

# Migration Update

October 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. 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).

- By 25 October 2022, **7,751,169** [refugees from Ukraine](#) have been recorded across Europe. 4,426,745 registered under EU Temporary Protection or similar national protection schemes.
- In 2022 so far, irregular arrivals on the Eastern Mediterranean, Central Mediterranean, and Western Mediterranean/Atlantic routes [have exceeded](#) pre-pandemic figures, while remaining significantly below the levels of 2015. The **Central Mediterranean** route remains the most frequently used route. Most departures on this route continue to come from Libya and Tunisia, though Turkey now accounts for 16% of total irregular arrivals.

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## UKRAINE

The European Commission [announced](#) a series of measures to continue supporting those fleeing the unprovoked Russian aggression.

- ‘The Commission will make full use of the provisions of the temporary protection directive and **will foresee the extension of the protection** afforded to those who fled Ukraine by one year, **until March 2024**. This will be now discussed with member states.’
- The Commission is working through the **Solidarity Platform** to provide guidance and solutions to ensure that those who go back de-register or notify the competent authorities, **safe in the knowledge that they can re-enter the EU** easily and access their rights that temporary protection affords.
- The European Labour Authority and European Employment Services (EURES) [created](#) an **EU Talent Pool Pilot**. Job seekers create their CVs and show their skills ‘to more than 4 000 carefully validated and registered employers and EURES Members and Partners.’
  - EURES [contains](#) over 3 million job vacancies and 4,000 employers, and new employers are welcome to sign up to it.
  - The EU Talent Pool pilot (a general EU scheme) is open to all jobseekers who benefit from temporary protection under the EU Temporary Protection Directive, or adequate protection under national law providing them the right to work.
  - For member states, participation in the EU Talent Pool pilot is voluntary.

## RUSSIA

### Access by Russian citizens to the EU

On 30 September, the European Commission [produced](#) **guidelines to member states on visa procedures** as well as on border controls for Russian citizens at the EU's external borders.

- Member states should apply a strict approach assessing the justification of the journey. This includes the Russian citizens fleeing military mobilisation.
- If a visa applicant (e.g., person fleeing military mobilisation) plans a **long stay** in the EU, member states' consulates should treat the case under the applicable national rules for long-stay visas.
- When it comes to **short-stay visas**, consulates are called to apply any humanitarian derogations in a restrictive manner. It is up to member states, based on an individual examination, to assess if applications by Russian citizens can qualify as falling under the humanitarian reasons category.
- Member states should also instruct their consulates and border guards to exercise increased scrutiny and adopt a strict approach with respect to reassessing visas already issued to any citizen of the Russian Federation, based on a re-examination of the individual situation in the current geopolitical context.
  - In accordance with Article 30 of the Visa Code, the mere possession of a visa does not confer an automatic right of entry into the Schengen area. In case there are grounds for annulment/revocation, such a

decision may be taken by the border guard irrespective of the visa-issuing member state.

- Carriers should remain vigilant when verifying travel documents required for entry, especially for Russian citizens. They are also liable for returning the person denied entry in the EU back to their country of departure.

Following restrictive policies by the EU members, the number of Russian citizens entering the EU [significantly decreased](#).

### Emigration from Russia

Following the announcement of partial mobilisation by President Putin on 21 September, exodus from Russia took up speed.

- [According to](#) Reuters, on 4 October Forbes Russia reported that the number of people who have left the country since Putin ordered the draft could be as high as **700,000**, citing a Kremlin source. **Kazakhstan and Georgia** were the most frequent destinations.

### NEW PACT ON MIGRATION

Following the adoption of the [voluntary solidarity declaration](#) on asylum in June 2022, the European Commission's 2022 Migration and Asylum Report [stated](#) that

- 'the Commission has established a Solidarity Platform on the Voluntary Solidarity Mechanism (Solidarity Platform 'Pact'), which it chairs in cooperation with the Presidency of the Council. So far, **13 member and associated states** have **agreed to offer relocations**, and others have agreed to provide financial contributions. The first results of the Declaration are starting to be seen, with a transfer of asylum seekers already in August and more in the pipeline. The Commission is working with pledging countries, the EU Agency for Asylum and IOM to accelerate the pace of transfers.'

