

Migration Update

February 2022



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The purpose of these news summaries is to provide a factual base for migration debates within the European centre-right. [Vít Novotný](#) is responsible for the selection of information items from the media, governments, and social media. The value of these summaries is in the categorisation of information items and in listing those items that readers might have missed. Facts and opinions are conveyed as they are reported. Original comments are kept to a minimum. Thanks go to George Pepios for writing up the judicial observatory and to Wolfgang Pusztaí for suggesting a news item for this issue.

These news summaries are not subject to a formal editorial process. Should you have any questions or comments, please contact Vít Novotný at vn@martenscentre.eu

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UKRAINE

Background information:

- ✓ As of 2017, Ukrainian citizens have been allowed **visa-free access to the Schengen Area**. They are allowed to stay without a visa for 90 days within any 180 day period.
 - ✓ Over the past several years, Ukrainians have been the [largest immigrant group entering the EU](#). 601,200 Ukrainians received first residence permits in the EU countries in 2020, mostly for employment. An estimated [1.5 million Ukrainians](#) already live in Poland.
 - ✓ Before the conflict started, there were 1.4 million internally displaced people in Ukraine.
- Following the Russian attack on Ukraine **on 24 February**, border crossing points in [Poland](#), [Slovakia](#), [Hungary](#), Romania, and Moldova have **remained open**.
 - As of the evening of Sunday **27 February**, some **368 thousand** (the vast majority being women and children) had [fled](#) to neighbouring countries. Most entered **Poland** (some three quarters of the total) **and Moldova**; the remaining ones went to Hungary, Slovakia and Romania. There were kilometre-long vehicle queues in front of crossing points at the EU external border.
 - As Russia had been preparing an attack on Ukraine, the governments of [Poland](#), [Slovakia](#), [Romania](#), [Hungary](#), [the Baltic states](#), [Czechia](#), [Austria](#) and [Greece](#) announced their [readiness to accept Ukrainian refugees](#). Poland, Hungary and Romania subsequently mentioned the possibility of **hundreds of thousands of refugees on their soil**.
 - On 24 **Hungary introduced national temporary protection to Ukrainian citizens** arriving from Ukraine and to third-country nationals lawfully residing on the territory of Ukraine.
 - On Sunday 27 February, [EU interior ministers met](#): The Commission proposed activating the mechanism provided for by the 2001 **directive on temporary protection**. If the proposal is adopted by the member states, groups of refugees will be granted a temporary legal status, short of asylum.
 - Ahead of the invasion, the European Union Agency for Asylum and the UNHCR [were preparing](#) contingency measures. Germany [said](#) it was preparing humanitarian assistance, mostly for countries neighbouring Ukraine.

- **Ireland**, which is outside the Schengen zone, [lifted](#) the visa requirement on the citizens of Ukraine.
- Following general mobilisation, Ukraine **banned all men aged 18-60** from leaving the country. The Ukrainian police [was seen](#) taking men from buses and cars at the Polish border.
- Public transport is free for Ukrainian refugees in [Poland](#), Slovakia (and possibly elsewhere).

RUSSIA

- On 24 February, Czechia [suspended](#) the **issuance of visas to all Russian citizens**, with the exception of 'humanitarian cases'.
- On 25 February, the Council [adopted](#) a decision on the partial suspension of the agreement on the facilitation of the issuance of visas with Russia. Diplomats, other Russian officials, and businesspeople **will no longer be able to benefit from the visa facilitation provisions**, which allow privileged access to the EU.
 - The Presidency asked the Member States **not to recognise passports issued by the Russian authorities in the occupied territories in Ukraine**. It also proposed a coordinated approach to end the practice of '**golden passports**', which certain Russian leaders can obtain.

NEW PACT ON MIGRATION

MOCADEM

The Council [adopted](#) a decision on the **operational coordination mechanism for the external dimension of migration** (MOCADEM) by written procedure. It concerns countries of origin and transit of regular and irregular migrants. Governments of those countries are expected to implement measures under MOCADEM. This includes, for example, taking back deported migrants. If they refuse to cooperate, the Council will mobilise the 'visa lever'.

