

Migration Update

February 2024



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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. Niccolò Mazzocchetti provided material for the Judicial Observatory. Tim Beyer Helm kindly supplied information items. Should you have any questions or comments, please contact Vít Novotný at vn@martenscentre.eu.

- [According to](#) the Institute for the Study of War, the Russian statistical agency 'reported that the Russian population was 146 million as of 1 January 2023. Five million Ukrainians living in Russian-occupied areas, plus the **4.8 million Ukrainians whom Russia has deported** into the Russian Federation, thus comprise about **7 percent** of the current Russian population. Russian efforts to control Ukrainian land and seize its people are therefore in part intended to offset Russia's population decline and workforce shortages.'

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THE BIG PICTURE

- In 2022, the EU recorded the **highest number of new arrivals ever**. In that year, EU countries [issued](#) about 3.5 million first residence permits to non-EU citizens, a 17.8 % increase (+521,536 permits) compared with 2021. This figure, which excludes people under temporary protection but includes permits issued for less than 12 months [which under usual definitions do not qualify as immigration], is the highest since records began.
- The increase from 2021 to 2022 in the total number of first residence permits was mainly due to an increased number of first permits issued for other reasons [mostly international protection] (300,727 permits more, or +53.7 %), family (199,068 permits more, or +28.6 %) and education reasons (103,403 permits more, or +29.3 %). Permits issued for employment reasons saw a decrease in comparison with the year 2021 (81,662 permits less, or -6.2 %).

MIGRATION POLICY FINANCING

At its meeting on 1 February, EU leaders (unanimously) [decided](#), following negotiations with the European Parliament, to amend the 2021-27 EU budget by adding:

- **EUR 2 billion** in order to support the member states' migration and border management, including in countries affected by the wars in Ukraine and the Middle East, and the **implementation of the New Pact on Migration and Asylum** once adopted, including new border procedures (all this under the Asylum, Migration and Integration Fund; Border Management and Visa; and European Union Asylum Agency).
- **EUR 7.6 billion** to maintain effective migration cooperation with **third countries**, including the support for Syrian refugees **in Türkiye** and the broader region, as well as the continuation of actions **previously undertaken through the EU Trust Fund for Africa**. It will also help to support the Western Balkans, the Southern neighbourhood and Africa, including partnerships and funding for the migration routes.

The European Council also recalled the potential use of **cohesion policy funds** for addressing the migration challenges and needs. To that end, it invited the Commission to assist member states to exploit this possibility. See more [here](#).

On 28 February, the Council of the EU [adopted](#) legislative acts to this effect. 'To reduce the impact on national budgets, a portion of this funding, totalling EUR 10.6 billion, will be covered by budgetary redeployments.'

NEW PACT ON MIGRATION AND ASYLUM

COREPER

On 8 February, EU member states' representatives (Coreper) [approved](#) the provisional deal that was reached between the Council presidency and the European Parliament on 20 December 2023, constituting a pact of five key laws, **Eurodac, screening, asylum procedure, asylum and migration management (AMMR) and crisis regulations**, to reform the EU's asylum and migration system.

[The crisis regulation incorporates the provision of the instrumentalisation regulation that the Commission submitted in 2021.]

Poland [voted against](#) the entire package and so did [Hungary](#) according to available information. The details of the remaining countries' positions have not been made public. Partial information suggests that Czechia [abstained](#) on the AMMR and Slovakia [voted against](#) that regulation.

The permanent representatives committee also approved three asylum and migration laws on which Council and Parliament had already reached agreement in 2022. These three laws comprise a revision of the **reception conditions directive**, an update of the **qualification regulation** and a regulation establishing an **EU resettlement framework**.

A **return border regulation** was also approved 'which allows the pact to apply to those European countries with differing Schengen rules.' [This regulation presents a new element in the New Pact. [According to](#) the representative of the Council (see: Text of the agreement on Return border procedure), negotiators in the Council requested to create the act due to 'risks of illegality deriving from variable geometry between the Asylum Procedure Regulation and the Crisis and Force Majeure Regulation.]

European Parliament

On 14 February, the Civil Liberties committee [confirmed](#) these legislative texts.

TEMPORARY PROTECTION

On 31 December 2023, [4.31 million non-EU citizens](#) who fled Ukraine as a consequence of the Russian invasion on 24 February 2022, had temporary protection status in the EU. The main EU countries hosting beneficiaries of temporary protection from Ukraine were Germany (1,251,245 people; 29.0% of total EU), Poland (954,795; 22.1%) and Czechia (373,035; 8.7%).

