

Migration Update

July-August 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. Matúš Babulík and Erik Swärdh prepared the election campaign coverage. Erik and Ernest Su researched material for the judicial observatory. Timothy Beyer-Helm and Andris Petersons submitted news items. Should you have any questions or comments, please contact Vít Novotný at vn@martenscentre.eu.

- In 2023, the continued flow of Ukrainian refugees into the EU [led to](#) the second **consecutive increase to the EU's** population. Eurostat [recorded](#) that the total population of the EU-27 rose from 447.6 million on 1 January 2023 to **449.2 million people** by the end of the year. Seven countries recorded a **decrease in population**, led by Poland which recorded a drop of 132,800 people. Spain saw its population increase by 525,100, followed by Germany with 330,000 and France with 229,000. The EU's rate of population growth has slowed to around 600,000 people per year between 2015 and 2024, compared to 2.9 million people per year during the 1960s.

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COURT OF JUSTICE AND HUNGARY

On 13 June, the Court of Justice of the European Union [ordered](#) Hungary to pay a **lump sum of 200 million euros and a penalty payment of 1 million euros per day** of delay for failure to comply with the Court's previous judgment of the Court of Justice. 'That failure which consists in deliberately avoiding the application of a common EU policy as a whole, constitutes an unprecedented and extremely serious infringement of EU law... In its judgment, the Court holds that Hungary has not taken the measures necessary to comply with [the judgement of 17 December 2020, Commission v Hungary (Reception of applicants for international protection) (C-808/18)] as regards access to the international protection procedure, the right of applicants for international protection to remain in Hungary pending a final decision on their appeal against the rejection of their application and the removal of illegally staying third-country nationals. In so doing, that member state, disregarding the principle of sincere cooperation, is deliberately evading the application of the EU common policy on international protection as a whole...' The 13 June ruling is [here](#).

- On 5 July, Hungarian Deputy Interior Minister Bence Rétvári [declared](#) Hungary is not planning to pay the €200m fine. Rétvári said it was "disproportionate" and a form of "political pressure" given Hungary's approach to what he described as illegal migration. He said that Budapest should instead itself get reimbursed by Brussels for defending the southern border of the EU against irregular migrants.
- The Commission [said](#) it would deduct the €200m fine from Budapest's EU funds, adding to a pile of over €20 billion that was already being withheld due to rule-of-law violations.

ACCESS BY RUSSIANS TO THE EU

In July, [after Viktor Orbán's visit to Moscow](#), Hungary [published](#) the details of a new **fast-track visa system** for citizens of eight countries, including Russia and Belarus, to enter Hungary without security checks or other restrictions. Budapest said many would be building a nuclear power plant with Russian technology.

- As of 9 July, Hungary [extended](#) the application of its National Card. 'The National Card (Nemzeti Kártya) is a new type of resident permit introduced with the new immigration law in 2024.' This permit was originally offered only to **Serbian and Ukrainian** citizens, but the government extended it to the citizens of **Bosnia and Herzegovina, Northern Macedonia, Belarus, Moldova, Montenegro and Russia**.
- Those who want to set up businesses and employees are [eligible](#). The scheme [is simpler than obtaining a regular work permit](#) or a business visa, and also enables **family reunification**. After three years, national card holders qualify for permanent residency. Under the scheme, Russians and Belarusians would largely [forego any security background checks](#).

