

# Migration Update

June 2023



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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. George Dimakos prepared the cases for the Judicial Observatory and the visuals and some background material on the Asylum and Migration Management Regulation. Andris Petersons supplied a news item. Should you have any questions or comments, please contact Vít Novotný at [vn@martenscentre.eu](mailto:vn@martenscentre.eu).

- ‘The rich world is in the middle of an **immigration boom**’, [according to](#) *The Economist*. See below.
- By 27 June, the UNHCR [counted](#) 583,426 new refugees, asylum seekers, and returnees displaced by the conflict in **Sudan**. Whereas some 250,000 Sudanese left for Egypt, 159,000 found their way to Chad.

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## LEGAL MIGRATION

'The rich world is in the middle of an **immigration boom**, with its foreign-born population rising faster than at any point in history', [according to](#) *The Economist*. In 2022 net migration to Canada was more than double the previous record and in Germany it was even higher than during the "migration crisis" of 2015. Net migration... to Australia is twice the rate before COVID-19. Spain's equivalent figure recently hit an all-time high. In 2022, 1.2m people moved to Britain — almost certainly the most ever.

- Some of the surge in migration is because people are making up for lost time. Many migrants acquired visas in 2020 or 2021, but only made the trip once COVID-related restrictions loosened.
- More importantly, unemployment in the rich world, at 4.8%, has not been so low in decades. Employers are desperate for staff, with vacancies near an all-time high.
- Currency movements may be another factor, encouraging remittances.
- Many governments are also trying to attract more people. Canada has a target to welcome 1.5m new residents in 2023-25. Germany and India recently signed an agreement to allow more Indians to work and study in Germany.
- Many countries have made it easy for Ukrainians to enter their territories.

Germany's Bundestag '[passed](#) groundbreaking legislation' on 23 June 'that will revamp **Germany's migration law to tackle an acute shortage of skilled workers**. The new law will try to make good on the promise of the coalition agreement to transform Germany into a more immigration-friendly country by lowering restrictions and creating new opportunities, following the example of the points-based Canadian system. "The lack of skilled labour is deemed to be one of the worst drags on growth for the German economy ... [Therefore], we also need immigration. We need almost 400,000 people to come to our country," according to IM Nancy Faeser (PES). 'The legislation will allow qualified foreign nationals to look for work in Germany if they score at least **6 points from a list of eligibility criteria**, such as language skills and qualifications. Eligible applicants will receive a so-called Opportunity Card allowing them to search for a job in the country for at least 12 months... The law will also lower eligibility criteria for Blue Card work visas and increase entitlements, such as **leave to remain and family reunification**. Moreover, the government will raise the number of work visas available for companies to hire workers specifically from the Western Balkans.'

## NEW PACT ON MIGRATION AND ASYLUM

On 8 June, the Justice and Home Affairs Council [agreed](#), by qualified majority, its negotiating position on the **Asylum and Migration Management Regulation** (AMMR). The text of the negotiating mandate is [here](#).

On the same day, the JHA Council agreed its negotiating position on the **Asylum Procedure Regulation** (APR). The text of the mandate is [here](#).

According to a [summary](#) published by the Council, the two files, if adopted, would result in the following:

- A common and streamlined asylum procedure, with mandatory border procedures for nationalities with a recognition rate below 20%.
- In order to carry out border procedures, member states need to establish an **adequate capacity**, in terms of reception and human resources, required to examine at any given moment an identified number of applications and to enforce return decisions. At EU level, this adequate capacity is 30,000. The adequate capacity of each member state will be established on the basis of a formula which takes account of the number of irregular border crossings and refusals of entry over a three-year period.
- Simplification of Dublin rules for asylum seeker transfers.
- **A new solidarity mechanism**. There will be a minimum annual number for **relocations** from member states where most persons enter the EU to member states less exposed to such arrivals. This number is set at **30,000**, while the minimum annual number for financial contributions will be fixed at **€20,000 per relocation**. These figures can be increased where necessary, and situations where no need for solidarity is foreseen in a given year will also be taken into account. **'Responsibility offsets'** will be available as a second-level solidarity measure, in favour of the member states benefitting from solidarity. This will mean that the contributing member state will take responsibility for the examination of an asylum claim by persons who would under normal circumstances be subject to a transfer to the member state responsible (benefitting member state). This scheme will become mandatory if relocation pledges fall short of 60% of total needs identified by the Council for the given year or do not reach the number set in the regulation (30,000).
- **Discouraging abuse and secondary movements**, by limiting the possibilities for the cessation or shift of responsibility between member states.

