

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. Alejandro Puigrefagut prepared material for the Judicial Observatory. 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.

- In 2021, EU members [issued](#) close to **1.7 million** first residence permits for a period of over one year to non-EU citizens, **almost an EU immigration record**. 37% of permits were for family reunification purposes and 29% were for employment. Ukrainians were the largest group, followed by Moroccans.
- In the first half of 2022, EU+ countries (EU, Switzerland and Norway) [received](#) 406 000 asylum applications, **up by 68 %** compared to the first half of 2021.

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UKRAINE

By 28 August, some 4.2 million persons fleeing Ukraine had registered for temporary protection in the EU+. During the first half of 2022, more people in search of protection have arrived in the EU+ than **during the entire asylum and border crisis of 2015-16**.

The second round of an **UNHCR survey of Ukrainian refugees** [found](#) that:

- 81 per cent of respondents intend to return home to reunite with their families
 - only 13 per cent plan to do so in the next three months.
- 70 per cent of refugees possess higher education qualifications.
- Two-thirds were previously working in Ukraine.
- Refugees are eager to enter the EU labour market, which would lessen their reliance on welfare
 - but currently, less than one-third are employed or self-employed.
- Without work, many are struggling to make ends meet and find adequate housing
 - **Nearly half (41 per cent) are staying with hosts, 20 per cent are living in collective sites or hotels, while a quarter is renting.**
- Many are concerned about finding alternative sustainable solutions ahead of winter.

Forced deportations

A report by Human Rights Watch [documented](#) forced deportations of Ukrainian civilians to Russia.

- ‘Although the total number of Ukrainian civilians transferred to Russia – either voluntarily or involuntarily – remains unclear, many were transported to Russia in organized mass transfers.’

Germany

Due to the high number of Ukrainian refugees, some German states have [temporarily withdrawn](#) from the reception of refugees.

Bulgaria

The European Union Agency for Asylum [activated](#) an operation in **Bulgaria**. The signing of the Operating Plan comes as over 130,000 of those who have fled the invasion of Ukraine have already registered for temporary protection while the number of asylum applications has tripled.

Public opinion

A [survey by the Migration Policy Centre](#) of citizens of 8 European countries showed that

- in all eight countries respondents are strongly supportive of welcoming **Ukrainian refugees**. Even in the most negative countries such as Slovakia

and Hungary, respondents who would allow no Ukrainian refugees at all amount to only around 10 per cent.

- Attitudes to accepting **Syrian refugees** were significantly more negative across the 8 countries surveyed.
- However, when asked about equal treatment between the domestic population and Ukrainian refugees, more than half of **German** respondents think that their government treats Ukrainian refugees much or somewhat worse than themselves, while more than half of **Slovaks and Czechs** think that their government **treats Ukrainian refugees much or a little better** than themselves.

RUSSIAN CITIZENS' ACCESS TO THE EU

On 8 September, the Council [adopted](#) a decision to fully suspend the visa facilitation agreement between the EU and Russia, in view of Russian aggression against Ukraine. Consequently, the **general rules of the visa code will apply to Russian citizens**.

- This will result in an increase in the visa application fee from €35 to €80, the need to present additional documentary evidence, increased visa processing times and more restrictive rules for the issuance of multiple-entry visas.
- The full suspension affects all categories of travellers coming to the EU for a **short stay**. The Commission is expected to present additional guidelines to ensure this suspension does not negatively impact certain people travelling to the EU for **essential purposes, such as journalists, dissidents and civil society representatives**.

In addition to the Council decision, on 19 September **Poland, Estonia, Latvia and Lithuania** [barred](#) most Russian travellers.

- This concerns Russian citizens with EU visas from visiting for **tourism, culture, sport and business purposes**.
- Holders of residence permits, family members, humanitarian cases and dissidents are **exempt** from the ban.

Finland slashed the number of visas issued to Russian citizens to 10% on 1 September. Finland did not join the Baltic and Polish ban for tourists [until 29 September](#), after the **Russian president announced partial mobilisation**.

- The FM Pekka Haavisto stated that the flow of Russians was seen as endangering Finland's international relations. Russians visiting Finland will now need to apply for a visa in advance at a centre in Russia, with an invitation either from a business or personal contact. Russians will still be allowed to visit family or for work and study in Finland.