- In the spring, the Hungarian government announced that it was expecting about 65,000 guest workers with their families. The government [advertises](#) the scheme as ‘the first step towards long-term life in the EU’.
- EPP President Manfred Weber [said](#) the need for a new immigration system in Hungary was “questionable” and warned it could “create grave loopholes for espionage activities, and potentially allowing large numbers of Russians to enter Hungary with minimal supervision, posing a serious risk to national security”. The European Commission [said](#) it would review the legality of the Hungarian measures.
- Note: In September 2022, the Council had suspended the visa facilitation agreement with Russia, but it did not ban the access of Russian citizens to the EU. *Schengen News* [reported](#) that the number of Russians interested in travelling to EU destinations has increased by 30 per cent this year compared to 2023. Russian visitors mainly choose countries known for their summer vacations, such as Greece, Hungary, Cyprus, Montenegro, Italy, Spain, and France. Russians obtained **449,000 Schengen visas in 2023** (compared to 4 million in 2019). Other Schengen countries such as Estonia, Lithuania, Denmark and Czechia [stopped](#) issuing tourist visas to Russians in 2022 and stopped permitting entry under ones previously issued [which is of little practical consequence inside Schengen]. Italy issued the highest number of visas in 2023: 143,500. More [here](#).

IMPLEMENTATION OF THE NEW PACT

On 26 July, chief security advisor to the PM, György Bakondi, stated that **Hungary** does [not intend to implement](#) the EU’s Migration Pact.

- Bakondi said Hungary ‘was seeking allies to thwart the implementation of the agreement in Europe. Before the pact was accepted, Hungary’s representatives had not managed to promote the position under which asylum seekers could only submit their applications outside the bloc’s borders, and that illegal entrants should not apply for asylum... “Introducing the pact would trigger irreversible developments” ... The objective of the so-called Soros plan to have one million illegal immigrants enter Europe each year had been achieved last year. “Those executing the Soros plan have been promoting mandatory quotas since 2015, but since the systems of Italy and Spain are overburdened, they are seeking to redistribute migrants among other member states” ... Countries that refuse to take in those migrants will be fine [but] the pact obliged Hungary to set up “migrant ghettos”.’
- "The legal instruments of the pact [asylum and migration] will be binding on Hungary," said a European Commission spokesperson, in an email to [EU Observer](#).

ASYLUM APPLICATIONS FOLLOWING LEGAL ENTRY

[According to](#) *Welt am Sonntag*, citing **German** government data,

- one tenth (37,329 of all 351,915) of people who submitted a first-time asylum application in 2023 had previously **entered the country with a visa**. Around half of the asylum seekers who entered the country in this way came from Syria, Afghanistan, Turkey and Iran. This concerns mainly people who enter the country with a visa type such as family visit, tourist or work visas.

- Another tenth of applicants come from countries that are **exempt from the visa requirement**. In 2023, 34,952 of the 351,915 first-time applicants were exempt. In 2023, the most important groups of visa-exempt applicants were Georgians (9,399), North Macedonians (5,999), Venezuelans (3,756), Serbs (3,526) and Colombians (3,337).
- Overall, one fifth of all asylum seekers fly to Germany with a visa or visa exemption.

[According to](#) an *Ad Hoc Query on visa-misuse* organised by the European Migration Network, only **6 out of 20 responding member states** collect statistics on the number of asylum-seekers who enter the EU using a Schengen visa.

IRREGULAR ENTRY AND BORDERS

The number of irregular border crossings into the EU in the first six months of 2024 **fell by almost a third** (30%) to roughly 94,000, according to preliminary data [collected by Frontex](#). Among the main migratory routes, the Western Balkans and the Central Mediterranean recorded the largest decreases in detections of irregular border crossings (-72% and -61% respectively), while the West African and the Eastern Land Border have seen the largest increases (+174% and 148% respectively). “This year’s decrease can be attributed mainly to **preventive measures by the Tunisian and Libyan authorities** to disrupt the activities of smugglers,” [said](#) Frontex.

