

# Migration Update

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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 Davide Marcantoni for selecting and writing up a court case for the judicial observatory, and Sandra Pasarić 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](mailto:vn@martenscentre.eu)*

- Between 24 February and 31 March, **4 102 000** people [fled](#) Ukraine.
- **Europe** now hosts [more refugees than any other region](#) in the world. Poland itself [hosts](#) one of the largest refugee populations.
- In the first ten days of the war, Polish border guards recorded [217,000 crossings into Ukraine](#). A large share were Ukrainians (men and women) **heading back home to fight**.

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## UKRAINE

### National measures

- The European Council on Refugees and Exiles [compiled](#) a non-exhaustive list of **measures taken by European countries** to address the arrival of Ukrainian nationals on their territory following the invasion in Ukraine.
- The European Union Agency for Asylum [provided](#) comprehensive updates on **national and EU policies** in response to the arrival of Ukrainian refugees.
- People across Poland, Slovakia, Hungary, Romania, Moldova and other European countries provided assistance to refugees from Ukraine.
  - Some observers [argued](#) that in Poland, emergency response relied more on citizen activities than on the state.

### Commission guidance on border management

On 2 March, the European Commission [issued non-binding operational guidelines](#) on **external border management**. This will help ensure efficient border management to help those fleeing the war find shelter without delay whilst maintaining a high level of security checks. The facilitations available include:

- simplifications of border controls
- flexibility with regard to entry conditions
- allowing crossings at temporary border crossing points
- easy access for rescue services

### Temporary protection

On 3 March 2022, the Justice and Home Affairs Council **unanimously voted** to trigger the Temporary Protection Directive (Council Directive 2001/55/EC of 20 July 2001).

- Temporary protection is an emergency mechanism which can be applied in cases of mass influx of persons and which aims to provide an immediate and collective (i.e., without the need for the examination of individual applications) protection to displaced persons who are not in a position to return to their country of origin. The objective is to alleviate pressure on national asylum systems and to allow displaced persons to enjoy harmonised rights across the EU. These rights include residence, access to the labour market and housing, medical assistance, and access to education for children.
- According to the [Implementing Decision](#) from 4 March, “protection is for **Ukrainian nationals residing in Ukraine** who have been displaced **on or after 24 February 2022** as a result of the military invasion by Russian armed forces that began on that date.
  - [Note that the EU is extending temporary protection to **all** Ukrainian citizens who will enter the EU between 4 March 2022 and 4 March 2023.]

- Temporary protection should also be introduced for nationals of third countries other than Ukraine, who have been displaced from Ukraine on or after 24 February 2022, and who were benefiting in Ukraine from refugee status or equivalent protection before 24 February 2022.
- In addition, the Implementing Decision states "...it is necessary to also introduce temporary protection for **family members** of those persons, where their families were already in, and residing in, Ukraine at the time of the circumstances surrounding the mass influx of displaced persons..."
- Member states may also extend temporary protection to additional categories of displaced persons above and beyond those to whom this Decision applies.
- [Beneficiaries] are able to **choose the member state** in which they want to enjoy the rights attached to temporary protection and to join their family and friends across the significant diaspora networks that currently exist across the Union. This will in practice facilitate a balance of efforts between Member States, thereby reducing the pressure on national reception systems.
- The Implementing Decision is compatible with, and can be applied in complementarity with, national temporary protection schemes.
- The duration of temporary protection should be for an **initial period of one year.**"
- **Ireland** is bound by the Temporary Protection Directive.
- **Denmark** is not bound by the Directive.
- [Solidarity and a balance between EU States](#) in receiving displaced persons is promoted through a structured mechanism. It allows for transfers of beneficiaries between EU States, based on a **voluntary offer from a state** and on the **consent of the transferee**.
- With the entry into force of the Implementing Decision, member states are obliged to [facilitate the entry of Ukrainians](#) from abroad [[here](#), Article 8(3)]

#### *Implementation of temporary protection*

Only incomplete information on national implementation of temporary protection was available.