- The [mechanism](#) has been established under the direction of the Council Presidency and the strategic direction of the Committee of Permanent Representatives (Coreper).
- The mechanism is also used to coordinate the EU approach to Senegal.

Senegal

The European Commission [is negotiating](#) a Frontex mission in Senegal. In early February, Commission President Ursula von der Leyen travelled to Dakar, accompanied by the Commissioner for Home Affairs, Ylva Johansson.

- The deployment to Senegal would be the first time Frontex would be stationed outside Europe with operational competences.
- Johansson [offered](#) to deploy the EU's border agency to help combat migrant smuggling, following a surge in perilous crossings to Spain's Canary Islands.

- Senegal's interior minister [has](#) given a "green light for technical discussions." According to one observer, the government [wants financial support](#) for the country's weakened economy after the COVID-19 pandemic.
- With a status agreement, Frontex would be able to hand over **refugees taken on board to Senegalese authorities or bring them back to the country itself by ship**. The Spanish Guardia Civil wants to take over the leadership of such an operation. The government in Dakar is also said to have already informed the EU of its readiness to participate in such an effort.

Schengen Council

France ['claimed victory'](#) on its proposals to create a "**Schengen Council**". 'Some diplomats say they struggle to see the need for a Schengen council, given that interior ministers already hold regular meetings where they can discuss all issues, including the governance of the passport-free zone.'

Coalition of the willing

Euractiv.de [reported](#) that the earlier German announcement of a "**coalition of the willing to take in refugees**" has, so far, been met with little response in the member states. 'The call was not publicly debated in any of the EU states - with the exception of Austria.' According to the IM Faeser (PES), 12 states are currently among those 'willing'. However, it is not clear which states these are.

CONSTITUTIONAL

- Ireland [opted in](#) to the Regulation (EU) 2021/1147 of the European Parliament and of the Council of 7 July 2021 establishing the **Asylum, Migration and Integration Fund**. (The Lisbon Treaty has granted Ireland a flexible opt-out from Justice and Home Affairs.)
- **Switzerland's** minister of police and justice [warned](#) a gathering of EU ministers that Switzerland could be **forced to leave the Schengen zone** if a referendum against a strengthening of the agency (scheduled for 15 May 2022) is successful. Switzerland has been funding Frontex since 2009.

CONFERENCE ON THE FUTURE OF EUROPE

As part of the Conference on the Future of Europe, the European Citizens' Panel 4: "EU in the World / Migration" [published](#) its recommendations. These include:

- a unified recognition system of professional and academic diplomas from outside and within the EU.
- granting asylum seekers with relevant qualifications access to the labour market.
- giving economic migrants the possibility of screening (on proven skills, background, etc.) in the country of departure.
- ensuring that the welcoming policy and facilities at each border are the same, respecting human rights and guaranteeing the safety and health of all

migrants, and preventing migrants from staying too long at the borders and member states becoming overwhelmed with the inflow.

- harmonising working conditions *within the Union*, thus preventing brain drain from poorer member states.
- EU increasing its efforts to inform and educate citizens of the member states about topics related to migration.
- ensuring that, during the process of the residence procedure, every asylum seeker and refugee attends language and integration courses.
- replacing the Dublin System with a legally binding treaty to ensure just, balanced, and proportionate distribution of asylum seekers in the EU on the basis of solidarity and justice.
- EU providing support to the member states in order to process asylum requests both at a faster pace and according to joint standards
- EU creating a protocol for action regarding the upcoming refugee crisis that will arise from the climate crisis.
- enhancement and funding of legal, humanitarian roads and means of transport for refugees from crisis areas in an organised manner.
- introducing a European directive which should ensure that each living area in every member state cannot have more than 30% of inhabitants from third countries.

AFGHANISTAN

- Afghanistan [has](#) the worst passport in the world when it comes to visa-free travel, 'a direct result of producing so many refugees'.

