

**May 2022**

Russia's invasion of Ukraine, and the millions of people displaced as a consequence, has led to renewed migratory pressure on the EU. Over 4 million people entered the Union in little more than a month, and many more are internally displaced within Ukraine. In order to offer protection and rights to those people in need of immediate protection, the EU took the unprecedented step of giving people fleeing the atrocities in Ukraine temporary protection. By doing so, the EU intends to avoid national asylum systems becoming overwhelmed, as happened at the height of the 2015 migration crisis. Although the share of irregular migrant arrivals in the EU dropped dramatically between 2015 and 2020, the pressure on national asylum systems, especially in some Member States, remains high. In an attempt to move away from ad hoc solutions and put in place a predictable and reliable migration management system, in September 2020, the European Commission proposed a new Pact on Migration and Asylum covering all of the different elements needed for a comprehensive European approach to migration. This Topical Digest offers a sample of recent publications by the European Parliamentary Research Service on the migratory challenge.

Asylum, borders and migration: How the European Parliament is responding to citizens' expectations

Briefing by Nikolai Atanassov, Maria-Margarita Mentzelopoulou and Anita Orav, April 2022

This briefing is part of a series looking at citizens' expectations in the context of the Conference on the Future of Europe. It focuses on some of the recommendations made by Panel 4 (EU in the world/migration), suggestions and comments uploaded onto the multilingual digital platform, and proposals stemming from the European Youth Event. The topics cover EU policy on asylum, irregular migration and border protection, and the role of EU agencies in this area. Participants also considered the future of legal migration and integration of migrants in the EU. The second part of the briefing gives an overview of the European Parliament's position on these topics, and its calls for change in the fields where citizens have asked for more EU action.

Revision of the Schengen Borders Code

Briefing by Costica Dumbrava, April 2022

In December 2021, the European Commission presented a proposal to amend the Schengen Borders Code, which lays down the rules governing controls at the EU's internal and external borders. While debates on the reform of Schengen have been going on for a while, recent challenges related to the coronavirus pandemic on the one hand, and attempts to instrumentalise migrants as a way to put pressure on the EU's external borders, on the other, have created new momentum for reform. This briefing analyses the proposal, discusses its key elements, the policy context, the legislative process and the positions of key stakeholders.

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[Unaccompanied migrant children in Greece](#)

Briefing by Maria-Margarita Mentzelopoulou, April 2022

Since the beginning of the migratory crisis in 2015, unaccompanied children have been seeking protection in Europe. With increased migratory pressure in Greece along the EU's external border with Turkey at the beginning of 2020, and following the Greek government's official request for support, the Commission launched a relocation scheme to speed up relocation of unaccompanied minors from the Greek islands to other EU Member States. Human rights organisations had denounced the precarious and difficult conditions in which unaccompanied minors had been living in the Greek hotspots, calling for structural solutions in the form of more solidarity and responsibility sharing among EU Member States, and a coordinated, child rights-based approach to addressing the many gaps in the protection afforded to unaccompanied children arriving in Europe. However, recent legislative changes in Greece have served to improve the situation of unaccompanied minors in the country drastically.

[Single permit for third-country nationals to reside and work in the EU – Directive 2011/98/EU](#)

Briefing by Hannah Ahamad Madatali, EPRS, April 2022

The Directive 2011/98/EU on a single permit for third-country nationals (non-EU nationals) to reside and work in the EU has two main objectives. The first objective is to facilitate the procedure for a third-country national to be admitted to work in an EU Member State, by introducing a single application procedure for a combined work and residence permit. The second objective is to ensure equal treatment between third-country workers and nationals of the permit-issuing Member State, by providing a common set of rights regarding working conditions, education and training, access to goods and services, and social security.

[Temporary Protection Directive](#)

Briefing by Katrien Luyten, EPRS, March 2022

Following Russia's invasion of Ukraine in February 2022, over 3.4 million people have already been forced to seek refuge. The Commission estimates that up to 6.5 million persons may be displaced by the conflict. In response to this exceptional situation, the EU decided to grant immediate EU-wide temporary protection to people arriving from Ukraine. The first-ever activation of the Temporary Protection Directive has been widely welcomed, even though there are still many open questions as to its practical implementation. Moreover, the scale of the arrivals entails many immediate as well as longer-term challenges. The demonstrations of EU-wide solidarity with the Ukrainian people, however, raise hopes for concrete progress on overall reform of the EU's migration and asylum rules.

