

# Migration Update

May 2023



Wilfried  
**Martens Centre**  
for European Studies

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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 wrote up the coverage of the Turkish and Greek elections. Andris Petersons and Claudia Masi contributed several news items. Should you have any questions or comments, please contact Vít Novotný at [vn@martenscentre.eu](mailto:vn@martenscentre.eu).

- According to [UNHCR figures](#), as of 19 May some 843,000 people were displaced internally and around **250,000 people had fled Sudan** because of fighting in the country. **Egypt** has so far received the highest number of Sudanese refugees with around 110,000 arriving. Sudan itself [hosts 1.1 million refugees](#), of whom the vast majority are from South Sudan.
- According to the [2023 State of Schengen Report](#), ‘2022 was characterised by the **resumption of international travel...** following the COVID-19 pandemic. In 2022, 585 million out of the 900 million tourists who travelled internationally came to Europe, representing **65% of the world’s total**, making Schengen the most attractive and most visited area in the world.’

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## LABOUR MIGRATION

On 3 May, the **US, Canada and Spain** [signed](#) a 'Trilateral statement on joint commitment to Latin America'. In the statement, the three countries pledged to work together to create **new channels for labour immigration while also creating pathways to protection**. Each country set its own goals for this project. For example,

- '**Spain** is committed to reinforcing the existing regular pathways, expanding its circular migration programme and has just enacted a new complementary pathway, relying on corporate sponsors, for persons in need of international protection with skills matching domestic labour demand shortages.'
- The project [appears to be **open to additional countries**]: The US 'will also provide technical and administrative support to interested destination countries and to relevant ministries in partner sending countries to strengthen the ministries' overall capacity, including to expand lawful channels to additional destination countries; protect the rights of migrant workers; and make labour migration opportunities more publicly visible, offering hope that alternatives to irregular movement exist.'
- According to the MPI, '**Regional Processing Centres** across Latin America will [help identify](#) people with protection needs and provide information and processing assistance to access legal pathways to the US and other countries... These centres will likely be run by the UNHCR and the IOM, and funded by the US government, with multiple locations across countries in the hemisphere, starting in Colombia and Guatemala.... The success of the regional approach depends in part on having clear and consistent processing and **enforcement outcomes at the US-Mexico border**, which create incentives for people to use the Regional Processing Centres as viable avenues for protection and legal pathways for entry.'

**Czechia's** Confederation of Industry and Transport [is lobbying](#) the government to increase quotas for labourers from Asia.

- Since the start of the war, **Ukraine**, the main source of welders, machinists, drivers and service workers, is no longer available. Previously, 40,000 Ukrainians could come to the Czechia to work each year under the economic migration programme approved in 2019. Ukrainian refugees currently present in the country don't necessarily have the required skills.
- An expansion of the quota by two thousand people a year is in play for **Mongolia**. The quota is currently 1,000. The quota for the **Philippines** could be increased from 2,300 a year by two to three. Visa processing in the Mongolian capital, Ulaanbaatar, should be speeded up by setting up a centre next to the Czech embassy. The quota for **Indonesia** may also be increased.

[According to](#) the **Finnish** government, strong net immigration has increased the supply of labour in recent years. According to a [study](#) by the Etila Economic Research Institute, **immigration should almost triple** in order to stabilise the

number of working-age people in Finland. This would mean net migration of about 44,000 persons per year.

## NEW PACT ON MIGRATION AND ASYLUM

Council documents released by Statewatch [detail](#) the state of play with the Asylum Procedure Regulation, the Asylum and Migration Management Regulation, and a Presidency discussion paper on the "balance between solidarity and responsibility".

- According to the discussion paper from 12 May... "the Presidency has taken good note of the generally expressed need for a sustainable and practicable system of flexible responsibility and solidarity. Based on the reactions from delegations, the Presidency is confident that the proposed texts that it is putting forward form a good basis for a balance between solidarity and responsibility and should pave the way towards reaching a general approach on both the AMMR and the APR at the 8-9 June JHA Council meeting. The Presidency is also mindful of the need to make quick progress on the Crisis and force majeure Regulation, which is also part of the overall equation."

