



## SHORT OVERVIEW OF REPORT ON MIGRATION AND ASYLUM

On 29th of September 2021, one year on from the adoption of the proposal for a New Pact on Migration and Asylum, the Commission presented a Report on Migration and Asylum. Report focuses on the progress achieved and key developments in migration and asylum policy over the past year and a half, identifies the key challenges, and highlights the prospects for progress.

### LEGISLATIVE FRAMEWORK

It is reported that year after the presentation of the New Pact there has been good progress at the technical level, but political agreement on some key elements is still distant. In the Council, ongoing work on the **Asylum and Migration Management Regulation** and the **Asylum Procedure Regulation** should be concluded as soon as possible, as well as the **Crisis and Force Majeure Regulation**. There may also be opportunities to advance discussions on the **Screening Regulation**, given good progress at the technical level.

The successful outcome of the negotiations conditions a comprehensive approach involving both **solidarity and responsibility** has to be discussed in more detail on a political level. Even though there is an overall common understanding of a predictable mandatory and flexible framework for solidarity, further discussions are required as the Commission has presented simulations of different policy options in various hypothetical future scenarios.

Also, it is reported that further delaying of entry into force of the recast of the **Reception Conditions Directive** and the **Qualification Regulation** deprives the EU of significant improvements to the current framework. This progress is also closely related to the progress on the proposal for a recast of the **Return Directive** which would reinforce the credibility of the system as a whole.

Political agreement on the new **Blue Card Directive** has been reached in May 2021 which is an important step forward in the area of legal migration as the new efficient rules to attract highly skilled workers to the EU are introduced.

The Commission also foresees to present further proposals to complete the comprehensive reform set out in the New Pact. Therefore upcoming **Skills and Talent package** will focus on addressing key shortcomings identified by the fitness check carried out in 2019. The package will include a revision of the **Directive on long-term residents** and a review of the **Single Permit Directive**. Also, the options Commission will set out the options for developing an **EU Talent Pool**.

Proposal for the **digitalisation of visa procedures** will be presented by the Commission as it would facilitate visa application and at the same time increasing both the security of the EU and its attractiveness as a travel destination with the significant political benefit of creating a single entry point for visa applications.

### KEY NEXT STEPS

- formal adoption of the political agreement on the European Union Asylum Agency Regulation
- adoption of the proposals in finalization phase: the Eurodac Regulation and the Union Resettlement Framework Regulation
- deepening of the political discussions on solidarity and responsibility
- transposition and implementation of the Blue Card Directive
- presentation of legislative proposals to follow-up the Schengen Strategy, including a proposal for a Regulation amending the Schengen Borders Code, skills and talent package, and a proposal for a Regulation on the digitalization of visa procedures

Agreements on the Blue Card, EU Asylum Agency, and Schengen Strategy are showing the possibility of moving forward and finding compromises on reforms in the area of migration and asylum. It also noted that Eurodac proposal would be essential for the interoperability framework and completing an efficient border management system.

## IMPACT OF THE COVID-19

The impact of the COVID-19 is inevitably manifested in migratory movements in both irregular and legal migration, ensuing new challenges in migration management as well as highlighting the importance of foreign workers in the EU economy. At these times Commission made efforts to minimize the impact of pandemic by providing guidance, practical support from agencies and sharing best practices, and adapting funding rules.

In 2020 worldwide fall of **visa applications** was also felt in the EU and it amounted to 83% fewer applications than in 2019. Pandemic also influenced the **international protection applications** and in 2020 the number was decimated in comparison to 2019, while in 2021 the number of applications remains below pre-pandemic levels in general. Member States have implemented **measures to curb irregular stays** of persons unable to leave the EU due to travel restrictions, but travel restrictions also made it difficult to successfully carry out returns. Therefore, the number of **returns decreased** in 2020 by 19% in comparison with 2019, but effective returns to third countries more than halved.

Overall, the challenges imposed by the pandemic emphasized the **importance of modernizing** the approach to migration management and making it more coherent in all of the migration areas as timely information sharing proved essential in dealing with the new challenges.

## KEY ROUTES DEVELOPMENTS

The main findings of this report in regards to the key routes, revolve around the fact that the **total number of irregular migrants** remains significantly below levels prior to 2015. However, comparing the arrivals in the first 9 months of 2019 and 2020 with the same period in 2021, it is visible that there is a rise in the number of illegal border crossings.