[Rights of third-country nationals who are long-term residents in the EU – Directive 2003/109/EC](#)

Briefing by Hannah Ahamad Madatali, EPRS, February 2022

In 2019, the Commission published its second implementation report on the Directive. It also finalised a fitness check on EU legal migration legislation evaluating the effectiveness, coherence, and grounds for improvement of the existing EU laws in the field. These reports identified shortcomings both in the EU legal migration framework and in the Directive itself. The limitations identified mainly concerned the implementation of legislation by EU Member States. The subsequent European Commission proposals under the New Pact on Migration and Asylum seek to address these shortcomings by, for instance, revising the Long-term Residents Directive (LTRD).

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Emergency measures on migration: Article 78(3) TFEU

Briefing by Micaela Del Monte and Katrien Luyten, EPRS, December 2021

On 1 December, the Commission proposed a Council Decision on emergency measures to help Latvia, Lithuania and Poland face the complex migratory situation at their borders with Belarus. The proposal is based on Article 78(3) of the Treaty on the Functioning of the EU (TFEU), which provides for the adoption of provisional measures in case of a sudden increase in arrivals of third-country nationals. Article 78(3) TFEU – read together with Article 80 TFEU – was first used during the 2015 migration crisis to help Greece and Italy ensure a fair and balanced relocation of asylum-seekers who were already present in the EU. Some Member States challenged the 2015 Council Decision before the Court of Justice of the EU or refused to implement the decision. As a result, the Court's jurisprudence helped to clarify the concept and scope of the 'provisional measures' within the meaning of Article 78(3) TFEU.

Evacuation of Afghan nationals to EU Member States

Briefing by Maria-Margarita Mentzelopoulou, EPRS, November 2021

Following the withdrawal of the United States and coalition forces from Afghanistan, the EU and its Member States have closely followed the situation in the country and participated in the evacuation operations. These included EU citizens and Afghan nationals, military staff, diplomatic staff and locally employed staff by EU embassies and military missions, as well as their families.

European Parliament scrutiny of Frontex

Briefing by Micaela Del Monte and Katrien Luyten, EPRS, November 2021

Under Regulation (EU) 2019/1896, the European Border and Coast Guard Agency (Frontex) is accountable to the European Parliament. This briefing gives an overview of all instruments Parliament has at its disposal to fulfil its oversight role over Frontex activities and to ensure that migrants' fundamental rights are respected and upheld at the EU's external borders. Frontex has been facing allegations of pushbacks and violations of fundamental rights. Parliament has consistently taken a strong stance in favour of protecting the principle of *non-refoulement*, the right to asylum and the prohibition of inhuman and degrading treatment. In January 2021, Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE) even stepped up its action and established the Frontex Scrutiny Working Group (FSWG) to monitor the work of the Agency and, in particular, to further investigate the persistent allegations of fundamental rights violations.

The concept of 'climate refugee': Towards a possible definition

Briefing by Joanna Apap, EPRS, October 2021

According to statistics published by the Internal Displacement Monitoring Centre, since 2008 over 318 million people around the world have been forcibly displaced by floods, windstorms, earthquakes or droughts, 30.7 million in 2020 alone. Many find refuge within their own country, but some are forced to go abroad. So far, the national and international response to this challenge has been limited, and protection for the people affected – whose number looks set to rise – remains inadequate. What adds further to the gap in protection of such people – who are often described as 'climate refugees' – is that there is neither a clear definition of this category of people, nor are they covered by the 1951 Refugee Convention. While the EU has not so far recognised climate refugees formally, it has expressed growing concern and has taken action to support the countries potentially affected by climate-related stress and help them develop resilience.