As part of compromise-seeking, the European Commission has [proposed](#) a so-called '**adequate capacity**' concept, which attempts to determine how many people can automatically be sent into a border procedure.

[According to](#) the Home Affairs Commissioner Ylva Johansson, much of the progress made so far on the New Pact was reached thanks to the use of **qualified majority**. "There are always those that are against, that's the normal life in politics... That's why we take decisions with qualified majority."

- Politico commented that "Russia's invasion of Ukraine changed the political landscape on the Continent. Hungary, which opposes the new migration deal, is now more isolated politically as the rest of the bloc, including Central and Eastern European countries like Poland, have united in their unequivocal support of Ukraine — making it easier for the other countries to overrule Budapest. In Johansson's view, member countries have also learned to trust each other more — realising they can reduce migrant flows by working together."

## ASYLUM AND RECEPTION

Following negotiations, the **German** federal and state governments have reached an [agreement](#) at the refugee summit after hours of negotiations: The federal government will provide an additional **one billion euros for the care of refugees**. However, a decision in principle is still pending.

- This is to support the Länder in providing additional relief to their municipalities and in financing digitalisation. The federal government had already pledged 1.5 billion euros for war refugees from Ukraine this year, as well as 1.25 billion euros for other refugees.
- In the first four months of this year, the Federal Office for Migration and Refugees received 101,981 asylum applications. This is an increase in the number of applications by about 78% compared to the same period last year. The main countries of origin since the beginning of the year have been Syria,

Afghanistan and Türkiye. Last year, about 218,000 people applied for asylum in Germany for the first time.

- In order to enforce deportations more consistently, the federal and state governments have agreed to extend the maximum duration of detention pending departure from the current 10 to 28 days.

The **Italian parliament** [converted into law](#) a government decree that **curbs rights** under the **special protection** status introduced in 2020. This national status is intended for people who do not qualify for refugee status or subsidiary protection under EU law but who nonetheless have protection needs or who cannot be returned for human rights reasons. The new law [restricts](#) the use of special protection by removing the violation of the right to private and family life as the basis for protection.

The **Netherlands** may [not reach their housing construction goals](#) due to the need to accommodate asylum seekers and refugees. 'The Netherlands has been mired in a housing crisis for several years, with the cabinet having set a target of 900,000 additional housing units to be built by 2030... In 2022, migration to the Netherlands significantly increased, mainly due to Russia's war in Ukraine, resulting in the **population growing by 227,000 that year** – compared to the 115,000 increase in 2021.'

Threatened, insulted and a victim of arson, the mayor of the **French town of Saint-Brévin-les-Pins** (14,000 inhabitants) [resigned](#). His home was set on fire in March. This was the culmination of a hate campaign launched by the far-right and linked to a project to extend a reception centre for asylum seekers, which had opened six years earlier. He denounced "a lack of support from the state".

## **BORDER MANAGEMENT AND IRREGULAR MIGRATION**

According to a [Frontex press release](#), in the first four months of the year the number of **detections of irregular border crossings** at EU's external borders reached nearly 80,700, nearly 30% more than a year ago and the highest total for the January-April period since 2016.

- The **Central Mediterranean** route accounted for just over half of the irregular crossings into the EU so far this year.
- Entries on other migratory routes into the EU saw a decline.

New provisions [came into effect](#) in **Lithuania**, [allowing the authorities](#) to turn away irregular migrants at the border under a state-level extreme situation regime or a state of emergency. According to critics, "the legislation would legitimise expulsions, a practice that violates international law."

- The Interior Ministry stated that the amendments make a clear distinction between natural migration and the instrumentalised migration facilitated by the Belarusian regime. The ministry also said that the law puts in place safeguards for vulnerable persons.
- The law also provides for [volunteer corps](#) that "will be allowed to use violence against people attempting to cross from Belarus. And they will be patrolling a five-kilometre buffer zone, during a declared state of emergency, that is off limits to most everyone else — including journalists and NGOs."



