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More than a billion people around the world are migrants. It means, simply put, that they come from a different place than where they live. About a quarter of them crossed the country's borders and settled abroad (IOM, 2019). Although migration is largely more or less voluntary[1] and its main goal is finding new work, education or family reunion, more than 80 million people have fled their homes involuntarily due to war, armed conflicts, persecution or natural disasters (UNHCR, 2020a; IDMC, 2020). These people remain in their country of origin as the so-called internally displaced persons or cross borders and become refugees or await this status.

Labour migration is the most common form of migration.[2] Its effects are complex, but in general, the destination country benefits from a well-established labour migration which is also a benefit for the public budget. At the same time, labour migration has significant potential for countries of origin through the transfer of cultural and social capital, as well as the remittances which migrants send from abroad to their country of origin. In 2019, this flow amounted to 719 billion US dollars, of which 554 billion went to middle- and low-income countries, according to the World Bank classification (WB, 2020). The COVID-19 pandemic is expected to significantly reduce these levels for 2020, both due to travel constraints and the economic downturn and rising unemployment. If the crisis does not deepen in 2021, growth in this area can be expected again.

Today, migration is a highly polarising issue, dividing societies. It also wins or loses electoral battles for political candidates. In reality, however, it would be better to stop perceiving it as a phenomenon about which one can be "pro" or "against". Like, for example, housing or education, migration is a natural and in a way, an essential part of the lives of individuals and communities. Migration, therefore, is not in itself a "problem" which needs to be solved, nor is it a "solution" to other problems. On the contrary, what is

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1   Given the structural causes of migration (such as global inequality), it is difficult to talk about complete "voluntariness".
2   At present, unfortunately, the terms "economic migration" and "economic migrants" have become domesticated, with relatively negative connotations.

necessary are political and legislative structures which create effective tools for managing migration so that it is as beneficial as possible for all stakeholders. The shortcomings in this area are obvious and not only lead to negative political and economic impacts in the countries of origin and destination but also bring human suffering at the level of individual migrants and their families.

An uneasy path to effective management of international migration

This global phenomenon requires cooperation and coordination at the international, global level. The architecture of international migration management has been shaped for over a century, especially in response to the world wars which displaced masses of people and made the international community accept agreements to protect them. However, this structure is still relatively fragmented, and its enforceability remains low. Migration has long been one of the areas in which states retain their exclusive competences and are not interested in sharing them at the transnational level. Not even when they come into direct conflict with the values, on which the liberal-democratic societies of the Global North are based.

The essential document in the field of human rights protection is the Universal Declaration of Human Rights of 1948. Over the course of half a century, it has been followed by other international conventions, which form the core of human rights protection. Although the 1951 Convention Relating to the Status of Refugees is not technically one of them, it is, together with the 1967 Protocol which develops the latter, a key document in the field of international refugee protection. The Convention defines a refugee as a person who "has legitimate concerns about persecution on racial, religious and national grounds or because due to the membership of a particular social group or political opinion, cannot accept or refuses the protection of his or her state as a result of those concerns" (319/1996 Coll.). It is essential that everyone is automatically entitled to this status if he or she fulfils the conditions laid down in the Convention, and also that he or she cannot be returned to a situation where he or she is at risk of re-persecution (the so-called non-refoulment principle).

The wording of this convention was groundbreaking at the time of its creation, but today it appears to be insufficient at best. This is because many people living in border situations do not flee as a result of persecution, but, for example, because of armed conflicts, crime, the environmental degradation of the area in which they live, or, increasingly, because of climate change. These people are in similar circumstances and face life-threatening situations, but they do not have international protection under the convention.

Another problem is that some countries act in violation of the Convention Relating to the Status of Refugees, resp. other standards for the protection of human rights. For example, Hungary in response to the so-called refugee crisis in 2015 and 2016, created an 8-kilometre zone along its borders, expelling migrants to neighbouring countries without allowing them to apply for asylum (The Hungarian Helsinki Committee, 2016). In recent years, Israel has gradually expelled asylum seekers from Eritrea and Sudan, even though they faced life-threatening situations in their countries of origin. Based on the argument that these situations were not a result of persecution, their asylum applications were rejected

(Beaumont, 2018). Part of this policy was the systematic targeting and humiliation of these migrants, whom the government accused of infiltrating the country.[3]

The case of Australia, whose approach to refugees was intended to be adopted by several European countries after 2015, has become notorious. Australia has set up camps in Papua New Guinea and the Republic of Naurusia to transport migrants "caught" at sea on their way to the mainland.[4] In these camps, people are detained for a long time without the possibility of applying for asylum. They have no access to legal aid, cannot contact their family and are allowed only limited communication with the Red Cross. The camps are run by private companies and charge Australia considerable amounts of money (around 1-1.5 billion euros per year) (Carrera, Guild, 2017; Carrera et al., 2018; Asylum Insight, 2020). However, in addition to the high financial costs, the country must bear the moral consequences in particular – in conflict with human rights standards to which it otherwise subscribes. It is all the more striking that the idea has recently been revived by the United Kingdom, which is considering using camps in Papua New Guinea and building new ones in Morocco and Moldova, respectively (Lewis et al., 2020).[5] The United States has a similar agreement on "asylum offshoring" with Guatemala, and Spain with Mauritania (Jefferies, 2019; HRW, 2020).