Norway, which also has a border with Russia and is part of the Schengen travel area, [suspended a long-standing visa-free travel](#) agreement with Russia during the week that mobilisation was announced.

Previously, several EU members have [stopped](#) issuing visas to Russian citizens, including **Belgium, Czechia, the Netherlands and Slovakia**.

NEW PACT ON MIGRATION

Joint Roadmap

On 7 September, the European Parliament and five rotating Council Presidencies [signed](#) a Joint Roadmap of the European Parliament and Rotating Presidencies of the Council on the organisation, coordination, and implementation of the timeline for the negotiations between the co-legislators on the CEAS [Common European Asylum System] and the New European Pact on migration and asylum. The signatories committed 'to work together to adopt the reform of the EU migration and asylum rules **before the 2024 EU elections**.'

The agreed roadmap comprises the following legislative proposals:

- Regulation for Asylum and Migration Management - rapporteur Tomas TOBÉ (EPP, SE),
- Regulation for Crisis and Force majeure - rapporteur Juan Fernando LÓPEZ AGUILAR (S&D, ES),
- Screening Regulation - rapporteur Birgit SIPPEL (S&D, DE),
- Qualification Regulation - rapporteur Matjaž NEMEC (S&D, SI),
- Reception Conditions Directive (recast) - rapporteur Sophia IN 'T VELD (Renew, NL),
- Amended Asylum Procedures Regulation - rapporteur Fabienne KELLER (Renew, FR),
- Return Directive (recast) - rapporteur Tineke STRIK (Greens, NL),
- Amended EURODAC Regulation - rapporteur Jorge BUXADÉ VILLALBA (ECR, ES),
- Union Resettlement Framework Regulation - rapporteur Malin BJÖRK (The Left, SE).

The document detailing the Roadmap was signed by:

- European Parliament President Roberta Metsola [EPP],
- Chair of the Civil Liberties Committee Juan Fernando López Aguilar [S&D],
- Asylum Contact Group Chair Elena Yoncheva MEP [S&D]
- and the Permanent Representatives of Czechia, Sweden, Spain, Belgium and France

LABOUR MIGRATION

[According to](#) a *Euractiv* report, governments of EU member states are relaxing rules for non-EU workers due to acute **labour shortages**:

- The Portuguese government lowered visa requirements for Portuguese-speaking former colonies like Brazil, Angola, and Mozambique.
- The Spanish government passed a law that would make it easier to hire workers from non-EU countries.
- Slovenia is set to issue a record amount of work permits this year.
- In Germany, the government is expected to propose a new immigration law towards the end of this year.
- In Austria, relaxed rules for visa access will come into force in October.

IRREGULAR MIGRATION

According to [Frontex figures](#), in the first eight months of this year, some **188 200 irregular entries** were detected at the external borders of the European Union. This represents an increase of 75% compared with the same period of last year and is the highest total for the January-August period since 2016.

By far the biggest increase is occurring on the **Western Balkan route**. Turkish President Recep Tayyip Erdogan is opening the way to Europe for Syrians, Czech IM Vít Rakušan [said](#). "We have an open floodgate to Europe from the Turkish side."

Turkey

The Guardian reported that 'thousands of Syrian refugees [were](#) assembling in Turkey in a **convoy**, which organisers have dubbed the Caravan of Light, in an attempt to enter the EU en masse.

- The organisers, who are believed to be Syrian refugees themselves, have told people to bring sleeping bags, tents, lifejackets, water, canned food and first aid kits. The actual number of people in the caravan is unclear, but organisers say about 100,000 people are expected.
- On 26 September, members of the caravan began their journey to the designated meeting point of **Edirne**, a city in the north-west of Turkey near the border with Greece, which was announced on the Telegram channel the day before. Their plan is to walk across the Greek border to make their way into the EU.
- In a statement, the organisers explained that the caravan, which "came out of the womb of the revolution", was sparked by the "abhorrent racism" they have been exposed to from "some parties in the Turkish republic", which they say has led to Syrians being killed.'