Migration pressure [has increased](#) on the **Latvian and Polish borders with Belarus**. Recently, during a one-day period, 112 migrants were turned away by the Poles, and nearly 100 migrants were turned away by the Latvians. A small group of migrants attacked Latvian border guards.

- **Latvia** is the [last of the three Baltic states](#) to erect a border fence with Belarus. So far, around 46 kilometres of fencing have been erected here, and 64 more kilometres are being planned, but they are not due to be completed until the end of 2024. The government [is preparing](#) new legislation to replace the existing state of [migration] emergency with a reinforced regime for the border security system. The Ministry of the Interior [pointed out](#) that the war launched by Russia ... is seen as a possible motivation for Belarus to continue its efforts to destabilise the situation. There [was](#) speculation that on 9 May, migrants, intentionally or not, started a fire at the border. An area of several hectares on the Belarusian side was on fire.

**Russia has started issuing visas** to people from Middle Eastern countries in large numbers to facilitate their illegal entry into the EU, according to a Bild article quoted by [Delfi](#). Some Middle Eastern migrants residing in Türkiye have been obtaining a Russian visa, using it to travel through Russia to Belarus, crossing the EU border illegally and arriving in Germany via Poland and Czechia. The route is being actively promoted on social networks. In addition, special planes are flying **from Türkiye to Russia and Belarus** to transport migrants.

[According to](#) the Human Rights Watch, **Croatia** has resumed large-scale pushbacks. "In the months before [joining Schengen on 1 January 2023], border police appeared to push back fewer people and to curb some of their most violent practices. Nonetheless, by March they had resumed large-scale pushbacks... In a typical pushback, Croatian police do not transfer people to authorities of Bosnia and Herzegovina at regular border posts. Instead, Croatian police transport people to points elsewhere along the border and order them across."

EU Home Affairs Commissioner Ylva Johansson [criticised](#) **Greece** for reportedly forcing migrants onto an emergency raft and abandoning them in the Aegean Sea. The EU called on the Greek government to investigate allegations of illegal migrant deportations, after footage showed a vessel from the Greek coast guard taking a dozen migrants into the sea, where it left them on a motorless raft.

## SCHENGEN

Numbers of irregular arrivals are [increasing](#) at the **Italy-France** border. Since 1 January, 9,737 foreigners in an irregular situation have been the subject of a "**non-admission**" procedure by the French authorities in the Alpes-Maritimes prefecture. This means that they were handed over directly to the Italian authorities after being stopped at one of the border crossing points. This is one third more than in the same period last year.

**Austria stepped up security on its borders after Hungary** [released](#) convicted people smugglers from its prisons.

- Following reports that hundreds of detainees may have been released provided they left the country immediately, Hungary's state secretary of the interior ministry, Bence Rétvári... said the decision was necessary because the EU "refuses to contribute to border controls" and claimed the EU owed Hungary €1.5bn in return for measures to protect the bloc's external borders.
- Austria summoned the Hungarian ambassador.
- Austria is a prime destination for smuggled people heading for the heart of the EU via Hungary from the Balkans. For many migrants, the Hungarian route remains an option despite stepped-up border patrols and a steel fence built by Hungary after the EU's 2015 migration crisis.

## SYRIA

[Syrian refugees](#) detained by security forces in **Lebanon** and deported have been subject to arrest and forced conscription upon return to Syria. The Lebanese army has been carrying out the deportations according to Amnesty International, aid workers and witnesses. Lebanese security sources told Reuters that the raids were targeting Syrians who did not have valid residency papers and were being deported as there was no space in Lebanese prisons.

- Lebanon is home to some 800,000 Syrians registered with the UNHCR. Lebanese authorities say the real number of Syrians in their country is 2 million.
- 450 Syrians were arrested in more than 60 raids by the Lebanese army or at *ad hoc* checkpoints in April. More than 130 were deported.

