The EU’s migratory challenge

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In the last few decades, more and more people have been forced to flee violence, poverty or climate change, with many of them seeking a safe haven in Europe. The war in Ukraine is the latest in a series of crises, adding to turmoil in Africa and the Middle East. Russia’s invasion of Ukraine, and the millions of people displaced as a consequence, has led to renewed migratory pressure on the EU. Over 11.3 million people have entered the Union since the start of the war in February 2022, and many more are internally displaced within Ukraine. In order to offer protection and rights to people in need of immediate protection, the EU took the unprecedented step of giving people fleeing the atrocities in Ukraine temporary protection. By November 2022, 4.7 million Ukrainians had registered for temporary protection. By doing so, the EU intended 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 has dropped dramatically since then, the pressure on national asylum systems, especially in some Member States, remains high. Record numbers of asylum applications, not seen since 2015-2016, were lodged in the EU in autumn 2022. 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 the elements needed for a comprehensive European approach to migration. This topical digest offers a sample of recent publications by EPRS on the migratory challenge.

Revision of Directive 2011/98/EU on the single permit to reside and work
Briefing by Anita Orav, EPRS, January 2023
In an overhaul of the EU's acquis on legal migration, in 2022 the European Commission proposed a recast of the Single Permit Directive, with the objective of simplifying the application process for living and working in the EU and improving rights for residents and their family members. This is the first edition of an 'EU legislation in progress' briefing, which will be updated at key stages throughout the legislative procedure.

Solidarity in EU asylum policy
Briefing by Micaela Del Monte and Anita Orav, EPRS, January 2023
Turmoil in Africa and the Middle East, and now the war in Ukraine, is forcing more and more people to flee violence and seek a safe haven in Europe. At times spontaneously, Member States have reacted to these crises and shown open solidarity, as with regard to the Ukrainian citizens fleeing the war. At other times their reaction has been more ambivalent. The continued failure to reform the EU asylum system, as well as the implementation of temporary solidarity measures based on ad hoc solutions, has exposed a crisis of solidarity that has yet to be resolved.

EU pact on migration and asylum: State of play
Briefing by Costica Dumbrava, Katrien Luyten and Anita Orav, EPRS, December 2022
In September 2020, the European Commission put forward a new pact on migration and asylum, offering a comprehensive approach aimed at strengthening and integrating key EU policies on migration, asylum and border management. This briefing offers an update on all the legislative proposals in the pact.
**Instrumentalisation in the field of migration and asylum**
*Briefing by Maria-Margarita Mentzelopoulou, EPRS, November 2022*

In December 2021, the European Commission presented a proposal for a regulation addressing situations of instrumentalisation in the field of migration and asylum, coupled with a proposal amending the Schengen Borders Code (SBC), to define the instrumentalisation of migrants. The proposal was initiated following the increasing role of state actors in the facilitation of irregular migration, using certain migratory flows as a tool for political purposes. The proposal is now being examined by the Parliament and the Council.

**Addressing pushbacks at the EU’s external borders**
*Briefing by Katrien Luyten, EPRS, October 2022*

National human rights institutions, international bodies, media and civil society organisations regularly report cases of ‘pushbacks’ or collective expulsions at the EU’s land and sea borders. According to these reports, pushbacks often involve excessive use of force by EU Member States’ authorities operating at external borders, and degrading and inhuman treatment of migrants and their arbitrary detention. The European Parliament has repeatedly called on Member States and EU agencies to comply with fundamental rights in their activities to protect the EU’s external borders.

**Search and rescue efforts for Mediterranean migrants**
*Briefing by Anita Orav, EPRS, October 2022*

A lack of coordination in search and rescue (SAR) and disembarkation activities, solitary action by individual countries and criminalisation of non-governmental organisations active in SAR in the Mediterranean has led to migrants being forced to stay for several days and sometimes weeks on boats. EU Member States and the European Border and Coast Guard Agency – Frontex – have also been accused of pushbacks of asylum-seekers and other migrants to the high seas and towards Libya and Turkey. Individual actors dealing with boats full of migrants have been the subject of strong criticism and legal action. Accountability is, however, not always clear, the reason being varied application and interpretation of different bodies of international law.

**Walls and fences at EU borders**
*Briefing by Costica Dumbrava, EPRS, October 2022*

The number of border walls and fences worldwide has increased dramatically in recent decades. This also holds for the EU/Schengen area, which is currently edged or criss-crossed by 19 border or separation fences stretching over 2,000 kilometres. This briefing discusses the reasons for building border fences as well as the challenges, including fundamental rights obligations and questions as to their compatibility with EU law and funding.