The Czech presidency [prepared](#) a non-public document that proposes **burden-sharing measures**, alternative to the Asylum and Migration Management Regulation tabled by the Commission in 2020. The set of measures includes

- an annual migration management report,
- a permanent EU migration support toolbox,
- an annual solidarity pool, and
- an EU migration forum.

According to the *EU Observer*,

1. the annual migration management report would be drafted annually by the European Commission. Its aim is to provide an early warning tool, offer a forecast of potential irregular arrivals, and assess what kinds of solidarity will likely be needed for any particular member state. "The report could also include recommendations for concrete annual solidarity measures (and their numerical scale) required for the upcoming year."... Such recommendations would need to be **kept secret**.
2. The toolbox for EU states would contain a range of responses for an EU state under migratory pressure. Some of those responses would **exempt EU states from established EU asylum law**. The toolbox is described as 'flexible responsibility'.

3. The annual solidarity pool would "serve as the main stand-ready **solidarity response tool**." EU states would pledge contributions on an annual basis. Those pledges would be mandatory.
4. The 'high-level EU migration forum' would be organised as part of the justice and home affairs council (JHA) meeting at the end of the year. "At this forum, member states would be **obliged to pledge a contribution to the pool**, taking into account the recommendations by the Commission included in the report." Those contributions would also be kept secret. The "outcome of this exercise (the content of the annual Pool) shall be adopted by the JHA Council and would not be made public."

IM Vít Rakušan (ind.) [explained](#) that under the proposal 'there is to be flexible solidarity... and also flexible responsibility. This means that those states that find themselves under heavy migration pressure, which are mostly the southern states, should be allowed to simplify some procedures.'

## IRREGULAR MIGRATION AND SCHENGEN

### Italy

The mayor of Lampedusa [said](#) the island is "almost alone" in dealing with the arrival of hundreds of migrants from northern Africa. More than 100 migrants have arrived on the small Mediterranean island in the last week of October.

- On [13 September alone](#), nearly 600 migrants arrived on Lampedusa.
- Italian coast guard continued rescuing and disembarking passengers.

### Cyprus

Cyprus [is facing](#) a 122% increase in irregular arrivals compared to 2021, mainly due to arrivals from Turkey to the non-government controlled areas and then over the Green Line. Currently, Cyprus has the **highest number of asylum seekers** per capita in the EU.

### Western Balkans

- 106,000 people have been detected [entering the EU from the Western Balkans](#) without official documentation so far in 2022. That represents a hike of 170% as compared to 2021. The main nationalities [were](#) **Syrian, Afghan and Turkish**.
- Throughout October, Germany, Austria and Czechia [continued maintaining](#) systematic border checks with some countries on their eastern and southern borders.

### Austria, Czechia, Slovakia

As of 9 October, the **Czech** army [deployed](#) 320 soldiers in four shifts to assist the police in guarding the country's south-eastern border with Slovakia. Following a 10-day imposition of border checks on the Slovak border in September, the government [extended](#) the duration of these border checks until 28 October. **Austria also** [prolonged](#) the systematic checks until 28 October, without deploying the army.

- According to one report, none of the migrants applied for asylum in Slovakia or Czechia. The Czech authorities [allowed](#) free passage to Germany and focused on intercepting smugglers.
- In the Upper Austrian village of St. Georgen, [protests were organised](#) against the accommodation of refugees in 17 tents erected in the village. This followed anti-migrant demonstrations [organised earlier](#) elsewhere in the country.

### Germany

- According to some reports, accommodating the migrants [is pushing](#) some **German municipalities** to the limit due to the simultaneous need to provide housing to Ukrainians.