Comparing the reported illegal crossings by a route, it is noticeable that the **Central Mediterranean**

route has the highest increase of arrivals, while the **Western Mediterranean** route has also shown a significant increase. On the contrary **Eastern Mediterranean** route in 2021 notes a decrease in the overall number in comparison to 2020, while the ratio of arrivals by country has observably changed.

On the eastern **European external borders**, political developments caused discernable migration challenges, which resulted in the rise of irregular arrivals in Lithuania, Latvia, and Poland.

## BORDER MANAGEMENT

A major step forward in border management and integration in the area of external border management on the EU level was marked by the entry of the **European Border and Coast Guard Regulation** in December 2019. Even though the first teams of the European Border and Coast Guard standing corps have been successfully deployed, the recruitment and training need to be accelerated to reach the targets set.

The importance of **Frontex's operational support** to the Member States was underlined amidst recent events on the border with **Belarus**, as it also confirmed the need for the new mandate of Frontex. In 2021 Commission took on the challenge of allegations in the Agency's activities and procedures, and it was responded by subjecting them to a **review by several EU control bodies**. The reviews showed no violation of human rights by Frontex, but it did point out various shortcomings so recommendations for improvement were made and are addressed by the Agency. The Commission also welcomed a reinforced framework for fundamental rights **monitoring**. Cooperation with partners in third countries with Frontex includes Status Agreements with **Albania, Montenegro, and Serbia**, an agreement with **North Macedonia** awaiting signature, while the agreement with **Bosnia and Herzegovina** was initialed but has not been signed. By the end of 2021 Commission will adopt a model working arrangement and a model status agreement to frame and further accelerate cooperation with the third countries.

Agency's capacity to provide support in all areas related to return, readmission and reintegration has been reinforced by the establishment of a dedicated **return division**. In 2021 Frontex has coordinated 232 return operations returning almost 8 000 third-country nationals hence the number of return operations is **returning to pre-COVID numbers**.

It should also be noted that Commission will table a policy document launching the **Multiannual Strategic Policy Cycle** which will steer discussions on **European Integrated Border Management** at the EU level.

## INTERNATIONAL PROTECTION

As **EASO** marked its 10th year from being fully operational, a new agreement has been reached in strengthening its mandate as a new **European Union Asylum Agency**. The agreement should enter into force by the end of the year, and the new Agency will contribute to more efficient and consistent asylum systems by providing greater operational and technical support, and better monitoring for ensuring compliance with regulation with special attention on fundamental rights.

Commission has provided continuous operational, technical, and financial support to the Member States most affected by irregular migration during the past 6 years. Long-term support to **Greece** has been especially highlighted in regards to funding and improving reception capacities, living conditions, increasing returns, and improving border control. Commission's immediate reaction after the fires destroyed the reception center is a part of that long-term reliable support that also focused on vulnerable groups. A key part of cooperation is establishing an independent and credible monitoring mechanism that will be followed up by the Screening Regulation. The independent monitoring mechanism for the external border monitoring that entered into force in **Croatia** was highlighted since it has the aim of increasing transparency and ensuring full compliance with fundamental rights.

The rapidly changing situation on external borders was seen in a sudden increase in irregular border crossings from **Belarus**, where the EU provided a swift response of operational, financial, and diplomatic responses. Variety of actions have been undertaken as EU agencies were deployed as Frontex and EASO intervened, financial emergency support has been provided, return capacities reinforced, and diplomatic pressure on Belarus increased as using migration as a political tool is not acceptable to the EU.

Commission also supports the Member States by facilitating and coordinating **voluntary relocations**. Since 2019 over 2 100 applicants have been transferred, and the Commission **urges the Member States to contribute** to voluntary

relocations resulting in a more predictable solidarity mechanism. Voluntary relocation actions will continue to **finalize pledges** received prior to 2021 and implement those made for disembarkation in 2021. However, it is concluded in the Report that **ad hoc measures** are neither sufficient nor sustainable, and a more predictable solidarity mechanism as predicted in the proposal for an Asylum and Migration Management Regulation is of utmost importance.