- The Government of the Canary Islands has [asked for help](#) from the other autonomous communities in **Spain**, as it is witnessing a high number of unaccompanied minors arriving on its shores. It demands a change in law to **bind relocations to a quota** rather than keeping them part of a voluntary mechanism. Spain's central government is only responsible for providing care for adults, leaving the responsibility for unaccompanied minors to the individual autonomous communities where they arrive. The relocation of youths is merely part of a voluntary mechanism, which authorities in the Canaries say isn't working. Currently, the Canary Islands are hosting more than 5,500 underage minors who arrived in recent months on small boats, coming chiefly from **Senegal, Mali, Gambia and Morocco**. About 40% of all underage migrants coming to Spain in 2023 arrived on the archipelago.
- Irregular **arrivals in Italy** [continued](#) to decline. Whereas in July 2023, 23,420 arrivals were registered, the figure for July 2024 was 7,465. Bangladeshis, Syrians and Tunisians were the most frequented nationalities in 2024.

On 1 July Lithuanian and Polish defence ministers [called](#) for the "internationalisation" of **the protection of the EU and NATO's eastern border**. During an official visit of the Polish Deputy PM and Defence Minister Władysław Kosiniak-Kamysz, Lithuania's DM Laurynas Kasčiūnas told reporters that the national border defence system would require an estimated €600 million over a decade. In the run-up to... European Council [at the end of June], Estonian, Latvian, Lithuanian and Polish leaders signed a letter calling Brussels to become "both politically and financially" involved in building an estimated €2.5-billion wall along the bloc's eastern border with Russia and Belarus to protect against military and hybrid threats. In June, Poland, which lost a soldier in a knife attack across the border fence on 28 May, approved

the €2.3bn border protection programme called the Eastern Shield. Plans include anti-tank mines, remote mines, and a network of anti-tank ditches and collapsible bridges that can thwart an approaching enemy.

On 12 July, the **Finnish parliament** [approved](#) a law which allows border guards to turn away third-country migrants attempting to enter from Russia. The aim of the bill is to introduce temporary measures which curb migrants from entering the Nordic nation, in response to what Helsinki sees as “hybrid warfare” from Russia. Their government says Moscow is funnelling undocumented migrants to the border between the two countries to orchestrate an influx of immigration. The law would allow Finnish border guards to reject migrant asylum applications at crossing points under certain circumstances. However, they will not allegedly refuse entry to children, disabled people and any migrants deemed by border guards to be in a particularly vulnerable position. The law is valid for one year. [According to](#) a statement by Ursula von der Leyen, the (current and) upcoming President of the European Commission, **Russia is luring migrants from Yemen** up north and pushing them deliberately against the Finnish border.

REPATRIATIONS

On 30 August, **Germany** [deported Afghan nationals](#) to their homeland, the first time since August 2021, when the Taliban returned to power. Government spokesperson Steffen Hebestreit described the 28 Afghan nationals as convicted criminals but did not immediately respond to a request for comment to clarify their offenses. Interior Minister Nancy Faeser (PES) called the move a security issue for Germany. Germany does not have diplomatic relations with the Taliban, requiring the government to work through other channels. While Hebestreit said the deportations have been in the works for months, they occurred **a week after a deadly knife attack** in the town of **Solingen** in which the suspect is a Syrian citizen who had applied for asylum in Germany.

EUROPEAN COMMISSION

According to the [EU Observer](#), quoting a CEPS report, ‘a shadow directorate embedded within the hierarchy of the European Commission is ensuring president Ursula von der Leyen's political lines are followed at the expense of impartial enforcement of EU laws....’ “What is at stake is the primacy of EU law, but also the primacy of EU treaty values,” said Sergio Carrera [the report’s principal author]. Von der Leyen has entrenched her political aims through the European Commission's secretary general. Those political aims are then delegated and enforced by teams of people working in the secretariat general in what Carrera describes as a shadow directorate-generals... “They [the secretary general] have a **shadow DG on justice and home affairs** that basically and ultimately influence everything the Commission does in line with Von der Leyen's political agenda... We were indeed quite surprised of how the current internal structures actually prevent depoliticised and impartial enforcement of EU law and EU values.” Carrera says it means violations like those in the areas of migration or the border-free Schengen zone are sidelined despite the systematic lack of compliance in member states. ‘This is coupled by the fact that the Commission's home affairs department has been de-linked from its values and

transparency department' [led by the Vice-President on Values and Transparency, Věra Jourová], according to the EU Observer.

