

# 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. These news summaries are not subject to a formal editorial process. Rick Slootweg drafted the cases for the Judicial Observatory. Should you have any questions or comments, please contact Vít Novotný at [vn@martenscentre.eu](mailto:vn@martenscentre.eu).

- In 2022 EU+ countries [received](#) some **966,000 applications for international protection**. This is in addition to some 4 million people fleeing Ukraine.
- Between 2014 and 2022, the aggregate **length of border fences** at the EU's external borders and within the EU/Schengen area [grew](#) from 315 km to 2 048 km.

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### LABOUR MIGRATION

An immigration act being prepared by the **French** government aims, among other goals, to [regularise](#) illegal migrants suitable for shortage occupations.

- Separately, *Le Monde* [reported](#) about a long-term trend in the country to hire **doctors from Africa** (as well as from other EU countries). According to OECD figures cited by the article, with 16% of doctors born abroad (including in EU countries), France is in fact below the OECD average of 25%. In the British public service, for example, more than one in three doctors comes from India, Nigeria or Egypt. In 2021, the **Tunisian** Medical Association recorded 970 departures [from the country], compared to the usual 500 to 600. “This

figure is probably underestimated. Tunisia trains about a thousand doctors a year. There will soon be more doctors leaving than doctors being trained.”

**Finland** [reduced](#) processing time for skilled migrant work to 9 days average in 2022, despite a higher caseload.

**Italy** [has](#) increased its non-seasonal **labour migration quota** for 2023 to the highest level in a decade, to 30,105 places in 2023. The quotas pertain for citizens of (non-EU) countries with migration cooperation agreements.

- The government also introduced a stringent labour market test.
- According to an (OECD-based) observer, there is “slow process, and annual quota exhausted in a blink, [so] most employers don’t use [the quota system], except as a rolling regularisation for workers/others already present. Further, the quota is chopped by type, province - one employer gets no worker, one 15 km away does.”

The EU is running out of **vehicle drivers**, according to the [EU Observer](#).

- "If we wait any longer, the driver shortage will become a driver crisis and disrupt mobility and supply chains and the economy of the EU," International Road Transport Union president Radu Dinescu said.
- **Spain** will [train and employ](#) a group of **Moroccan truck drivers** as a way to channel migration into Europe's transport sector affected by an acute labour shortage. The chosen drivers, who may be lorry or bus drivers, will begin their training in Morocco and will complete it in Spain, getting a work contract for at least a year.

Polish, Slovak and Czech officials and employers are [expressing worries](#) that some **Ukrainian refugees** who have found employment will seek better-paid positions in Western Europe.

## ASYLUM AND FORCED FLIGHT

According to estimates [released](#) by the European Union Agency for Asylum, in 2022 EU+ countries (EU27, Norway and Switzerland) received some 966,000 applications for international protection, **up more than 50 % from 2021**, and the most since 2016. This comes in addition to around **4 million people fleeing Ukraine** who benefit from temporary protection.

- The largest asylum applicant groups were Syrians, Afghans and Turks, but applications were also high for a wide range of other nationalities.
- This [increase] ... is owed in part to the **removal of COVID-19-related** restrictions and longer-term underlying trends such as conflicts and food insecurity in many regions of origin, resulting in strong push factors.
- Furthermore, **secondary movements** within the EU and significant numbers of applications by **nationals from visa-free countries** who arrived legally contributed as well.
- The EU+ **recognition rate was 40 %** in 2022, up by five percentage points from 2021 and the most in five years. ... Recognition rates were especially high for Syrians, Belarusians, Ukrainians, Eritreans, Yemenis, and Malians. In contrast, recognition rates were especially low (i.e., under 4 %) for citizens of

India, North Macedonia, Moldova, Vietnam, Tunisia, Bosnia and Herzegovina, Serbia, and Nepal among others.

Apart from the Ukraine war and continuing conflicts and instability in Asia, other factors have been causing the high numbers, according to experts [interviewed by Les Echos](#):

- The Afghan and Syrian populations in Europe are going up and this, in turn, **attracts other arrivals from these nationalities**.
- “Syrians and Afghans who are refugees in Europe have children, who also have to be registered as asylum seekers. In Germany, **one in ten asylum seekers is... a baby under a year old**”.

Despite increased processing capacity in some countries, **backlogs** in the EU's asylum systems continued, according to [Euractiv.com](#).

- In October 2022, there were 110,385 open cases in Germany.
- France has around 47,000 pending cases.
- Austria registered 44,935 unresolved cases in December 2022.
- Czechia reported 768 cases; however, “the authority is currently at the edge of its capacity.”
- 94,500 applications are pending in Spain.
- The count in Finland is 3,136 outstanding cases (excluding Ukrainians).