- [According to](#) the Hungarian Helsinki Committee, only 4444, or 1.5% of arriving Ukrainians were able to register under the scheme in **Hungary** as of 22 March.
- The Czech interior ministry [stated](#) that 251 173 people were granted temporary protection in **Czechia** as of 31 March. This [was](#) the highest number of registrations per head of population in the EU.
- On 22 March, the EU interior ministers [met](#). Due to the non-compatibility of the national systems for temporary protection registration, the ministers 'called on the Commission, with the assistance of eu-LISA, to act as quickly as

possible to seek an **IT solution that would allow for a centralised Europe-wide approach** to the registration of Ukrainian refugees. Such consolidation at EU level of registration in national databases will make it easier to protect refugees, and in particular unaccompanied minors and facilitate their travel within the EU.'

### EU assistance

- Health Commissioner Stella Kyriakides [announced](#) on 7 March that the European Commission had secured over 10,000 hospital beds across the bloc for patients who have fled the war in Ukraine.
- On 8 March, the Commission [outlined](#) the support the EU is making available to help people fleeing war in Ukraine, as well as the EU countries receiving them.
  - **€500 million** from the EU budget is being directed to deal with the humanitarian consequences of the war, both within Ukraine and beyond. This sum includes €90 million in humanitarian aid, with €85 million for Ukraine and €5 million for Moldova.
  - Under the 'Solidarity Platform', Member States can exchange information about reception capacity, which will be coordinated by the Commission.
- The Commission also proposed to prolong the implementation period for money available to Member States under the 2014-2020 **Home Affairs funds**, which would release around €420 million in additional support.
  - The European Parliament [approved](#) this spending on 24 March.
- On 8 March, the Commission adopted the “**Cohesion's Action for Refugees in Europe**” (**CARE**) **legislative proposal**, to bring additional **flexibility** to finance a wide range of measures supporting people fleeing Ukraine, from the European Regional Development Fund (ERDF), the European Social Fund (ESF), and the Fund for the European Aid to the Most Deprived (FEAD). Moreover, around **€10 billion** from the 2022 **Recovery Assistance for Cohesion and the Territories of Europe** ('REACT-EU') funding package are readily available and can also be used to finance actions to support those fleeing Ukraine.
  - On 24 March, the European Parliament [approved](#) these changes. EU countries can apply to the EU to get back money they have spent to help Ukrainian refugees retroactively as of 24 February, the date on which Russia invaded Ukraine. The EU will be able to finance 100% (instead of the usual 85%) of cohesion funding spent by member states for an additional year (from mid-2021 to mid-2022).

The EU created [a website](#) that provides information on assistance to Ukrainian refugees across EU-27.

### Distribution of refugees

Hundreds of thousands of Ukrainian refugees **travelled** further west, north and south from the frontline states, using public transport for free according to national decisions to that effect.

The Moldovan and Romanian governments, supported by the UNHCR, and the IOM [set in place](#) the transfer of people who fled Ukraine, including third-country nationals, **from southern Moldova to Romania**.

### Frontex

Frontex [began operating](#) in Slovakia and Romania, but not in Poland or Hungary.

On 17 March, the EU [signed](#) a legally binding agreement with **Moldova** on border management cooperation with Frontex.

- Tasks for Frontex officers in Moldova include screening, registration and identity checks of people crossing the border, border surveillance tasks, as well as help in the collection and exchange of information.

### European Union Agency for Asylum

- The EUAA [was](#) active in Romania.

### UK

- The UK [announced](#) the Ukraine Family Scheme that allows applicants to join family members or extend their stay in the UK. Applicants can make their applications in Ukraine (Lviv), Poland, Hungary, Moldova, or Romania.

### US

- The US [plans to accept](#) up to 100,000 Ukrainians fleeing Russia's invasion. The Biden administration said in a statement it would use "the full range of legal pathways" to bring Ukrainians to the United States, including the U.S. refugee resettlement program, which provides a path to citizenship.

### Discrimination

- Reports [emerged](#) of Asians and Africans being mistreated at the Ukraine-Poland border.