ASYLUM AND IRREGULAR MIGRATION

In 2023, **EU+ countries** [received](#) 1.14 million applications for international protection, reaching a **7-year high**. **Syrians** continued to lodge the most applications, with Afghans remaining the second largest applicant group, albeit with significantly fewer applications than the previous year. An increase in **Palestinian applications** was also noted towards the end of the year. In 2023, the EU+ recognition rate rose to 43 %, which is the highest level seen in 7 years.

Le Soir reported that nine associations have [won their case](#) against the non-application of court rulings forcing Fedasil, **Belgium's** asylum agency, to comply with the law on reception. The Brussels Court of Appeal authorised the 'protective seizure' of no less than €2,969,725.69 from Fedasil's bank accounts. This amount corresponds to the total penalty payments owed by the Belgian State, following multiple convictions for failure to comply with Belgian reception law, handed down against Fedasil over more than two years. Since the start of what has become known as the "reception crisis" in autumn 2021, Fedasil has been **condemned more**

than 8,800 times by the Belgian courts for failing to provide asylum seekers with the shelter and resources to which they are entitled under European and Belgian law. This state of affairs has left thousands of people, mainly single men, on their own, reduced to waiting on a waiting list for a roof over their heads.

- The Belgian state has **appealed the decision**. The Christian Democrats, whose Nicole de Moor is heading the interior ministry, commented: "Our country is under too much pressure. We need stronger external borders, and every European country must do its bit."
- Earlier, bailiffs visited the cabinet of the Secretary of State for Asylum and Migration and [seized a freezer and a coffee machine](#) as the cabinet has refused to pay the penalty payments. These objects were subsequently put up for forced sale.

The **French** government [responded](#) to an influx by sea from the Comoro Islands of irregular migrants arriving at the French island **Mayotte**, located between Madagascar and Mozambique. Local citizens organised roadblocks that have paralysed the territory for the past three weeks to protest against insecurity and immigration. IM Darmanin announced a significant **tightening of the right to residency** in Mayotte; a "large-scale" operation to combat illegal immigration and delinquency; tightening the conditions for family reunification in Mayotte and an end of the territorialised visa. At present, holders of a residence permit for the archipelago cannot travel to mainland France or other French territories.

In 2023, **Greece** [regularised](#) the status of 3,405 **Bangladeshi migrants** under a Memorandum of Understanding (MOU) signed between Athens and Dhaka in 2022. Thousands more people who applied under the scheme are still awaiting a final decision.

- "2024 is poised to become the year of legal immigration," said Dimitrios Kyridis, the migration minister [EPP]. The government has introduced amendments to simplify the process of obtaining legal status in Greece. Moreover, the migration ministry is working to modernise the administrative framework for issuing residence permits.

At the beginning of February, **Morocco's** Royal Armed Forces [intercepted](#) several hundred migrants attempting to cross the Atlantic to the Spanish Canary Islands archipelago.

- In January, Spanish data indicates that the numbers reaching the Canary Islands **rose a reported 1000%** compared to the same numbers of arrivals in January 2023.
- Morocco intercepted around 87,000 migrants in 2023.

RETURNS

[Since December](#), Germany has taken new steps to repatriate people found staying illegally. The country 'has reached deals with **Georgia and Morocco** — while lining up similar arrangements with Moldova, Kenya, Colombia, Uzbekistan and Kyrgyzstan. And talks with Iraq have also been reported to be in advanced stages. "We are striving to reduce irregular migration and strengthen legal immigration which

supports the labour market," said Joachim Stamp, Germany's special envoy for migration treaties. "We are also preparing for talks with West African and Middle Eastern countries."... The agreements accelerate the removal of individuals from Germany to their origin countries following unsuccessful asylum claims. Appeals have no suspensive effect, meaning those awaiting a verdict can still be deported. ...In exchange, Germany commits to **increasing access to its job market for skilled workers** — especially in sectors experiencing acute labour shortages. Student visas, traineeships and research exchange programmes are also part of the package.'