**Hungary and Poland voted against, and Bulgaria, Lithuania, Malta and Slovakia abstained from the vote.** Further details can be found in articles [here](#), [here](#) and [here](#).

Please see the [Appendix](#) for the main legislative and negotiation steps in reaching the Council agreement on the Asylum and Migration Management Regulation.

Following the vote on 8 June, **Poland [vowed](#)** to 'build a coalition in the EU Parliament against the solutions agreed by the Council.' If the pact nonetheless comes into force, Warsaw will not deliver the commitments. "We have a right to reject them and go to the expense of this decision," a spokesman said.

During the European Council on 29-30 June, the Polish and Hungarian prime ministers [attempted](#) to block the Council's conclusions on the external dimension of the EU migration policy because of their disagreement with the decisions taken at the 8 June JHA Council. At the time of completing this Update, the outcome of the European Council meeting was not clear.

On 8 June, the JHA Council also agreed its negotiating position on the updated [Single Permit Directive](#). The proposal is part of the "Skills and Talent" package which addresses the shortcoming of the EU as regards legal migration and has as objective to attract skills and talent the EU needs. On the basis of this common

position, the Council will be able to enter into negotiations with the European Parliament in order to agree on a final text.

The German government [announced](#) it would accept up to **900 refugees** from Cyprus. This pledge is **in addition** to the 500 asylum seekers Germany said it would welcome from Cyprus as part of the EU voluntary solidarity mechanism of 2022. Cypriot president Christodoulides (EPP) urged other EU countries to follow suit. He said the Republic of Cyprus, a country of only 1.2 million people, has taken in the highest number of refugees per capita.

Statewatch [published](#) an [undated] "Draft Roadmap towards a '**European Framework for Operational Cooperation on Search and Rescue** in the Mediterranean Sea":

- "The establishment of a Framework for Operational Cooperation is intended to facilitate and reinforce information exchange and coordination among competent national authorities, including those of coastal and flag member states, as well as other relevant stakeholders."
- The 'deliverables' include:
  - develop a common understanding of distress situations; and
  - agree on standardisation/convergence of registration and certification rules on private vessels carrying out SAR as their predominant activity.

## SCHENGEN

The **German** government '[deployed](#) "additional police forces" at the **Polish** border to crack down on increasing traffic from the **Belarus route**.... Germany has been facing a new surge in irregular migrant crossings, mainly from Syria and Afghanistan by way of irregular migration at the Polish [and Czech](#) border. The police registered more than 8,000 illegal border crossings related to the migrant route from Belarus to Poland nine months before March. **Authorities suspect** much of the migration is being driven by the Belarusian and Russian governments to cause social disruption in European countries that support Ukraine against Russia's invasion.' Internal affairs minister Nancy Faeser (PES) has so far [refused](#) an introduction of systematic border checks on the Polish and Czech border. Systematic border checks have existed for years at the Austrian border.

## ASYLUM AND RECEPTION

According to [InfoMigrants.net](#), Belgium grants almost no protection to **Afghan minors**. Authorities consider Afghanistan no longer a country at war since the Taliban took control of the entire country. With their asylum claims rejected and unable to be sent back, these young Afghans find themselves in an administrative limbo.

## BORDERS

Greek parties [halted](#) their pre-election campaigning on 14 June after dozens of migrants drowned in a **deadly shipwreck off Greece's southern Peloponnese peninsula**.