GRANTING CITIZENSHIP

[According to](#) the Observatory for Immigration and Demography, 'the migratory attractiveness of "territorial rights" (droit du sol) is beyond doubt ... In **France**... the acquisition of nationality is... automatic at the age of 18 for anyone born in France to foreign parents, but subject to certain conditions. They must be resident in France at the time of their majority and have been ordinarily resident there for at least five years since the age of 11. Since 2000, nearly 700,000 people have become French citizens "by right", i.e., without having to meet any criteria for integration into French society. In total, taking into account the various channels of acquisition (naturalisation by decree, "droit du sol", spouse of a French citizen, etc.), 3 million people have acquired French nationality since 2000.

THE US

Illegal crossings along the US southern border fell to a **3-year low** in June 2024 following President Biden's [...] move to curtail asylum and **continued efforts by Mexico to stop migrants heading north**, according to data [obtained by CBS News](#). Border Patrol processed approximately 84,000 migrants who crossed the US-Mexico border without authorisation in June, the lowest monthly level since President Biden took office in January 2021, when the agency reported just over 75,000 migrant apprehensions. June's migrant apprehension tally was also the fourth consecutive monthly drop. The asylum crackdown — which includes exemptions for unaccompanied children and those who wait in Mexico for a chance to be processed at a port of entry — has allowed US immigration officials to more quickly deport larger numbers of migrants, mainly those from Mexico and other countries in Latin America...

- Under the sweeping policy change adopted on 4 June, US officials have been returning and deporting thousands of migrants to Mexico or their home countries on a weekly basis **without screening them for asylum**. Only those who affirmatively say they fear being harmed if deported are being screened. But even then, those migrants are being interviewed using heightened screening standards for lesser-known protections that, unlike asylum, do not provide permanent legal refuge.
- Asylum processing **at ports of entry** has continued under Mr. Biden's proclamation. US border officials have continued to process and admit roughly 1,500 migrants each day at these legal entry points, using a smartphone app known as CBP One to coordinate their arrivals.

Critics [allege](#) that 'Biden's regulation "mirrors an earlier asylum ban issued by the Trump administration", violating legal guarantees; "people fleeing violence and persecution may apply for asylum no matter how they enter the United States".'

The sustained decrease in unauthorised border entries has also occurred against the backdrop of a months-long [campaign](#) by **Mexican officials** to slow US-bound migration by carrying out more deportations to southern Mexico and preventing migrants from boarding trains and buses.

The US has [agreed](#) to requests from **Mexico** to expand access of CBP One to the south of Mexico in an attempt to relieve the pressure migrants feel to continue north of the country's capital. [According to](#) the NBC, 'Mexico is **stopping nearly three times as many migrants** now, helping keep US border crossings down'. Early last year, Mexico interdicted roughly 100,000 migrants at its southern border or inside Mexico per month, while the US was apprehending over 193,000 migrants monthly at the US-Mexico border. This year, more migrants are being stopped inside Mexico than in the US, with over 280,000 being interdicted in Mexico and 189,000 in the US in March. US officials say Mexico's willingness to interdict more migrants, a costly process, is in large part due to increased dialogue between the two countries on issues like immigration and fentanyl and illegal firearms trafficking.

On 1 July, the US and **Panama** [announced](#) the U.S. Department of Homeland Security will begin a new U.S. Department of State-funded foreign assistance programme to address irregular migration in the region. This programme will help the Panamanian government to remove **foreign nationals who do not have a legal basis to remain in Panama**. This assistance seeks to reduce unprecedented irregular migration through the Darien region, through which over 520,000 migrants transited in 2023.