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[Introducing the European Union Agency for Asylum](#)

Briefing by Anita Orav, EPRS, October 2021

The European Asylum Support Office (EASO) is an EU agency which provides tools to help Member States prepare for an influx of asylum applicants and to implement EU asylum legislation on the ground. EASO also supports Member States, which face particular asylum-related pressures. The co-legislators have expanded the mandate of EASO by turning it into a European Union Agency for Asylum (EUAA) responsible for developing operational standards and guidelines for Member States, monitoring the implementation of the Common European Asylum System and providing more support through a pool of deployed staff.

[Legal migration policy and law](#)

Study by Meenakshi Fernandes and Cecilia Navarra, EPRS, September 2021

This European added value assessment (EAVA) has been written with the aim of providing support to work on a European Parliament legislative-initiative report on legal migration policy and law (2020/2255(INI)). The assessment reviews the key issues concerning legal migration in the status quo (with a focus on labour migration) and discusses the reasons why the EU should take action. It then explores a selection of possible EU actions, that include recognising migrants' qualifications, facilitating access to employment of migrants already in the EU, developing new avenues for legal migration to the EU, tackling discrimination and promoting migrants' rights. The assessment finds that all policy options could generate substantial benefits for workers and spill-over benefits for the EU economy. Moreover, as these policy options are complementary, they could be implemented together in order to enhance the added value of EU action.

[Artificial intelligence at EU borders: Overview of applications and key issues](#)

In-depth Analysis by Costica Dumbrava, EPRS, July 2021

The EU is actively exploring how AI technologies can be developed and adopted in order to improve border control and security. A number of applications for biometric identification, emotion detection, risk assessment and migration monitoring have already been deployed or tested at EU borders. AI technologies may bring important benefits for border control and security, such as increased efficiency, better fraud detection and risk analysis. However, these powerful technologies also pose significant challenges, related in particular to their insufficient or varying accuracy and the multiple fundamental rights risks they entail (including bias and discrimination risks, data protection and privacy risks, and the risk of unlawful profiling).

[Revision of the EU Blue Card Directive](#)

Briefing by Marie Lecerf, EPRS, July 2021

Attracting highly qualified immigrants to Europe has been one of the EU's key priorities for several years. However, up until now the EU has not been as successful as other OECD countries. This demand for workers is expected to increase due to the increasing shortage of certain skills and the aging of the EU's population. The proposed directive, which would replace the 2009 Blue Card Directive, increases the attractiveness of the EU's highly skilled migration scheme by expanding its scope, lowering criteria for admission or expanding the rights of beneficiaries.

[Labour market integration of asylum seekers and refugees](#)

Briefing by Anita Orav, EPRS, June 2021

Migration to the EU from third countries has been substantial over the past few decades. While many foreign-born individuals arrive in the EU to work, pursue studies or join family members, the EU also experienced a peak of irregular arrivals beginning in 2014 and only starting to subside in 2016. Those large migratory flows included a substantial number of asylum-seekers and refugees fleeing war and instability in their home countries. As host societies, EU Member States are required to facilitate their integration, i.e. their acceptance in society and

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ability to access different services and the labour market. To ensure that migrants' skills will match the future EU labour market, focus should be turned to facilitating the proper recognition of their qualifications, as well as to upgrading their education and skills. The EU supports Member States' integration efforts through its EU action plan on integration and inclusion.

[Community sponsorship schemes under the new pact on migration and asylum: Take-up by EU regions and cities](#)

Briefing by Anja Radjenovic, EPRS, June 2021

There is an urgent need to ensure organised, legal and safe pathways to protection for migrants who find themselves in protracted refugee situations. One of the solutions that could be proposed is a community sponsorship scheme, understood as encompassing several different modalities of refugee admission to third countries. The added value of community sponsorship for integration is particularly important in Europe, where local and national governments, together with civil society, have been facing questions of how to best support newcomers and facilitate integration and social cohesion. Since 2015, the concept has been piloted and established in a number of EU Member States, also involving significant participation of European regions and cities. In its New Pact on Migration and Asylum, the Commission expressed its commitment to support national sponsorship schemes through funding, capacity-building and knowledge-sharing.

[Matching priorities and resources in the EU budget: Climate action, migration and borders](#)

Briefing by Alessandro D'Alfonso, EPRS, May 2021

Over the past two decades, the EU has been entrusted with a growing number of objectives and responsibilities. However, ensuring financing of related activities through the EU budget has often proven problematic, as this has long been capped at around 1 % of the Union's gross national income (GNI). During the preparation of the post-2020 EU multiannual financial framework (MFF), climate action, migration and border management were identified among the emerging priorities.