ITALY-ALBANIA

At the end of January, **Albania's** constitutional court [declared](#) the agreement to send asylum seekers in Italy to Albania as constitutional. On 22 February Albania's parliament [approved](#) the deal. 'The Parliament, dominated by Rama's left-wing Socialist Party, quickly voted 77-0 to approve the deal while opposition lawmakers sat out the vote and tried to disrupt it with whistles.'

Italy's lower chamber of parliament [voted](#) in favour of the deal on 25 January. The Italian Senate [approved](#) the agreement on 15 February.

SEARCH AND RESCUE

A top court in Italy [ruled](#) that **returning irregular migrants** to a country not safe is a "**crime**" and sentenced an Italian ship captain to one year in prison for rescuing irregular migrants from Libya in the central Mediterranean and handing them over to the Libyan coastguard. The Court of Cassation ruled that handing over irregular migrants to Libyan coastguards in 2018 was a crime. The court announced the verdict in the case of the Italian ship Asso 28, which rescued 101 irregular migrants at sea 57 kilometres off the Libyan coast in July 2018 and turned them over to Libyan authorities.

EASTERN BORDER

In early February, the Finnish government [decided](#) to extend the closure of the entire eastern border until mid-April. The border crossings with Russia were first closed in November.

Poland [facilitated](#) some 6,000 pushbacks in the 6 months between July 2023 and January 2024, according to government data... More than 6,000 pushbacks occurred at the Polish-Belarus border between July 2023 and January 2024, according to reporting published by English-language news service Notes from Poland.'

SCHENGEN

France's Constitutional Tribunal [annulled](#) a law which allowed the French authorities to refuse entry and immediately return foreign nationals crossing the internal Schengen borders.

- By acting this way, the Constitutional Tribunal aligned the French policy with a decision handed down in September 2023 by the Court of Justice of the European Union, which is binding on national courts. According to this ruling,

a country that re-establishes internal border controls cannot dispense with the common procedures set out in the Returns Directive.

- From now on, people who are stopped will be taken to a police station and possibly placed in an administrative detention centre, which means they will have to be attended to by a judicial police officer; **to be returned, they will have to get the go-ahead from the public prosecutor**. Foreign nationals will have the right, if they so wish, to see a doctor, to lodge an asylum application, to request an interpreter and to have a lawyer paid for by legal aid.

As of 1 January **France** [initiated](#) the issuance of Digital Schengen visas, becoming the first country to hand out these visas in the EU. This move precedes the anticipated complete digitalisation of Schengen visa processes set for 2026.

During January and February, Slovakia [ended](#) the border checks on the Hungarian frontier. This was followed by Czechia [withdrawing](#) the border on checks on the Slovak border and Austria [stopping](#) the checks on the Czech border.

EU-UK

The **EU and UK** [reached](#) a post-Brexit deal on plans to combat illegal migration. The **British government and Frontex**, the European Border and Coast Guard Agency, have agreed a new working arrangement. According to Politico, the agreement does not include any bilateral returns agreement, meaning the UK will not have to take in any asylum seekers from EU member countries. Greater cooperation on irregular migration has been in the works for some time but had been snagged on the UK's desire for a returns agreement. The pact will **allow information and intelligence swapping; cooperation on training**; and collaboration on research and development. Details are [here](#).

- The agreement '[follows](#) a similar border control arrangement with France in March 2023, while London is also close to agreeing a law enforcement and police co-operation pact with Belgium.'

Europol [announced](#) that 'a large-scale operation involving law enforcement and judicial authorities from Belgium, France and Germany, coordinated by Europol and Eurojust, led to the dismantling of one of the most active networks involved in the **smuggling of migrants** across the English Channel in small boats. The investigation focused on an Iraqi-Kurdish network suspected of smuggling Middle Eastern and East African irregular migrants from France to the UK with the use of low-quality inflatable boats.'

ISRAEL-GAZA

Egypt [is building](#) an 8-square-mile **walled enclosure in the Sinai Desert** near the border with Gaza. The massive new compound is part of contingency plans if large numbers of Gazans do manage to get in in case of an Israeli assault on Rafah. More than 100,000 people could be accommodated in the camp, Egyptian officials said. It is surrounded by concrete walls and far from any Egyptian settlements. According to the *WSJ*, Palestinians who enter the enclosed area wouldn't be allowed to leave unless they are departing for another country.