Bulgaria

- The [capacities](#) of the two Bulgarian refugee centres next to the Bulgarian-Turkish border, Pastrogor and Lyubimets, are overwhelmed.
- The Ministry of Internal Affairs announced that Bulgaria would open up more than 1,200 places for refugees in containers as other options for accommodation have been exhausted.
- **Traffic accidents** where refugees are involved have been multiplying.
 - In February, Bulgarian police found 61 Afghan refugees in a truck, which had an accident.
 - In April, two Afghan refugees died in an accident involving a Bulgarian army vehicle.
 - Mid-September, a bus carrying 30 people with Afghan citizenship crashed into a tree in a town near the Serbian border and caught fire. The driver died in the accident.
 - Later in September a bus carrying 47 Syrian refugees was pursued by police for 25 kilometres in the Burgas region, causing a traffic accident. The 15-year-old Syrian driver of the bus did not stop when a police car got in his way and then collided with it. Two police officers died.
- IM Ivan Demerdzhiev spoke of a "**declaration of war by the trafficking gangs**" and did assume that Bulgarian border officials could be involved in the

illegal transit of refugees. He said that the **border fence** could be easily breached with a ladder.

- As of 27 August the army has increased its protection of the border.

Hungary, Slovakia, Czechia

- 'Thousands of migrants' are continuing to [try to enter Hungary](#) 'every week'. Human trafficking is also becoming more and more widespread.
- Between January and September illegal migration to Czechia **increased** by 1 200 % in a year-on-year comparison. Since the beginning of 2022, the police have detected about 11 000 migrants in illegal transit, mostly travelling further on to Germany. Most of them were men from Syria.
- **The Slovak government** has refused to readmit 96% of the migrants that the Czech officers detected as crossing the border from Slovakia. Hired cars is the most frequent mode of transport. The Slovak government [stated](#) that Slovakia serves only as a transit country and that the problem is EU-wide.

Germany

- The German Association of Rural Districts and the Association of Towns and Municipalities have [called on Chancellor Olaf Scholz](#) (SPD) to hold a refugee summit in view of a sharp rise in the number of asylum seekers, some of whom arrive via Serbia, Austria and Czechia.

IRREGULAR MIGRATION AND SCHENGEN

The European Commission [asked](#) the **Swedish government** to abolish border controls with Denmark. In this regard, Commissioner Johansson referred to a recent [ruling](#) by the European Court of Justice.

- Border controls between Denmark and Sweden in Malmö, Helsingborg, Trelleborg, and Ystad were introduced in the wake of the 2015 refugee crisis for Sweden to control refugee flows. Despite being a temporary measure, they have been extended every six months since.

The **Czech government** [announced](#) on 26 September that it would commence border checks on the Slovak border, initially for 10 days.

- "We need to take this preventive measure to discourage migrants from using this route," [said](#) Czech Prime Minister Petr Fiala (ECR). IM Vít Rakušan (ind.) said that "we have exhausted all the standard options that the law gives us." Czech IM [hinted](#) that the government introduced the measure in response to the Slovak refusal to fulfil the bilateral readmission agreement.
- **Slovak PM** Eduard Heger (EPP observer party) [criticised](#) the introduction of border checks by Czechia as being against the principles of Schengen. He [said](#) that mutual communication would have been better than introducing the border checks, and offered help to Hungary in guarding the Serbian border. He mentioned that Hungary was not accepting the migrants who have crossed to Slovakia.

In response to increased numbers of irregular migrants entering from Slovakia and the announcement of the Czech introduction of the border checks, on 28 September **Austria** [announced](#) it would institute systematic border checks on the Slovak border.

- IM Gerhard Karner (EPP) said Austria wants to prevent smugglers from bypassing checks at the Czech border on their way through Austria. "We already have extensive measures in place on the borders with Hungary and Slovenia. Now the police will also control the border with Slovakia. We have to be faster than the smugglers."

[According to](#) Slovak FM Rastislav Káčer, Czechia introduced the border checks due to **pressure from the German government**.

According to a travel blogger, the **German police** [is conducting](#) 'illegal and systematic border controls' on the **Polish border**.

- Every train arriving [in Frankfurt (Oder)] from Poland is controlled by the Bundespolizei, and every train onwards towards Berlin is delayed as a result.

EUROPEAN UNION AGENCY FOR ASYLUM

The *Financial Times* [published](#) an article according to which employees of the EUAA called for a probe into top management over alleged nepotism, misleading reports and mishandling of harassment claims.