[Understanding EU action against human trafficking](#)

Briefing by Piotr Bakowski and Sofija Voronova, May 2021

Trafficking in human beings is not only a serious and borderless crime, but also a lucrative business, driven by the demand for sexual (and other) services. Criminals exploit vulnerable persons (increasingly children), making high profits and taking relatively low risks. On 14 April 2021, the Commission presented its new strategy on combating trafficking in human beings 2021-2025 – ten years after the adoption of Directive 2011/36/EU, the core EU instrument for addressing this phenomenon and protecting its victims. Despite some progress achieved over the past few years, a number of challenges still lie ahead, most of them exacerbated by the Covid-19 pandemic.

[Towards a more resilient Europe post-coronavirus: Options to enhance the EU's resilience to structural risks - See chapter on 'Developing an integrated EU migration policy'](#)

Study by EPRS with the Directorates-General for Internal Policies and External Policies, April 2021

In 2015 and 2016, Europe had to respond to the most severe migratory challenge since the end of the Second World War – since surpassed by the numbers fleeing the war in Ukraine. In 2015, the arrival of unprecedented numbers of refugees and irregular migrants in the EU exposed a series of deficiencies and gaps in EU policies on asylum, external borders and migration, which were not sufficiently geared to addressing those challenges. The impacts of any future migratory flow into the EU will depend on the EU's capacity to lead on the international scene (through external funds – the Neighbourhood, Development and International Cooperation Instrument, NDICI – partnerships with specific countries, and engagement at multilateral and UN levels), to manage its external borders effectively, to help those in need while upholding international obligations, to help

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those who have the right to enter and remain on EU soil to integrate, and to design labour and social policies fit for purpose.

Vulnerability of unaccompanied and separated child migrants

Briefing by Anja Radjenovic, EPRS, April 2021

In 2019 alone, some 33 200 children arrived in southern European countries, of which some 9 000 (27 %) were unaccompanied or separated from their fellow travellers. There are various reasons why a child may be unaccompanied or separated. Despite a comprehensive international legal framework on children's rights and their protection, irregular migrant children, especially those who are unaccompanied or who have been separated from their parents along the way, face numerous obstacles and challenges during and after the migration process. The vulnerable situation of migrant unaccompanied and separated minors worldwide, and the threats they face need to be addressed, particularly in view of the constant increase in their number.

The external dimension of the new pact on migration and asylum: A focus on prevention and readmission

Briefing by Eric Pichon, EPRS, April 2021

The challenges posed by migration have put EU Member States' solidarity to the test. The New Pact on Migration and Asylum has an external aspect: building on current EU migration partnership frameworks, it aims to reinforce international partnerships with a view to ensuring effective returns, combating migrant smuggling more effectively, and developing legal migration channels. In the context of migration, the EU's external policy has among its objectives to help third countries tackle the root causes of irregular migration or quests for asylum. Parliament often emphasises this point, while warning at the same time that security and migration management concerns should not result in diverting funds from core EU development cooperation objectives.

Migration and border management: Heading 4 of the 2021-2027 MFF

Briefing by Alessandro D'Alfonso, EPRS, April 2021

Given the increasing salience of the policy area of asylum, immigration and external borders in recent years, the EU has for the first time established a specific heading devoted to migration and border management in its new multiannual financial framework (MFF). Endowed with €22.7 billion (2018 prices) for the years 2021 to 2027, the heading finances the activities of specific EU decentralised agencies, such as Frontex and EASO (now the EUAA), as well as two funding instruments, the Asylum, Migration and Integration Fund (AMIF) and the Integrated Border Management Fund (IBMF). Expenditure for these policy areas is still a minor share of the EU budget (2.1 %, excluding the resources from the Next Generation EU recovery instrument), but these allocations represent a significant increase in relative terms, as compared with the 2014-2020 period. The reinforcement seeks to address weaknesses of the previous MFF that the 2015-2016 refugee crisis exposed, obliging EU institutions to use the flexibility provisions of the framework extensively.

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