## INTEGRATION

The EU supported Member States in integrating migrants and EU citizens with migrant backgrounds as effective integration is also a key feature of the EU social policy through the **European Pillar of Social Rights**. In 2020 the Commission has adopted an **action plan on integration and inclusion 2021-2027** as the first key deliverable following the New Pact. In 2021 the Commission also launched a **partnership with the Committee of the Regions**, published a **toolkit on the use of EU funds** for the integration of people with migrant background 2021-2027, and in **cooperation with the European Economic and Social Committee** engages in dialogue with civil-society organizations at the European Migration Forum.

## UNAUTHORIZED MOVEMENTS

Unauthorized movements of asylum applicants **undermine the credibility and integrity** of the asylum system, especially since the challenges caused by the pandemic included difficulties in Dublin procedure implementation. Some Member States are also faced with an increase in unauthorized movements of beneficiaries of international protection. The Commission is concerned with finding short-term solutions by **facilitating transfers during the pandemic** and increasing support for integrating beneficiaries. Unauthorized movements were one of the **important objectives of the proposals of the Pact** in order to reinforce the trust among the Member States. The proposed **Qualification Regulation** aims to mitigate incentives as significant differences in recognition rates, uneven level of rights and integration. Amendments proposed in the **Reception Conditions Directive** would establish that reception conditions should be provided in the responsible Member State only, **The Asylum and Migration Management** would reduce the incentives by allowing Dublin transfers for recognized refugees, while the proposed recast of

the **Eurodac Regulation** would contribute to better prevention and tracking of unauthorized movements.

## EU FUNDING

EU financial support in the area of migration and asylum has been **reinforced in the 2021-2027 financing period** in order to support the new objectives of the Pact. The relevant basic acts entered into force in July 2021, and they are foreseen to be **followed by programmes of the Member States** within 5 months. There is a notable **increase in funds** which for this period amount to 18 billion euros, and for the first time, these three funds will be a part of the Common Provision Regulation.

## WORKING WITH INTERNATIONAL PARTNERS

A big portion of the Report was given to the subject of working with international partners. The New Pact approach foresees building comprehensive, tailor-made, and mutually beneficial partnerships with countries of origin and transit as a **foundation to the safe and orderly management of migration**. Building strong partnerships on migration is an **EU priority** as migration policies are effective only if external relations are built-in as a core element. Close cooperation of Foreign Affairs and Interior Ministries is important in reaching this aim as it was agreed upon on the joint Council of Foreign and Interior Ministries in 2021.

In the section of the engagement with key partners on migration, it has been noted that tailor-made partnerships on migration were developed focusing on the jointly identified priorities of the EU and its partners. The work consisting of bilateral dialogues and regional fora is closely connected with **EU initiatives to boost investment and cooperation** as with the **Western Balkans** and the **Southern Neighbourhood**.

It has been underlined that the **protection of vulnerable refugees and migrants** is at the **heart of EU policies** that is why the EU and its Member States are leading providers of **humanitarian support** for refugees, asylum seekers, internally displaced persons and host communities across the world. The Commission has set out a 4-year package that will amount to over 5,7 billion euros with over 3,5 billion targeted on refugees within Turkey, and 2,2 billion euros for beneficiaries in Syria, Lebanon, Jordan and Iraq.

The EU humanitarian and development budget is deployed across Africa supporting those affected by conflicts, epidemics, natural disasters, and their host communities, and **helping to tackle the COVID-19 pandemic**. In Asia, the EU is supporting Rohingya and Afghan refugees, while in Latin America those displaced in the Venezuela crisis are aided.

Building **economic opportunity** and addressing root causes of irregular migration overlaps with many **priorities of EU development policy** and for example, Sub-Saharan countries and North Africa were taken.

A **major focus** of EU action with partner countries are **partnerships to strengthen migration governance and management**. Strengthening promotes orderly migration management, as it was substantiated with the example of **Western Balkan partners** who have with EU support strengthened and aligned their national asylum and migration systems to EU standards. Capacity building on border management is also perceived as a key area of cooperation partners. Therefore the European Border and Coast Guard Status Agreements between the EU and Western Balkan partners represents a new phase for border cooperation with partners in the region as they prevent irregular migration and fight migrant smuggling. Border management has also been a major theme of the North of Africa window of the EU Emergency Trust Fund for Africa. Currently, EASO cooperates with Western Balkan countries and Turkey contributing to strengthening the asylum and reception systems, in addition to capacity building support in the Middle East and North Africa region.