[In contrast to the cooperative approach by Mexico and Panama] **Nicaraguan** authorities [are allowing](#) airplanes operated by shadow airlines to bring people to the country. The intention appears to be to direct migrants towards the US border.

- On 4 June an airplane operated by the small Libyan airline Ghadames [Air flew passengers](#) from Kazakhstan to Nicaragua via Libya. It was the airline's third flight in less than a month, and it brought in mostly Indian nationals. Previously, another airplane, operated by a Romanian airline, brought passengers from Dubai via France, again, carrying Indians.
- From May 2022 to May 2023, "some 1,200 privately contracted flights landed in the Nicaraguan capital to transport passengers directly en route to the southern border of the US", according to Manuel Orozco, director of the Migration, Remittances and Development programme at the Inter-American Dialogue think tank. Orozco estimates that more than **300,000 people illegally accessed the US** via Nicaragua in 2023 and so far in 2024, "almost 10% of all migration that has reached the southern border".
- Although flights from distant places in Asia or Africa attract more attention, the majority of migrants who have used Nicaragua as a first port of call to the US have come from closer countries such as **Cuba**, Haiti or, to a lesser extent, the Dominican Republic. In the case of Cuba, since the Ortega government granted free entry to its citizens in 2021, Nicaragua became the main transit route to the US for the **largest exodus in the island's history** (more than half a million Cubans have left by different routes in the last two and a half years). In response, the US government has imposed a series of sanctions since November 2023, when it blacklisted airline executives involved in this business.
- At the end of 2023, Nicaragua expanded its visa waiver policy and signed agreements with small airlines to attract migrants of the most diverse nationalities, from Indians to Kazakhs, Uzbeks, Kyrgyz and Moroccans.

NATIONAL ELECTIONS

France

France held an early parliamentary election on 30 June and 7 July. Migration, asylum, and security were present in the election campaigns of all the parties running in these elections. The left-wing coalition **New People's Front** (NFP; S&D, Left, Greens) [focused](#) in its manifesto on policies to “guarantee a dignified welcome” for migrants. The NFP opposed the recently adopted immigration law, proposing instead to facilitate the regularisation of illegal migrants and making migration routes more secure. The centrist governing coalition **Ensemble** (Renew) [advocated](#) such changes to European asylum that would enable France to open asylum and detention centres at Europe's external borders. Ensemble also wanted to continue expelling delinquent and radicalised foreigners while welcoming researchers, doctors, students, and other skilled workers. The right-wing **National Rally** (RN; ID) [presented](#) a tough stance, calling for easing the expulsion of foreigners, stricter conditions for family reunification and a suspension of regularisations. **Les Républicains** (LR; EPP) did not publish any election programme (due to a major internal crisis). However, LR's long-term position on migration, as [presented](#) on their website, is to "restore sovereignty by allowing us the freedom to choose who enters and remains on our soil." Please find the result of the election [here](#).

The UK

The UK held a general election on 4 July. Immigration, and illegal immigration in particular, was high on the agenda. The **Labour Party** (PES) stated in its [electoral manifesto](#) that migration needs to be controlled and managed. Acknowledging that although the small boat crisis was undermining Britain's security and led to a loss of life, the Labour Party would not continue with the Conservative plan of sending asylum seekers to Rwanda. Instead, Labour would target the smuggling gangs. Also, the manifesto proposed the creation of a new Border Security Command. In their [electoral manifesto](#) the **Conservatives** pledged to ‘stop the boats’ and reduce the strain of illegal migration. The party also wanted to crack down on organised immigration crime; reform asylum rules; and return people with no right to be in the UK to their own country, aiming to sign further return deals like the one that has already been signed with Albania. The **Scottish National Party** (EFA), in its [electoral manifesto](#), stated that it wanted to devolve powers to create a migration system for Scotland. The **Liberal Democrats** (ALDE) claimed in their [electoral manifesto](#) they would work closely with Europol and the French authorities to stop the smuggling and trafficking gangs; scrap the Migration Act and the Rwanda scheme; and lift the ban on asylum seekers working if they have been waiting for a decision for more than three months. **Reform UK**, in their [electoral manifesto](#) said they would put strict limits on immigration in order to stand up for British culture, identity, and values. Find the elections results [here](#).