The European Commission [is threatening](#) to open two infringement proceedings against **Greece**. The *EU Observer* reported that the first proceeding deals with possible violations of the EU reception conditions law and the de-facto **detention at EU-funded facilities**. The second addresses the social benefits that asylum seekers receive.

The **German** government [appointed](#) its first-ever "**special representative of the federal government for migration agreements**." Joachim Stamp's (RE) 'plans mean reaching agreements with various countries in Eastern Europe and Africa that would possibly see them set up centres where individuals can apply for asylum — either in that country or in Germany.'

In Germany, the **cost** of accommodating asylum seekers and beneficiaries of temporary protection is [rising](#). In 2022, Lower Saxony alone incurred costs of around 1.2 billion euros, twice as much as in 2021.

## **BORDER MANAGEMENT AND IRREGULAR MIGRATION**

On 9 February, the **European Council** [adopted](#) the following conclusions:

- The EU will step up its action to **prevent irregular departures** and loss of life, to reduce pressure on EU borders and on reception capacities, to fight against smugglers and to increase returns...
- **Visa policy alignment** by neighbouring countries [the Conclusions do not mention Serbia or other Western Balkan states] is of urgent and crucial importance for migration management as well as for the overall good functioning and sustainability of visa-free regimes where relevant...

- ... Swift action is needed to ensure **effective returns**, from the EU and from third countries along the routes, to countries of origin and transit, **using as leverage all relevant EU policies**, instruments and tools, including diplomacy, development, trade and visas, as well as opportunities for legal migration. In this regard, a 'whole-of-government' approach is needed both within Member States and within EU institutions... To speed up return procedures, the European Council also invites Member States to recognise each other's return decisions. It calls on the Asylum Agency to provide guidance to increase the **use of the concepts of safe third countries** and safe countries of origin.
- The EU remains determined to ensure effective control of its external land and sea borders and:
  - affirms its **full support for Frontex** in delivering on its core task, which is to support Member States in protecting the external borders, fighting cross-border crime and stepping up returns
  - calls on the **Commission to fund** measures by Member States that directly contribute to the control of the EU external borders, such as the border management pilot projects, as well as to the enhancement of the border control in key countries on transit routes to the EU.
- **Austrian** Chancellor Karl Nehammer [lauded](#) the result of the European Council, which may be the EU's strongest language yet on the issue.
- **Bulgaria** has been a particular focus for Austria. It wants the EU to help reinforce a fence between the EU border country and Turkey, a project it pegs at €2 billion. But the Commission has cautioned that it only has €3 billion left for all fence-related projects, according to multiple diplomats.
- Austria was not the only country stumping for more border funding. A clutch of countries including **Hungary, Denmark, Estonia, Lithuania, Latvia and Greece** signed a letter backing tougher border measures on the eve of the summit.' **Italian** PM Giorgia Meloni [claimed](#) the Council conclusions were a victory for Italy.
- [According to](#) the *EU Observer*, while two years ago, a leaders' summit had a single sentence on "control of EU external borders", the 9 February summit conclusions devote six paragraphs to the topic.

The European Commission gave the **Libyan Coast Guard** the [first of five new EU-funded patrol boats](#) to help prevent migrants and asylum seekers from fleeing to Europe, according to the *EU Observer*. The handover occurred on 6 February in Italy by EU commissioner [Olivér Várhelyi to Libya's minister of foreign affairs](#).

The [death toll is rising](#) following an **accident on 26 February**, after a boat thought to have been carrying between 180 and 250 asylum seekers broke up in rough waters off the beach of Steccato di Cutro, near the southern Italian city of Crotona. Over 100 are feared dead, with many more children among the victims. Around 80 people survived. The boat departed **from Turkey**. Many of the people on board were asylum seekers from Iraq, Iran, Afghanistan and Syria.

[Between](#) 22 October 2022 (the beginning of the **Meloni government**) and 13 February 2023, 34,683 people landed in Italy.

- This is a +80% increase to the same period a year ago.
- The percentage of those saved by charity rescue ships decreased from 23% to 8.5%.

## SCHENGEN ZONE

Systematic border checks on the **French-Italian border**, first introduced in 2015, are [continuing](#). These checks are being accompanied by policies of **non-admission** of illegal border-crossers. According to *Le Figaro*, in 2022 in the prefecture of the Alpes-Maritimes the border police made 37,547 arrests, including 32,677 non-admissions where police handed the migrants over to the Italian authorities. (The difference in the figures is made up of unaccompanied minors and migrants apprehended outside the border zone.)