Qatar

- Qatar has reached a deal with the Taliban to [resume chartered evacuations](#) out of Kabul's airport, ending a dispute with the Afghan government that caused a months-long pause in flights. The agreement for two flights per week, chartered by Qatar Airways, will allow the **US and other countries to evacuate thousands more** of their own citizens and at-risk Afghans who face the dual threats of Taliban retaliation and a looming humanitarian crisis.

Iran and Pakistan

- [According to](#) the NYT, between October and the end of January, '**more than a million Afghans** ... have set off down one of two major migration **routes into Iran**... Aid organizations estimate that around 4,000 to 5,000 people are crossing into Iran each day', fleeing hunger and Taliban rule with the assistance of smugglers.
 - 'Since the [Taliban] takeover, both Pakistan and Iran have stepped up deportations, warning that their fragile economies cannot handle an influx of migrants and refugees. In the last five months of 2021, more than 500,000 who entered these countries illegally were either

deported or voluntarily returned to Afghanistan, likely fearing deportation.'

ANTI-SMUGGLING

- The European Commission's November 2021 [proposal](#) to **blacklist transport operators** involved in facilitating the smuggling or trafficking of people has been [rejected](#) by a number of member states.

ASYLUM

- In 2021, asylum applications in the EU+ (EU, Switzerland and Norway) [returned](#) to the pre-pandemic levels.
 - Afghans and Syrians drove the overall rise of applications in 2021. **Afghans** lodged twice as many applications (some 97 800) compared to 2020.
 - Applications from Latin Americans significantly decreased.
- Following months of irregular crossings from Belarus, 1,500 migrants [remain](#) stranded at **detention centres inside Poland**. At least 400 children and 290 women are locked up in guarded detention centres.
- Allegations [emerged](#) of 'European money for refugee housing being channelled through the **Greek** Ministry of Immigration and Asylum to two real estate companies in Athens.
- The European Commission and the Republic of Cyprus [signed](#) a memorandum of understanding. Its objectives are to:
 - enhance first reception capacity
 - implement timely asylum procedures
 - establish effective integration
 - improve efficiency of returns

Secondary movements

- 2021 [marked](#) a sharp rise in the number of people arriving 'irregularly' in **Germany**, even though they had already received refugee protection in Greece. Tens of thousands of claims for asylum in Germany remain on hold while authorities try to tackle the problem.
 - Germany continues to receive more asylum seekers than any other European country.
 - Increasingly, migrants are being apprehended at German airports having travelled from Greece. Last year, authorities registered a total of 9,581 irregular arrivals at **German airports**. That number is around 12 times as high as the figure for 2020, and more than ten times as many as in 2019, before the COVID-19 pandemic.

- Germany's migration and asylum office, BAMF, is reported to have put on hold more than **40,000 applications** from people who have already been granted protection in Greece.

BORDER AND ASYLUM MANAGEMENT

- JHA Commissioner Ylva Johansson [stated](#) that 'Frontex estimated that 39 million arrivals were **not checked in the Schengen Information System,**' and that 'thousands of irregular arrivals were not registered in EURODAC — the EU's asylum fingerprint database.'

Lithuania-Belarus

- Contractors for the government [continued](#) erecting a concertina barrier on the Belarus border. 'Every day, this barrier lengthens by another 3 kilometres. At the border, next to the concert barrier, 4-meter-high segments of the fence are currently being installed.'

Latvia-Belarus

- More than [1,500 people](#) from countries such as Iraq and elsewhere in the Middle East were intercepted by **Latvian patrols** in January trying to enter the country illegally from Belarus. That's up from 1,400 attempts in December.

Poland-Belarus

- The state of emergency that was introduced in 2021 [continued](#). The Polish border guard [continued resisting](#) attempts by some migrants to cross the border from Belarus.

Tunisia

- The Tunisian navy [rescued](#) 163 would-be migrants, including women and children, off the country's east coast.