Despite the official Egyptian policy of keeping the border closed to Gazans, wealthy Palestinian families are [buying their way](#) into **Egypt**. Palestinian citizens of Gaza who want to leave the enclave are forced to pay an opaque network of intermediaries between USD 4,500 and 11,000 to obtain a permit to enter Egypt, according to three testimonies collected *El País*. The details of the process and how middlemen in Gaza get those who pay across the border is unclear. The network has been active for years, according to media and human rights groups. Even Palestinians who possess Egyptian passports are [not allowed](#) to cross into Egypt in a legal manner.

In France, the National Court of Asylum (CNDA) [announced](#) that it considered that the Gaza Strip experienced “a situation of blind violence of exceptional intensity”, **opening the way to protection of Palestinians** from this region. By a decision of 12 February, the CNDA granted asylum to a national from Khan Yunis, considering that he would run, in the event of return there, and “by the sole fact of his presence as a civilian”, a “real risk of suffering a serious threat against his life or person.”

US

In December 2023, 249,785 illegal crossings [were recorded](#) along the US-Mexico border, **the highest monthly total**, and Biden officials acknowledged that the majority of the migrants were released into the US with pending claims for protection.

The government’s attempt, announced in May 2023, to encourage legal arrivals through the use of a CBP One application, thus [disincentivising irregular crossings](#), resulted in an increase of arrivals through official ports of entry; meanwhile, the number of **irregular arrivals between the official points of entry was unchanged or increased**.

The Congressional Budget Office’s long-term budget and economic outlook, released on 7 February, [estimated](#) that due to the current mass unauthorised immigration, **US labour force would be larger by 1.7 million potential workers in 2024** and 5.2 million more—about 3%—in 2033 than expected only 1 year earlier. Gross domestic product should be 2.1% larger. Because the extra workers will be paying taxes and generating economic activity that also yields tax revenue, the **federal deficit should be smaller** at 6.4% of GDP in 2033, rather than 7.3% as projected last year.

- However, the latest group of migrants differs from previous cohorts in ways that could put modest **downward pressure on wages** and productivity in the short term.
- More than 2.5 million migrants crossed the southwest border in 2023. That resulted in **net immigration of 3.3 million people last year**, up from an annual average of 919,000 in the 2010s.

JUDICIAL OBSERVATORY

ECJ recognises gender-based violence as grounds for international protection

On 16 January, the European Court of Justice [issued](#) a preliminary ruling on the interpretation of Directive 2011/95 (Qualification Directive, hereinafter ‘QD’)

concerning standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection. A Bulgarian administrative court had referred the case to the ECJ, asked whether being a woman could qualify a person as belonging to a 'particular social group' [due to her exposure](#) to gender-based violence, such as female genital mutilations, forced marriages, domestic violence, trafficking, honour-based killings, femicides or forced abortions or sterilisation. The court interpreted the QD in a sense that women may be regarded as belonging to a social group if certain conditions are satisfied.

A Turkish woman of Kurdish descent, a Sunni Muslim, and divorced, sought international protection after arriving legally in Bulgaria in 2018 and subsequently moving to Germany to join her family. Her application was initially filed in Berlin but, due to the [Dublin Regulation](#), she was returned to Bulgaria for the evaluation of her claim. She sought asylum citing experiences of forced marriage and physical abuse. Her initial application and subsequent appeal were both denied, prompting her to submit a new application with additional evidence. The Bulgarian court did not recognise the new evidence and requested a preliminary ruling from the ECJ.

The ECJ found that QD must be interpreted consistently with [the Istanbul Convention](#), which the EU is bound to uphold, recognising gender-based violence as a form of persecution. In order to ascertain the belonging to a 'particular social group' in accordance with Art. 10(1)(d) of the QD, the Court stated that women meet the primary condition of belonging to a social group by having [innate characteristic](#); they also have a distinct identity because they are perceived as being different by the surrounding society. Therefore, the ECJ specified that in cases of fear of persecution by non-state actors, it is not necessary to establish a direct link between the persecution acts and the reasons for persecution, if the actor of the protection (the state) fails to protect against those acts of persecution. Finally, the genuine risk of harm or death at the hands of one's family for violating cultural norms should be considered as 'serious harm' and, as a result, could justify the granting of subsidiary protection status.

SELECT EXTERNAL PUBLICATIONS

K. Hird, *The Kremlin's Occupation Playbook: Coerced Russification and Ethnic Cleansing in Occupied Ukraine*, [Institute for the Study of War](#), 9 February 2024