**European Parliament scrutiny of Frontex**
*Briefing by Micaela Del Monte and Katrien Luyten, EPRS, September 2022*

Regulation (EU) 2019/1896 transformed Frontex into the European Border and Coast Guard Agency and considerably increased its tasks, powers, responsibilities and budget. The regulation also gave the European Parliament a range of tools affording it oversight of the agency’s activities. This briefing looks at the Parliament’s accountability mechanisms and how they have been used to ensure that migrants’ fundamental rights are respected and upheld at the EU’s external borders.

**EU entry restrictions in relation to Russia’s war on Ukraine**
*Briefing by Costica Dumbrava, EPRS, September 2022*

Russian nationals have been the largest group benefiting from Schengen visas in recent years. But as a consequence of Russia’s invasion of Ukraine, the Council decided to fully suspend the EU-Russia visa facilitation agreement in September 2022. The Commission has also presented a proposal for a decision of the Parliament and Council on the non-recognition of Russian travel documents issued in occupied foreign regions.
Impact of COVID-19 on asylum procedures in EU Member States
Briefing by Maria-Margarita Mentzelopoulou, EPRS, September 2022
EU Member States had to adapt their asylum procedures swiftly to the pandemic. National responses to contain Covid-19 diverged both in nature and scope. Overall, restrictive measures affected asylum-seekers’ right to look for protection on EU territory; their – and migrants’ – right to access relevant procedures; their residence status and permits; and their enjoyment of other rights, such as access to health services.

Schengen reform: Key challenges and proposals
Briefing by Costica Dumbrava, EPRS, July 2022
The Schengen area without internal borders has been under stress over the past decade owing to several successive crises, such as the coronavirus pandemic, when massive and largely uncoordinated internal border controls and other restrictions to freedom of movement were imposed, revealing several shortcomings in the Schengen systems. In December 2021, the Commission presented a new Schengen strategy, accompanied by several legislative proposals and measures aimed at revising the Schengen rules, enhancing police cooperation, reinforcing management of external borders and strengthening the overall governance of Schengen.

Labour market integration of asylum-seekers and refugees
Briefing by Anita Orav, EPRS, June 2022
Migration to the EU from third countries has been substantial in recent decades. While many foreign-born people arrive in the EU to work, pursue studies or join family members, the EU also receives a large number of asylum-seekers and refugees. Employment rates for migrants in general, and refugees and asylum-seekers in particular, are persistently lower than those of native-born populations. The focus should be on facilitating proper recognition of migrants’ qualifications, and upgrading their education and skills as needed to match the future EU labour market and fill its gaps.

Russia’s war on Ukraine: The situation of children in and outside Ukraine
Briefing by Micaela Del Monte and Maria-Margarita Mentzelopoulou, EPRS, May 2022
Children and women are bearing the brunt of the war in Ukraine. In and outside of Ukraine, children are in urgent need of protection, including access to psychosocial and social support, health, nutrition, education and housing, and protection against trafficking, sexual and labour exploitation and abuse. The European Parliament and its Children’s Rights Coordinator have been defending the rights of children fleeing the war since it began.

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 one 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), as well as suggestions and comments uploaded onto the multilingual digital platform, and proposals stemming from the European Youth Event. The topics covered include EU 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 the 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 relating 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 key stakeholders’ positions.

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. Recent legislative changes in Greece have now improved the lot of unaccompanied minors 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*

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 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 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 people may eventually 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. The volume of arrivals entails many immediate and longer-term challenges. Demonstrations of EU-wide solidarity with the Ukrainian people, however, raise hopes of progress on 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 on the rights of third-country nationals who are long-term residents in the EU. It also finalised a fitness check on EU legislation on legal migration, evaluating the effectiveness, coherence, and grounds for improving the existing EU laws in the field. These reports identified shortcomings both in the EU’s legal migration framework and in the directive itself. The limitations identified concerned mainly 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, for instance, by revising the Long-term Residents Directive.

EPRS graphics

Overview of border fences in the EU

Figure 1 – Number of border sections of EU/Schengen countries with fences

Figure 2 – Total length of border fences at EU/Schengen countries’ borders (km)

Source: Costica Dumbrava, Walls and fences at EU Borders, EPRS, October 2022.