- Home Affairs Commissioner Ylva Johansson [explained](#) that smugglers have found a new way to operate by flying in migrants to Benghazi, the largest city in Eastern Libya, before putting them on overcrowded fishing boats. “I think we should explore the possibility to reach out also to the airline companies and see what can be done together with them.” What is key, Johansson said, is to prevent other migrants from taking that route and opening other legal avenues for migrants to reach the EU.
- The [number](#) of people onboard the boat which sunk off the Greek coast is believed to have been somewhere between 400 and 750, according to various testimonies. So far, 104 people have been rescued and 78 bodies retrieved, while hundreds remained missing and feared dead.
- Frontex [initiated](#) a “serious incident report”, requiring the agency’s fundamental rights officers to record potential human rights violations.
- Survivors and NGOs have accused Greek authorities of playing a role in the deaths, saying the Hellenic Coast Guard watched the boat drift for hours without making any attempt to rescue people.

[According to](#) *El País*, the resistance of Italian “authorities to prioritise rescues over control has increased in recent years. From 2019 through the first two months of this year, 232,660 migrants arrived in Italy by sea in more than 6,356 landings. Of these, only in **25% of cases was a search and rescue operation activated**. The remainder... were **treated as a police operation**. That figure contrasts with 2016, which broke all records for arrivals when 181,346 people disembarked on Italy’s shores. That year, **rescue operations accounted for 98% of interventions**. “Many manifestly dangerous situations are now recorded as migratory events (in which a police operation is activated), whereas before they were identified as rescue situations.”

Alarm Phone, Sea-Watch, Mediterranea Saving Humans and Emergency [issued](#) a statement according to which the **Maltese authorities** coordinated the ‘abduction’ of 500 people at sea and a ‘mass pushback by proxy to a Libyan prison’. The passengers were “from Syria, Egypt, Bangladesh and Pakistan”. The Maltese Armed Forces [responded](#) by saying that “No boat was sighted in the reported position...Maltese authorities have no jurisdiction over any autonomous actions conducted in international waters.”

Guntis Pujāts, the head of the **Latvian Border Guard**, [said](#) that at the end of 2022, Belarusian authorities **offered firearms to illegal immigrants** planning to cross the Belarusian-Latvian border. The Belarusian regime also tried to pass instructions to the immigrants, to turn against the Latvian border guards. The immigrants refused, and no incidents of firearms being used against Latvian border guards have been detected since then.

## REPATRIATIONS

[According to](#) a report published by Statewatch, Frontex aided the deportation of almost **25,000 people** from EU territory in 2022, a record high. The number of people removed via scheduled flights and “voluntary” return proceedings has been increasing steadily, and the deployment of Frontex return teams supported the

removal of almost 4,000 people over the course of the year. The agency has confirmed that deportations remain a “core priority”. The agency supported **151 return operations by charter flight to 24 countries**, 90% of which were organised by France, Germany and Italy.

## AFRICA

### Tunisia

The EU [offered](#) Tunisia more than **€1bn** in a bid to help the North African nation overcome a deepening economic crisis that has prompted thousands of migrants to cross the Mediterranean Sea to Italy. The financial assistance package was announced on 11 June in Tunis after Ursula von der Leyen, accompanied by the prime ministers of Italy and the Netherlands, Giorgia Meloni and Mark Rutte, met with Tunisian president Kais Saied. The proposal still requires the endorsement of other EU governments and will be linked to Tunisian authorities passing IMF-mandated reforms, according to the *FT*: ‘Europe will also **provide €105mn in grants this year to support Tunisia’s border management network**, in a bid to “break the cynical business model of smugglers and traffickers”, von der Leyen said. The package is nearly triple what the bloc has so far provided in migration funding for the North African nation.’