### Serbia

German IM Nancy Faeser (SPD) [asked](#) **Serbia** to align its visa policies with those of other EU countries. "There are criteria for being a member of the EU, and part of that is common visa policy... Serbia has to adapt its visa practice to the EU if it wants to become an accession candidate."

- According to a [Czech presidency document](#), Serbia enables **visa-free regimes for 23 countries** that the EU does not. In 2022, the Serbian authorities lifted visa requirements for nationals of **Egypt** on a seasonal basis (from 30 July to 30 September), following similar moves by other governments in the region. In addition, the abolishment of visa requirements for workers from other countries, such as **Bangladesh**, is being prepared.
- Serbia [allows](#) people from countries like India, Tunisia, Syria and Burundi to enter without a visa, even though EU members require visas from nationals of those countries. Serbia also has a visa-free travel arrangement with the EU, which is why a lot of people who enter Serbia also attempt to enter the EU. Serbia's visa arrangement with the EU is for short-term stays, but migrants have tried to stay on longer.
- The Commission said it wouldn't rule out suspending Serbia's visa arrangements.
- Serbia said it was working on securing its borders with Hungary and Austria, both countries that have been affected by an influx of migrants.
- Czech IM Rakušan [stated](#) the EU would pressure Serbia to honour the existing **readmission agreements**.
  - According to the Czech presidency document cited above, 'in the medium- to long-term perspective, the issue of alignment of the Western Balkan region's visa policy with the EU needs to be firmly **framed within the overall context of the accession process**. This also provides the EU with options for further steps in accordance with the EU acquis and the accession process.'

## RESETTLEMENT

Following the 2021-22 pledging exercise, member states [reported](#) more than 36 000 resettlement and humanitarian admission arrivals, according to the 2022 Migration and Asylum Report.



## BORDER MANAGEMENT

Tensions between **Greece and Turkey** were worsening. The Turkish ambassador to Czechia [alleged](#) that since 2020, Turkish authorities have rescued **55,000 migrants** that the Greek police threw chained into the sea or left in the freezing cold.

- Frontex continued supporting Greek authorities in patrolling the Aegean and [rescuing migrants](#).

Frontex [undertook](#) the adoption of remedial measures following an OLAF report on misconduct by the agency's employees in Greece.

## JUDICIAL OBSERVATORY

### **An asylum seeker cannot be returned to Russia without adequate assessment**

On 6 October 2022, the European Court of Human Rights (ECtHR) gave its ruling in the S v. France case (application no. [18207/21](#)) concerning the removal order to Russia of a Russian national with Chechen origins.

Several months after refusing to join friends in the ranks of the Chechen insurgency, the applicant was **arrested in 2004**, interrogated and tortured several times in detention, and was forced to confess under torture to participating in rebel operations in Dagestan. Following his release, he encountered further problems with the Russian authorities. He managed to flee to France via Azerbaijan and Ukraine. In France, the status of refugee had been recognized to S. and his spouse but had later been revoked on the grounds of his presenting a threat to national security.

The ECtHR noted that the examination must focus on the foreseeable consequences of the expulsion of the person concerned. Regarding the general situation of the North Caucasus, the Court had already found that even though there are serious human rights violations reported, the situation does not lead to establishing that any removal to Russia would breach Article 3 of the Convention. Additionally, the Court assessed the situation of the applicant as involved in the Chechen resistance fight **and as suspected to be involved in terrorist activities**. The Court concluded that there would be a violation of the procedural aspect of Article 3 of the Convention if the removal order were enforced and the applicant were to be returned to Russia in absence of an *ex nunc* (valid only for the future) assessment by the French authorities of the alleged risk. (This write-up partly [draws](#) on the ELENA weekly legal update).

## SELECT EXTERNAL PUBLICATIONS

H. Beirens, *Rebooting the Asylum System? The Role of Digital Tools in International Protection*, [Migration Policy Institute](#), October 2022

M. Grundler and E. Guild, 'Russian Nationals at the EU's External Borders: Upholding Human Rights', [Blog of the Odysseus Network](#), 28 October 2022