AFRICA

The French consulate in **Senegal** [is facing](#) an increase of more than **250% in short-stay visa applications** compared to the pre-COVID situation. The pressure is particularly strong in Dakar with the numerous applications for study visas that must be processed during the summer, in addition to those of the many Franco-Senegalese families. Minister Delegate for French Nationals Abroad, Olivier Becht, noted that France had "disarmed [its] consular services in recent years."

96,000 refugees have entered [Uganda](#) so far this year. Most are from **South Sudan** and the **Democratic Republic of the Congo** (DRC).

- At the start of 2022, Uganda was already hosting over **1.5 million refugees**, making it one of the most important refugee host countries in the world and the largest on the African continent.

US

Planes [carried irregular migrants](#), mostly Venezuelans, from the southern US to Martha's Vineyard, an island in Massachusetts, populated by the wealthy elite. Governors of Florida and Texas were behind the organisation of the flights.

- Details of how the flights were arranged and paid for remain unclear. The Florida legislature has appropriated \$12 million to transport migrants from the state to other locations.
- In addition, **two buses** sent by Texas Governor Greg Abbott, a Republican facing re-election, dropped off migrants in a Washington, D.C. neighbourhood not far from Vice President Kamala Harris' official residence.

JUDICIAL OBSERVATORY

Ships of humanitarian organisations may be subject to port control after rescue of persons at sea but these controls must be justified

On 1 August 2022, the European Court of Justice issued the judgement in Joint Cases C-14/21 and C-15/21. The ruling was in response to a request for preliminary ruling by an Italian court, following inspections and immobilisation of two charity rescue ships. The immobilisations, justified by the port authorities by a reference to the Directive 2009/16EC on port State control, occurred in the Italian ports of Palermo and Porto Empedocle in the summer of 2020.

Following the rescue of migrants in the Mediterranean Sea and a two-week quarantine imposed due to the number of COVID-19 cases in the vicinity of these ports, two ships run by the German NGO Sea Watch were able to enter and dock in the Italian ports of Palermo and Porto Empedocle. Once passengers had disembarked, the Maritime Captaincies in the two ports carried out inspections and immobilised the vessels. The authorities justified these inspections by the fact that the vessels were not certified to carry out rescue activities and had taken on board many more people than authorised. Moreover, the port authorities argued that there were operational issues that posed a risk to safety, health and the environment. The authorities prolonged the detentions of the ships until all technical irregularities were resolved for the operation of the vessels.

Sea Watch filed two appeals before the Regional Administrative Court of Sicily requesting the revocation of these measures. The appeals alleged that port officials had exceeded their powers under Directive 2009/16EC and that, although the NGO applied changes to the ships to comply with EU legislation, the officials failed to release the ships. The Italian regional court referred a question to the ECJ for a preliminary ruling to clarify the scope of port State control and detention powers over ships operated by humanitarian organisations.

The ECJ ruled that

- the rescue of people at sea must be a priority under international law and that all ships used by humanitarian organisations are obliged to follow all parts of the Directive
- the number of rescued people on board "must not be taken into account when verifying whether the rules on safety at sea have been complied with"
- the port State is authorised to check any ship to ensure that it is in line with maritime regulations and, if necessary, to take "appropriate, necessary, and proportionate corrective actions"
- the Directive must be interpreted as meaning that the port State may subject ships engaged in rescue activities to an "additional inspection after all disembarkation operations." In this sense, the State may adopt detention measures only in the event of "serious indications which may demonstrate the existence of a danger to health, safety, working conditions on board or the environment"

- the port State is entitled “to take account of the fact that ships classified and certified as cargo ships by the flag State are, in practice, being systematically used for activities relating to the search for and rescue of persons”
- the port State, however, has no right to demand evidence that these ships hold certificates other than those granted by the flag State.

SELECT EXTERNAL PUBLICATIONS

J. Segeš Frelak and A. Pilat, [*Temporary protection in Poland: What solutions for vulnerable groups?*](#), ICMPD, 6 September 2022

S. Melchior et al., [*Dismantling Schengen — six months at a time*](#), *EU Observer*, 9 September 2022

OECD, [*Labour Migration in the Western Balkans: Mapping Patterns, Addressing Challenges and Reaping Benefits*](#), September 2022

A.R. Arthur, [*Where ‘the Wall’ Ends in Cochise County, Ari. Of cartel spotters and the washed-out roads that you paid tens of millions for*](#), Center for Immigration Studies, 20 September 2022