- [See article 6(3) of the [Return Directive](#) “Member States may refrain from issuing a return decision to a third-country national staying illegally on their territory if the third-country national concerned is taken back by another Member State under bilateral agreements”.]

## TÜRKIYE AND SYRIA

Switzerland, the Netherlands, Belgium, and Germany have all [taken](#) action to **facilitate visa applications** of Turkish and Syrian citizens residing in their countries so that they can **temporarily host** their relatives affected by earthquakes.

## US

The Florida Senate [approved](#) a new immigration programme that will allow Governor Ron DeSantis’s administration to **relocate illegal immigrants** from anywhere in the country to Democratic-led states and sanctuary cities. The bill formally creates the programme, which first launched unofficially last year to allow government officials to send migrants to sanctuary cities around the country. The new expansion will allow Florida to relocate migrants from any state in the country.

## JUDICIAL OBSERVATORY

### **Dutch court rules that a measure to limit family reunification has no legal basis**

In a [preliminary relief proceeding](#) filed by a Syrian refugee against the State Secretary for Justice and Security, the District Court of The Hague concluded on 5 December 2022 that there is no legal basis for the recent family reunification measure adopted by the Dutch government and that it violates numerous provisions in the EU’s Family Reunification Directive (Directive 2003/86/EG).

On 26 August 2022, the government announced a set of measures concerning immigration and asylum with the goal of safeguarding the capacity of the Dutch asylum agency to deal with the influx of asylum-seekers. A key measure implemented was to temporarily restrict family reunification for six months for refugees who have not yet found suitable accommodation.

As a result, a Syrian woman who was previously granted asylum and received a residence permit has been unable to reunite with her husband and her underage children who are currently residing in Sudan. The family had moved to Sudan upon

the invitation of the Dutch Immigration and Naturalisation Services in preparation of the reunification process. However, due to the new measure, the family is unable to travel to the Netherlands, despite the imminent expiration of their Sudanese visas.

In response, she filed a preliminary relief proceeding at the District Court in The Hague. The court decided that the measure violates provisions in Directive 2003/86/EG, more specifically Art. 13.1, and Art. 12.1 in conjunction with Art. 7. Furthermore, the court dismissed the argument that in accordance with Art. 72 of the TFEU, the government can deviate from EU law on asylum (including the Family Reunification Directive) in emergency situations. The Treaty provision in question applies to “maintenance of law and order and the safeguarding of internal security”, and the court has followed the applicant’s reasoning that this situation is currently not applicable to the Netherlands. Consequently, the preliminary relief judge has ordered the defendant to immediately admit the applicant’s family members to the Netherlands.

### **Bulgarian Court rules that suspension of applications for international protection by Ukrainians is unlawful**

The Administrative Court of Sofia-City [ruled](#) on 21 December 2022 (case No. 3462) that the suspension of the registration of applications for international protection by Ukrainian citizens by the Bulgarian government (Order [No. RD05 -263/08.04.2022 of the Chairperson of the State Agency for Refugees](#)) is unlawful.

The Order issued by Bulgaria’s State Agency for Refugees (SAR) stipulated that all Ukrainian refugees would be automatically registered as “aliens with temporary protection”, and that access to international protection would be granted only upon the expiration of their temporary protection status. As such, all existing proceedings to examine applications for international protection would be suspended.

The Foundation for Access to Rights (FAR) filed [a lawsuit at the court](#), arguing that the government Order violates the right of immediate access to the international protection procedure, as established in Art. 17 of the Council Directive on minimum standards for giving temporary protection (2001/55/EC). FAR argued that substantial differences exist between temporary and international protection regimes, as the former lacks, amongst other things, national legislation on procedures ensuring medical treatment and legal representation of unaccompanied minors. FAR also disputed the legal basis of the Order, as they claimed that it supplements the existing asylum law by introducing new grounds for termination of the international protection proceedings, which is an act that requires legislative powers on behalf of the issuer.

The Court followed FAR’s arguments and ruled that restricting access to international protection as stipulated in the Order is unlawful. Furthermore, the Court agreed with FAR that there is no legal basis for the issuance of the Order as the grounds for the termination of applications for international protection are not included in the existing Law on Asylum and Refugees.

## **MARTENS CENTRE PRODUCTION**

V. Novotný, *Cross-Border Movements Compared: Migration from and to Ukraine in Historical Comparison with Other Conflict-Induced Situations*, [Martens Centre](#), 24 February 2023

## **SELECT EXTERNAL PUBLICATIONS**

M. Weigle and P. Zünkler, *Same but different: Strategies in the global race for talent*, [ICMPD](#), 1 February 2023

C. Schenk, *Post-Soviet Labor Migrants in Russia Face New Questions amid War in Ukraine*, [MPI](#), 7 February 2023