- Meloni, who laid the groundwork for the announcement after meeting with Saied... has been pushing Washington and Brussels for months to unblock financial aid for Tunisia. The Italian leader is concerned that if the north African country’s economy imploded, it would trigger an even bigger wave of people trying to cross the Mediterranean. So far this year, more than 53,000 migrants have arrived in Italy by boat, more than double compared with the same period last year — with a sharp increase in boats setting out from Tunisia one factor behind the surge. The agreement was “an important step towards creating a true partnership to address the migration crisis,” Meloni said.

### Libya

On 25 May, the forces of the Government of National Unity based in Tripoli used [drones to destroy targets](#) around the town of Zawiya west of Tripoli. At least two people were killed and several injured in the air raids. The ministry of defence of the GNU explained that it wanted to “cleanse the areas of the west coast and the rest of Libya of crime” by hitting “the hideouts of gangs trafficking in fuel, drugs and human beings”. **“Seven boats used for human smuggling, six warehouses of drug traffickers, weapons and equipment** used by criminal gangs and nine tankers used for fuel smuggling were targeted.”

- According to *Le Monde*, the operation was launched on the orders of the Prime Minister Abdelhamid Dbeibah, who also holds the post of defence minister. ... The General Administration of Coastal Security, one of the coastguard entities, strongly condemned the strikes, which destroyed some of its boats. The House of Representatives (Parliament) based in Tobruk and dominated by supporters of Marshal Haftar also denounced the military operation.

At the beginning of June, East Libyan authorities rounded up thousands of mostly **Egyptian migrants** and [amassed them at the border](#), as Libya continued its crackdown on migrants. On 2 June, many Egyptian migrants were released and deported to Egypt. The campaign in eastern Libya comes as raids continue in the country's **western cities** on migrants, following clashes between Nigerien and Sudanese migrants. The surfacing of a video in April showing migrants torturing and murdering a Libyan national also fuelled anti-migrant sentiment.

## UK

The Court of Appeal [ruled against](#) the government's **Rwanda plan**. "The result is that the [previous] High Court's decision that Rwanda was a safe third country is reversed and that unless and until the deficiencies in its asylum processes are corrected removal of asylum-seekers to Rwanda will be unlawful," Lord Chief Justice Ian Burnett said. PM Sunak said the government would appeal the decision to the Supreme Court.

## PUBLIC OPINION

[According to](#) the European Parliament's Spring Eurobarometer, EU citizens are

- most satisfied with the EU support for Ukraine (69% satisfied, 26% dissatisfied)
- and least satisfied with how migration/asylum is being dealt with (43% satisfied, 50% dissatisfied).

## JUDICIAL OBSERVATORY

### **Ireland: High Court rules that the denial of accommodation to an Afghan asylum applicant breached the EU Charter and the Reception Conditions Directive**

On 21 April 2023, High Court of Ireland [issued](#) a ruling in the case S.Y v. The Minister for Children. The ruling concerns a case involving an individual seeking international protection who was denied accommodation upon arrival in Ireland. The applicant is a 17 year-old Afghan national whose father was killed by the Taliban. He travelled to Iran, Turkey, Bulgaria, Italy, France and England with the help of people smugglers. He arrived in Ireland on 7 February 2023 and made an application for international protection the following day, 8 February 2023. He received a voucher worth 28 euros for bedding and was directed to a Day Centre operated by a private charity. He remained homeless for three weeks. The applicant argued that the Irish authorities failed to fulfil their obligations under the [Reception Conditions Directive](#) and the [Charter of Fundamental Rights of the European Union](#) (CFR).

The Court initially determined that "material reception conditions" encompassed the provision of food and basic hygiene facilities. It concluded that issuing a voucher and directing the applicant to a private charity did not meet the legal requirements imposed on the state. The Court referred to the CJEU's judgments in the cases of [Haqbin](#) and [Saciri](#), which linked the obligations under the Reception Conditions Directive to the duty to uphold and safeguard the right to dignity as stated in Article 1 of the CFR. The Court also noted that even in situations where accommodation facilities were overwhelmed, alternative measures had to be taken. The fact that the



government was making significant efforts to secure accommodation did not excuse it from providing adequate material reception conditions. Consequently, the Court found that the government had violated its obligations under the Reception Conditions Directive and Article 1 of the CFR.