## UK

According to provisional estimates by UK's statistical agency, 'total long-term immigration was estimated at around 1.2 million in 2022, and emigration was 557,000, which means migration continues to add to the population with **net migration at 606,000, a record high**;

- most people arriving to the UK in 2022 were non-EU nationals (925,000),
- followed by EU (151,000) and
- British (88,000).

People coming to the UK from non-EU countries for work, study, and for humanitarian purposes, including unique events such as those arriving from Ukraine and Hong Kong, have contributed towards relatively high levels of immigration.... The composition of non-EU immigration changed in 2022, with 39% of people arriving for **study-related reasons**, down from 47% in 2021; those arriving on humanitarian routes (including Ukrainian schemes) increased from 9% to 19% over the same period.'

## US

Title 42, a border policy for health emergencies that President Trump had activated, [expired on 11 May](#). The policy allowed immediate expulsions. Expulsions under Title 42 carried [no legal consequences](#) for attempting to re-enter multiple times.

Under a policy in effect since 12 May, **Title 8**, migrants have to be [processed and interviewed](#). However, if they are subsequently deported, they face a five-year ban on trying to return and are subject to criminal prosecution for re-entering the country without permission. According to the newly issued modifications to Title 8, migrants are **ineligible for asylum if they had travelled through another country** where they could have sought protection instead.

- Those who want to apply for asylum are required to [apply before embarking on their journey](#) through an application called CBP One.
- Homeland Security Secretary Alejandro Mayorkas [posted](#) a video statement to Twitter, warning that “people who arrive at the border without using a lawful pathway will be presumed ineligible for asylum.” Deportations will be “immediate,” [Mayorkas warned](#), and to countries of origin whenever possible. This will not apply to citizens of Venezuela, Cuba, Haiti or Nicaragua, countries with which the US has no return agreements in place.
- Illegal crossings along the southern border reached 2.4 million in 2022, the highest ever. Cubans, Nicaraguans and Venezuelans are among the most frequent nationalities to attempt to cross.
- The Biden administration has used Title 42 [more than 2 million times](#) to quickly **turn back migrants at the Mexico border or expel them to their home countries without letting them plead their cases**. Biden has so far expelled many more migrants than Trump did.

## MIGRATION IN NATIONAL ELECTORAL CAMPAIGNS

### Türkiye

The Turkish parliamentary and the first round of the presidential elections took place on 14 May 2023. The questions of migration and refugees were among the central issues during the election campaign. Two main electoral blocs competed with one another, along with other, smaller, party blocs. The Justice and Development Party and Nationalist Movement Party formed the **People’s Alliance** under current President Erdoğan. Six separate parties formed the **Nation’s Alliance** (CHP, İYİ, DEVA, GP, SAADET, DP), united against President Erdoğan. The People’s Alliance and Erdoğan campaigned [to carry on with the existing migration policy](#), continue accepting Syrian refugees and maintaining [the 2016 EU-Turkey agreement](#). The Nation’s Alliance lacked a unified position on migration. Kemal Kılıçdaroğlu (Nation’s Alliance, CHP, S&D), the common candidate of the opposition, campaigned for the re-negotiation of the 2016 agreement, stating that “[Türkiye cannot be the buffer zone for Europe anymore](#)”. He called for increased international cooperation in protecting asylum seekers and for the return of Syrian refugees to Syria with the financial support of Türkiye. The independent presidential candidate Sinan Oğan campaigned for a stricter migration policy and the return of Syrian refugees to Syria, by force if necessary. You can find the parliamentary election results [here](#). The result of the presidential election (second round was held on 23 May) are [here](#).



## Greece

The Greek parliamentary election took place on 21 May 2023. The Nea Dimokratia party (EPP) advocated for [reducing the migration flows. The party stated it aimed](#) to complete the construction of the controversial [Evros fence](#) by the end of 2025. Additionally, Nea Dimokratia wishes to negotiate agreements with third countries to address Greece's labour market needs. The Syriza party (The Left) [opposed the policies](#) proposed by Nea Dimokratia and criticised the expansion of the Evros fence. It also said it would end the “illegal pushbacks” carried out by previous governments. The KINAL – PASOK party (S&D) campaigned to increase border security and bring in [more foreign workers](#) to support the labour market. The Communist Party of Greece advocated for the [acceptance of all migrants and refugees](#) which it considers as victims of failed capitalism. The Elliniki Lisi party (ECR) voiced [opposition to all immigration](#) and argued in favour of financial support from the EU and increased border control. Finally, the Mera25 (Diem25) party campaigned for the [acceptance of all refugees and immigrants](#) and called for less stringent immigration legislation. You can find the election results [here](#).