### Exploitation and abuse of refugees

- Multiple [reports](#) emerged of mistreatment of refugees, both [at the EU border](#) and on [member state territory](#). Vigilante groups are reported to patrol the Polish border to detect human traffickers.

### Golden passports

- Malta [announced](#) it will no longer process applications **for golden residency or citizenship status by Russians** and those from Belarus. However, the country stopped short of scrapping the system for other nationals.

## RUSSIA

In response to hardship and the crackdown on civil liberties, Russians are **leaving the country**. [Tens of thousands](#) have already left for Turkey, Armenia, Georgia, Uzbekistan, Kyrgyzstan, and Kazakhstan. At the land border with Latvia — open only to those with European visas — travellers reportedly waited for hours. [Some estimates](#) put the figure at 200,000 emigrants since the beginning of war.

## BELARUS

Dozens of asylum seekers stuck for months in a makeshift dormitory in Bruzgi, a village in Belarus less than a mile from the Polish border, [were](#) ordered by a group of Belarusian soldiers on 5 March to leave the building at gunpoint and given two options: crossing the border into Poland, where guards have beaten them back, or entering Ukraine.

## AFRICA

- On 2 March, about 2,500 migrants and refugees from countries in sub-Saharan Africa tried to [cross the border fence](#) separating the Spanish enclave of **Melilla from Morocco**, with about 500 managing to do so, in one of the largest influxes in recent years. “The great violence used by the migrants ... overwhelmed the Moroccan security forces who were trying to prevent them from reaching the fence.”
- At least 44 people, including several infants, [drowned](#) off Morocco's coast in the second week of March as they were trying to reach Spain's Canary Islands.
- U.N. investigators [were seeking](#) to verify reports of mass graves thought to contain the **corpses of migrants at a trafficking hub in Libya**. Their report documented incidents of rape, murder and torture.
- Evacuations from Libya continued. In March, nearly 120 asylum seekers [were](#) evacuated from **Libya to Rwanda** in the first such flight of the year.

## JUDICIAL OBSERVATORY

### Strasbourg court rejects case of Saharawi asylum seeker in France

On July 22, 2021, the European Court of Human Rights issued the [judgement](#) E. H. v. France n.39126/18. The ruling concerned an asylum seeker of Saharawi origin who asked for the recognition of his status as a refugee due to the Moroccan occupation of the Western Sahara territories and, as consequence, discrimination for his ethnic origin and political activism. In particular, the rejection of his status by the French authorities could be investigated under the Chapters 3 and 13 of the ECHR – European Convention on Human Rights.

The judges highlighted that there are two different situations that should be analysed: 1) the case involved Mr. E. H., and 2) a particular circumstance in which there is structural discrimination by one ethnic group against another.

Although the Court considered evidence of the possible consequences that Moroccan activists could incur for their support to the Saharawi's cause, the Court did not take a clear position in favour or against people of Saharawi ethnicity who take part in political or civil demonstrations against occupation by Rabat.

In its discourse, the Court rejected the request for asylum because E.H. didn't provide sufficient evidence showing ill-treatment by Moroccan authorities. The Court stated that the burden of proof fell upon the applicant in his request.

[The Court decided not to consider the status of Saharawi people in Western Sahara and the alleged prejudice and intolerance against them. The Court focused its attention on the individual case, without proposing any further interpretation outside the given normative framework].

### **SELECT EXTERNAL PUBLICATIONS**

Steve Peers, '[Temporary Protection for Ukrainians in the EU? Q and A](#)', *EU Law Analysis*, 27 February 2022 (and subsequently updated)

Daniel Thym, '[Temporary Protection for Ukrainians: the Unexpected Renaissance of "Free Choice"](#)', *EU Immigration and Asylum Law and Policy*, 7 March 2022

Florian Trauner, '[Let Ukrainians — not Ukraine — join the EU](#)', *Politico*, 7 March 2022

Alexander Betts, '[The Ukrainian Exodus: Europe Must Reckon With Its Selective Treatment of Refugees](#)', *Foreign Affairs*, 28 March 2022