The search for solidarity after 2016

A significant UN summit was held in 2016 to strengthen global cooperation in migration management. It resulted in the New York Declaration for Refugees and Migrants, which was unanimously approved by the UN General Assembly. It laid the foundations for the Global Compact on Migration, which was the first to clearly emphasise the need for cooperation at the international level.

The needs of migrants and their protection have come to the fore. The second of the documents presented by the New York Declaration, the Global Pact on Refugees, focused on refugee issues. Its essence is also to deepen international cooperation in helping the countries with the largest number of incoming migrants and also to provide more effective tools for the protection of migrants in borderline life situations. Both documents were adopted by a large majority of UN members[6] and laid the foundations for a potential new era in global cooperation in migration management. Still, how this potential is used is a question of the future – none of the documents is legally binding. Additionally, it is questionable whether global solidarity will really work. Most refugees are not in Europe or the rich Global North. 80% of refugees live in a country adjacent to the country from which they have fled. Today, the largest number of refugees is in Turkey – 3.7 million. Nearly 3 million live in Jordan, 1.8 million in Colombia, 1.5 million in Pakistan, 1.4 million in Uganda. There are more than 1 million refugees living in Germany, which is said to have "opened the gates to the refugee wave" (Amnesty International, 2020; UNHCR, 2020b).

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3   Leaders of the country, including the prime minister, did not shy away from expressions such as "negroes", "monkeys" or "terrorists" (Sheen, 2019).

4   The camp on the island of Nauru has since been closed.

5   Great Britain is considering using artificial wave techniques on its shores to complicate boats' access to the coast and asylum seekers may be placed in asylum facilities floating at sea in the future.

6   The USA did not join any of them. Slovakia did not take part in the vote on the Global Compact on Migration, but it supported the Global Pact on Refugees at the General Assembly.

The consensus is not easy to find at the European Union level either. Political fragmentation and strict guarding of one's own interests were most evident during the events of 2015 and 2016. Under the influence of a significant increase in numbers of migrants in Europe, the EU member states gradually closed their borders, jeopardising the future of the Schengen Area. It has also shown how fragile European solidarity really is. In the EU, no functional consensus could be found about helping the countries most affected by the arrival of migrants, especially on the so-called Balkan and Mediterranean routes. A temporary solution to the acute situation was to propose a quota system to redistribute a relatively small number of asylum seekers between the EU members. Despite the fact that this was only a quick response to the acute situation and by no account a long-term strategic policy, the quotas were never properly met. Slovakia and Hungary have even brought an action against this instrument before the Court of Justice of the European Union. In the end, the court decided against them.

The reform of Slovak migration policy

International cooperation on migration is essential, but without well-established domestic policies, its positive impact will be limited. Slovakia has not yet approached this topic systematically, even though the basic concepts of migration and integration have existed for years. There are several reasons for this, but three main ones can be mentioned here: 1) the lack of a long-term vision to be fulfilled by clear medium-term and data-based strategies with clear action plans, responsible actors and measurable indicators, 2) legislative and competence fragmentation, several departments focus on migration and integration, but there is no clear bearer of this topic that would manage it inter-ministerially, define policies and coordinate the relevant ministries and their organisations, 3) cultural conservatism, which has long viewed migration with suspicion and resentment, resulting from the ethnocentric perception of Slovakia and the Slovak nation.

A significant step forward in our country would be the creation of a single entity with clear statutory competencies in the field of migration and integration, which could address the inter-ministerial fragmentation of these topics and the resulting cumbersomeness in defining Slovakia's needs and country vision for the future. The role of this body would be to link migration (including asylum) and integration policies, to carry out analytical work and to conceptually design systemic measures to improve these policies, based on data. Furthermore, in cooperation with relevant public administration entities, it would prepare strategic materials together with action plans for their implementation, communicate with European institutions and international organisations, as well as with other countries and ensure international coordination, and finally cooperate with the civil sector in Slovakia. At present, it replaces the state and provides for a number of needs of foreigners in Slovakia.

Truly functional solutions assume that states update and tailor their national constitutional theories for the needs of the 21st century. It does not mean rejecting cultural and historical heritage, but it is essential to place it in the current context. A country which sensitively perceives the world beyond its borders and makes ethical decisions strengthens solidarity and does not lose its national identity. A simplistic discourse that narrows the discussion to closed vs open borders advocates two extremes, neither of which is realistic and feasible in practice. On the contrary, effective policy lies between these two poles.

At the same time, it turns out that technocratically narrowing solutions for effective migration only to well-established policies is not sufficient today when dominant information and moods are

disseminated through social networks detached from empirical data. In addition to the institutional adjustments and legislative changes at the level of the departments that directly manage migration and related phenomena, there must be an honest and clearly focused debate on the shape of today's society and how it is transforming in the 21st century.

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