Greece-Turkey

- Twelve refugees [were](#) found **frozen to death** near Turkey-Greece border. The incident sparked a war of words between the two governments.
 - Somalia's foreign ministry [urged](#) the UNHCR to "immediately" investigate the deaths of five Somali nationals in the incident.
- Allegations [emerged](#) that Greek border guards threw migrants into the sea near Samos. Two people drowned.
- The UNHCR [issued](#) a statement which states that the organisation "is deeply concerned by the increasing number of incidents of **violence and serious human rights violations** against refugees and migrants at various European borders, several of which have resulted in tragic loss of life." The statement particularly focuses on incidents on the Greek-Turkish border.
 - The Greek minister for migration, Notis Mitarachi, [responded](#) by publishing a statement according to which "Turkey is not a country at war, and it has an obligation under the 2016 EU-Turkey joint statement

to prevent illegal departures of migrants and accept return of those individuals that are deemed not to be entitled to international protection. In the absence of action by the Turkish authorities, the Hellenic Coastguard continues to save the lives of thousands of men, women and children at sea every year.”

REPATRIATIONS

- Voluntary repatriations of Iraqis from Lithuania [continued](#).
- Frontex [announced](#) it would assist Cyprus with repatriation flights.
 - Frontex’ director Fabrice Leggeri said the agency can bring in consular officials from foreign countries to confirm the identity of migrants and obtain permission to repatriate them. He said the agency can also organise flights directly from Cyprus, or with the assistance of other EU members.
 - IM Nouris repeated that the vast majority of asylum seekers reaching the island are channelled through Turkey.

AFRICA

- With unemployment levels at record high, pressure [is growing](#) to expel economic migrants from **South Africa**.

JUDICIAL OBSERVATORY

European Court of Justice: Loss of long-term residence status – “absence” merely means “non-presence”

The European Court of Justice (ECJ) [ruling](#) of 20 January 2022 sought to interpret the EU’s long-term residence directive to determine under which conditions third-country nationals could lose the long-term residence status they were granted in a member state. The specific [case](#) concerned a Kazakh national whose application to renew his long-term residence status in Austria was refused. Article 9(1)(c) of [Directive 2003/109/EC](#) sets out that long-term residents are not able to maintain their residence in the event of absence from Union territory for a period of 12 consecutive months. Although the applicant did not leave for a consecutive period of 12 months, he was only present in the territory for a few days each year, which led the Administrative Court of Vienna to seek the ECJ’s interpretation of this article. Although the term “absence” differs between language versions of the directive, the Court [confirmed](#) that the concept’s usual meaning in everyday language is merely “non-presence” and must be interpreted uniformly across member states, thereby suggesting that *any* physical presence regardless of its duration is likely to interrupt such absence. Furthermore, the Court [noted](#) that long-term residents are free like EU citizens to move and reside outside the territory of the Union as long as they are not absent for an entire period of 12 consecutive months. This aligns with the underlying objective of the Directive: the integration of long-term resident non-EU citizens into the territory of the EU, by bringing their economic and social status closer to that of EU citizens.

MARTENS CENTRE ACTIVITIES

R. Münz (Senior Research Associate), acting as an expert for [Citizens' Panel 4: "EU in the World / Migration"](#) at the Conference on the Future of Europe.

L. Teodorescu (Research Associate), [Women and Asylum in Europe—a Chat with Nina Gregori](#), *European Podcast on Gender Equality*, 11 February 2022

Martens Centre Online Event [Can Migration Alone Solve Europe's Demographic Crisis?](#), featuring Commission Vice-President Dubravka Šuica, 23 February 2022; recording is available here: <https://www.youtube.com/watch?v=AE-QvEeY1d4>

SELECT EXTERNAL PUBLICATIONS

US Department of Homeland Security, [Feature Article: Robot Dogs Take Another Step Towards Deployment at the Border](#), 1 February 2022

C. Woollard, [French Presidency Plans: New Momentum or Hot Air?](#), European Council on Refugees and Exiles, 4 February 2022

EMN-OECD Inform, [The Use of Digitalisation and Artificial Intelligence in Migration Management](#), February 2022

S. Adar and F. Püttmann, [Making EU-Turkey Cooperation on Migration Sustainable: A Greater Focus on the Turkish Host Society Is Required](#), SWP, 10 February 2022

Hungarian Helsinki Committee, [The Hungarian asylum system and the Russian invasion of Ukraine](#), 24 February 2022