## JUDICIAL OBSERVATORY

### **The CJEU rules that a family reunification application does not have to be submitted in person**

On 18 April, the Court of Justice of the European Union delivered a judgment known as [C 1/23](#), Afrin. The case involved a Syrian family consisting of individuals named X and Y, along with their children A and B. Y has been recognised as a refugee in Belgium, while X and the children remain in Syria. The family submitted an application for family reunification via email, citing exceptional circumstances that prevented them from applying in person at Belgium's representation abroad. The Belgian authorities rejected the application, citing national law which does not permit such remote applications. As part of the appeals process, a domestic court sought a preliminary ruling on the compatibility of the Belgian legislation with the [Family Reunification Directive](#).

In its judgment, the Court first determined that the requirement for personal appearance at the representation abroad, without any provision for exceptions to account for the specific situation of the sponsor's family members, effectively prevented them from exercising their right to family reunification. The Court found that such inflexible application of national legislation undermined the objective of the Directive and rendered it ineffective.

Furthermore, the Court held that this provision violated the right to respect for family unity as stated in the [EU Charter](#). It noted that the provision constituted an excessive interference with this right in relation to the legitimate goal of combating fraud. However, the Court specified that member states could still require the personal appearance of the sponsor's family members at a later stage of the process. In such cases, the member states must facilitate this appearance and minimise the number of required appearances to the greatest extent possible.

### **Greece: A court finds that a Cameroonian citizen who was a victim of trafficking is not guilty for charges related to the use of counterfeit travel documents**

In a [ruling issued in March 2023](#), the Kos Criminal Court acquitted a defendant who had been accused of possessing and using fraudulent travel documents. The individual was apprehended at Kos airport while attempting to board an international flight using a stolen passport and a forged identity document. The charges against her included possession and use of fraudulent or stolen travel documents, as well as leaving Greece without the required legal documentation.

Upon her arrival in Greece, the defendant had been forced to work as a sex worker in Athens for a period of nine months. She explained in her testimony that she had been held captive by a criminal organisation involved in trafficking. Consequently, she was unable to renew her asylum identity card, and her presence in Greece had become illegal through no fault of her own. After managing to escape with the help of another victim of trafficking, she obtained the counterfeit documents in order to leave the country and protect herself from the traffickers.

In reaching the verdict, the Court took into consideration both national and international legal frameworks (the [Act Against Human Trafficking](#) of the Council of Europe) concerning the protection of trafficking victims, particularly regarding the impact of officially recognising an individual as a trafficking victim on ongoing criminal proceedings. The judge highlighted that the defendant had been previously acknowledged as a trafficking victim through a prosecutorial order in Greece in 2020 and concluded that she committed the criminal acts as a means to escape an imminent and unavoidable danger. As a result, the defendant was acquitted of all charges.

### **MARTENS CENTRE PUBLICATIONS**

A. Reuben and V. Novotný, *Why There Cannot be Climate Refugees*, [Martens Centre](#), 28 April 2023

### **SELECT EXTERNAL PUBLICATIONS**

V. Bogoeski and Z. Rasnača, *Report on the Social Security Rights of Short-Term Third-Country National Migrant Workers*, [European Trade Union Institute](#), April 2023

A. Seele, *Regional Processing Centers: Can This Key Component of the Post-Title 42 U.S. Strategy Work?*, [Migration Policy Institute](#), 3 May 2023

J. Batalova and M. Fix, *Understanding Poverty Declines among Immigrants and Their Children in the United States*, [Migration Policy Institute](#), May 2023