JUDICIAL OBSERVATORY

The CJEU rules that two Iraqi sisters who value gender equality can be considered as belonging to a particular social group of westernised women

On 11 June the CJEU [ruled](#) in favour of two Iraqi asylum-seeking teenage siblings (born 2003 and 2005) who ‘value gender equality’. The [press release](#) stated that the two Iraqi teenagers, who have been staying in the Netherlands continuously since 2015, applied for asylum in that year. Their application was rejected in February 2017. In April 2019, they submitted subsequent applications, which were rejected as manifestly unfounded in December 2020. In challenging those rejection decisions, K and L were arguing before the CJEU (the referring court) that, due to their long stay in the Netherlands, they have become ‘westernised’. They fear persecution if they were to return to Iraq because of the identity they have formed in the Netherlands, characterised by the adoption of norms, values and conduct that are different from those of their country of origin, which have become so fundamental to their identity and conscience that they cannot renounce them. They submit that they are therefore members of a ‘particular social group’, within the meaning of Article 10(1)(d) of the Qualification Directive (2011/95).

According to the [judgment](#), the Iraqi teenagers have become ‘westernised’ during their stay in the Netherlands and, as such, **should be regarded as members of a ‘particular social group’**. Providing detailed reasoning, the court stated belonging to a particular social group is considered as a ‘reason for persecution’ and thus capable of leading to the recognition of refugee status. However, this can vary depending on the circumstances in the country of origin. Questions remains, according to [EUobserver](#), to what extent this judgement will have on asylum throughout the EU.

CJEU rules that German authorities must re-examine the refugee status granted in another member state

The Court of Justice of European Union (CJEU) [ruled](#) on 18 June that a refugee who has been given refugee status in Greece is not automatically entitled to asylum in Germany. According to a [press release](#), the person concerned is a Syrian national, who was granted refugee status in Greece in 2018 and subsequently applied for refugee status in Germany. The Federal Asylum Office (BAMF) rejected her application for asylum but granted her subsidiary protection instead. The refugees in question appealed this decision because of the restrictions that subsidiary protection places on family reunification. The German Federal Administrative Court then referred the case to the CJEU.

According to the [ruling](#), current EU law does not make one member state’s decision on immigration status automatically apply to other member states. At the same time, the concerned authorities **cannot reject the application** for international protection as inadmissible if the applicant has already been granted protection in another member state, on account that the applicant might face inhumane treatment in that other member state. They must carry out new examination of the applicant’s qualification for refugee status, taking into account the reasoning of the previous member state.

According to [one commentary](#), refugees in Greece often become homeless due to a high unemployment rate and difficulties of social integration, and many chose to move to other EU member states such as Germany. If the applicant qualifies as a refugee, German authorities must grant him or her refugee status.

MARTENS CENTRE PRODUCTION

R. Münz and J. Yaryyeva, *Immigration to Europe: The Big Picture for the EU and Its Member States*, [Martens Centre](#), July 2024

Podcast: 'Women on the Move: Understanding the Female Face of Migration with Loredana Teodorescu', [Martens Centre](#), July 2024

SELECT EXTERNAL PUBLICATIONS

J. Grygiel, 'Will Europe's Front-Line States Have Enough Soldiers to Fight? Dire demographics and easy emigration pose a serious challenge if Russia attacks', [Foreign Affairs](#), 1 July 2024

S. Carrera and D. Colombi, *Irregularised migration and the next European Commission: Ensuring enforcement and intersectional monitoring of the rule of law and fundamental rights*, [Centre for European Policy Studies](#), 16 July 2024