As **effective returns, readmission and reintegration** are detected as an **important element** of the comprehensive approach set out in the Pact fostering cooperation ensures mutually beneficial migration partnerships. In 2021 the Commission presented its first-ever assessment report on the level of readmission cooperation with partner countries under the Visa Code. The report was followed up in July 2021 with proposals to the Council to adopt specific temporary measures on short-stay visas to be applied to visa applicants who are nationals of Bangladesh, Iraq and Gambia. The Commission is currently preparing the second report to assess the cooperation on readmission in 2020. In 2021 the Commission adopted the EU strategy on voluntary return and reintegration setting out **practical measures** to strengthen the legal and **operational framework for voluntary returns** from Europe and from transit countries. Frontex has achieved good progress in

operationalising its mandate on reintegration by working with the Member States in launching its pilot **Joint Reintegration Services** in several third countries 2021 so that the transfer of activities from the **European Return and Reintegration Network** can be **finalized** in 2022. Fostering cooperation also includes support for returns from transit countries along the migratory routes to countries of origin, and an important example is the EU-IOM Joint Initiative.

Supporting legal pathways is not a new priority for the EU, but it remains another **key pillar** of work with external partners. At the 11th Forum on Resettlement, Humanitarian Admission and Complementary Pathways in 2021, the Commission invited the Member States to make **pledges for the next ad hoc resettlement programme** in 2022. The High-Level Forum was for the first time organised with ministerial participation of Canada and the US agreeing to step up the joint resettlement effort. The forthcoming EU High-Level Forum is focusing on providing protection to Afghans at risk and presents a key opportunity to define the contribution to the **Afghan Support Package**.

In line with the Commission Recommendation on legal pathways to protection in the EU, the Commission has started outreach to promote, in addition to resettlement, **complementary pathways** linked to study and work. EASO is developing work on a European approach to **community sponsorships** in order to help the Member States give a more structured role to civil society and communities in the reception and integration of refugees.

In the area of legal migration, a number of pilot projects exploring options for **targeted mutually beneficial labour migration** mainly in North Africa are underway.

EU **action plan against the migrant smuggling for 2021-2025** is being adopted by the Commission and it should set out actions to counter smuggling and protect the fundamental rights of migrants, also addressing the new challenges as the exploitation of migration for political purposes. Placing tailored anti-smuggling operational partnerships is recognized by the Commission as an important part of the comprehensive partnerships under the New Pact. Prospects of employment are a key factor that incentivises irregular migration, therefore Commission announced that it would assess how to strengthen the effectiveness of the **Employers Sanctions Directive**.

**Talent partnerships** launched in 2021 can help the EU act strategically in developing mutually beneficial partnerships on migration with key partner countries while attracting the talent Europe needs. They provide a comprehensive policy and funding framework, and the Commission will work with the Member States, employers, social partners and educational agencies in order to launch the first Talent Partnerships on the existing experience with North African countries.

Two multi-country **Team Europe Initiatives** on migration are currently under development, one for the Western Mediterranean and Atlantic route, and another for the Central Mediterranean, third one is proposed to respond to the Afghan regional displacement crisis.

The **NDCI-Global Europe Regulation** established that indicatively 10% from the overall 79,8 billion euros of the financial envelope should be dedicated particularly to migration-related actions in third countries. As the country, regional and thematic multi-annual indicative programmes are in preparation it is visible that migration and forced displacement will play a major role in them.

Planned actions in **Western Balkan** will continue to strengthen migration management and asylum systems through both bilateral and regional programmes, with special attention given to **Bosnia and Herzegovina**, including future migration programmes in pre-accession countries funded under the Instrument for Pre-accession Assistance (IPA III).

## SITUATION IN AFGANISTAN

- political and security situation remains highly volatile
- was already a priority for migration and forced displacement
  - 635 00 afghans internally displaced
  - 2 million registered refugees
  - 3 million non-registered
- EU actions:
  - evacuations,
  - operations with humanitarian partners,
  - a migration Action Plan responding to the events in Afghanistan,
  - High-level Forum focusing on providing protection to Afghans at risk,
  - initiating regional political platform,
  - Counter-terrorism Action Plan on Afghanistan,
  - working with countries of transit including Western Balkan and Turkey,