### **The Constitutional Court of Lithuania declares that national law on detention of people entering the country irregularly is unconstitutional**

On 7 June 2023, the Constitutional Court of Lithuania [ruled](#) that certain provisions of the [Law on the Legal Status of Foreigners](#) regarding the temporary accommodation of asylum seekers during a state of emergency were in conflict with the Constitution. On 30 June 2022, the European Court of Justice [ruled](#) that the same law was not compatible with the European legislation. The Constitutional Court of Lithuania examined the constitutional compatibility of the law based on a case of woman who entered Lithuania illegally in June 2021. The defendant filed an asylum request but was detained by the Lithuanian authorities.

The Court found that the provisions violated Article 20 of the Lithuanian Constitution, which guarantees the inviolability of human liberty and protects against arbitrary apprehension, detention, and unlawful restriction of freedom of movement. The Court determined that while limitations on liberty are permissible under certain conditions, the impugned provisions failed to provide for an individual assessment of each asylum seeker's situation and did not allow for less restrictive measures. Furthermore, the provisions did not ensure the right of asylum seekers to challenge the lawfulness of the measure in court.

The Constitutional Court acknowledged that the objective of the impugned law, which aimed to maintain public order, protect the state border, and control the influx of foreigners during extraordinary situations, was legitimate and constitutionally justified. However, it concluded that the uniform application of temporary accommodation without granting asylum seekers the right to move freely within Lithuania did not consider the individual circumstances or the real threat posed by each person. Additionally, the absence of a decision by the competent authority and the lack of judicial oversight infringed upon the asylum seekers' rights. The Court emphasised the importance of creating conditions for individual assessment, exploring less restrictive measures, and providing a mechanism for asylum seekers to challenge the lawfulness of their restriction before a court.

### **SELECT EXTERNAL PUBLICATIONS**

M. Ouhemmou, *Tense Neighbors, Algeria and Morocco Have Divergent Migration Histories*, [Migration Policy Institute](#), 18 May 2023

### **APPENDIX: LEGISLATIVE STEPS IN ADOPTING THE ASYLUM AND MIGRATION MANAGEMENT REGULATION**

# LEGISLATIVE UPDATE ON REGULATION ON ASYLUM AND MIGRATION MANAGEMENT

23 September 2020

The European Commission presents its proposal for the Regulation on Asylum and Migration Management.

11 October 2021

In the European Parliament, rapporteur Tomas Tobé (EPP) presents his draft report to the Civil Liberties, Justice and Home Affairs Committee (LIBE).

22 June 2022

Under the French presidency, 18 member states as well as Norway, Switzerland, and Liechtenstein sign a document entitled 'First step in the gradual implementation of the European Pact on Migration and Asylum: modus operandi of a voluntary solidarity mechanism'.

25 November 2022

The Czech Presidency releases the document 'Pact on Migration and Asylum – way forward - discussion paper'. On the same day, the Extraordinary Justice and Home Affairs Council endorses the concepts contained in the paper.

21 February 2023

The Swedish Presidency presents a new compromise version of the Regulation.

20 April 2023

The Plenary of the European Parliament adopts its negotiating mandate for the Regulation.

8 June 2023

The Council adopts, by qualified majority, a general approach to the Regulation. Hungary and Poland vote against. Bulgaria, Lithuania, Malta and Slovakia abstain.

13 June 2023

Triilogue begins between the Council and Parliament.

*The European Parliament and the rotating Presidencies of the Council aim to finish negotiating all asylum and migration proposals, with the intention of having them enter into force by April 2024 at the latest.*



Rapporteur Tomas Tobé



*413 votes in favour  
142 against and 20 abstentions*