Romanian border illegally.

Most migrant workers arriving in the country are dissatisfied with their wages and living conditions, which makes them risk even illegal border crossings, leading to the loss of their visa. According to Yosef Gavriel Peisakh, head of a company specializing in transporting migrant workers to Romania, 35-40% of foreign workers fled Romania recently for Schengen area countries.²⁰ Daud Ali, Bangladesh’s ambassador to Romania, voiced similar concerns.²¹ The diplomat explained that his country did not have an embassy in Romania before, so they could not successfully fight the false information spreading on the internet. The various recruitment agencies either do not provide information or provide false information about conditions and salaries in Romania, which is why many migrant workers decide to leave. Hungarian police said that the Romanian side recently started taking action against migrant workers who want to leave for the West, but arrests of this nature continue to occur.

Field research by the Migration Research Institute confirmed the claims of Hungarian and Romanian police officers who spoke to us. While in recent years small and large groups of migrants crossed the green border between Hungary and Romania with the support of people smugglers, this practice has become less common. At present, irregular migrants move between the two countries mostly in trucks or in the cars of smuggling networks.

In the former case, the most common method is to hide: unbeknownst to the driver, irregular migrants enter the cargo hold by cutting the fastenings of the tarpaulin covering

¹⁶ IBID.

¹⁷ VG.HU.

¹⁸ ULLAH 2024A.

¹⁹ ULLAH 2024B.

²⁰ MORINA 2024.

²¹ ISLAM 2024.

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the cargo or by cutting through the seal of the cargo hold.²² In such cases, it is most often either a single person or a small group of irregular migrants who go on the venture. There have also been cases of irregular migrants hiding in cars transported by lorries. The Hungarian authorities carry out the investigation with the constant assistance of their Romanian counterparts, and in several cases the Turkish police contingent on duty in the country is also involved. Hungarian and Romanian police officers are unanimous in stating that, in most cases, drivers are unaware of the presence of migrants in their vehicles if members of a trafficking network prepared the hiding place for the illegal crossing. In such cases, the most common solution is to separate the lower or upper part of the cargo hold, or to modify the chassis. The different hiding places are detected using X-ray machines in addition to personal inspections.

In recent years, Romanian authorities have tried a variety of methods to tackle the migration threat.²³ They strengthened their partnerships with partner organizations in neighboring countries, including joint patrols on sections particularly exposed to migrants. They increased the number of surveillance tools (thermal imaging cameras, wildlife cameras) deployed along the Hungarian, Serbian and Bulgarian borders, and they also set up an aerial reconnaissance mission. In addition, between March and September 2023, the country tested its cooperation with Frontex officers and acquired new equipment as part of a joint project with Bulgaria funded by the European Commission.²⁴

The Budapest summit

Ahead of the summit in Budapest, Gerhard Kerner announced that Austria would once again extend temporary border controls on its common borders with Slovenia and Hungary for another six months. According to the Minister, although the number of illegal border crossings in Austria decreased significantly, border controls must still be maintained as part of effective action against people smugglers.²⁵

The minister also spoke about the issue of Schengen. “We are on the right track, but we are not there yet”, he told the Austrian press on the Schengen membership of Bulgaria and Romania.²⁶ To deal with the situation, the Hungarian government, which holds the rotating presidency of the European Union, invited Romanian Interior Minister Cătălin Predoiu and Bulgarian Acting Interior Minister Atanas Ilkov to Budapest alongside Kerner to discuss the issue under the coordination of Hungarian Interior Minister Sándor Pintér.

²² IBID.

²³ JRS ROMANIA 2024.

²⁴ EUROPEAN COMMISSION 2024.

²⁵ DUNAV 2024.

²⁶ TRAAR 2024.

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During the summit, the parties also agreed on a security package which treats the protection of the external borders of the European Union as a key element. Under the package, 100 police officers will contribute to the security of the Bulgarian–Turkish border and to the fight against human smuggling groups. Kerner also expects the Bulgarian and Romanian authorities to make further improvements as part of the package, including the purchase of motion sensors, thermal imaging cameras, CO2 detectors, and an increase in the number of land and water checks. The agreement will also have to be voted on by the interior ministers of the other member states at the next Home Affairs Council meeting on 12 December when they are expected to sign off on the membership of Bulgaria and Romania.²⁷

Conclusions

If the interior ministers of the EU member states vote in favor of the two country's Schengen membership in December, a long-running political debate could be over. But accession does not mean a complete solution to the EU's migration crisis. Bulgaria and Romania made significant improvements in recent years to help strengthen the EU's external borders, but migration routes changed dynamically in recent years, and the security environment around Europe deteriorated significantly. As a consequence, strengthening the external dimension of migration policy, notably through agreements with gate-keeping countries and the outsourcing of migration procedures, remains a high priority.

²⁷ FRESTL 2024.

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