



# Annual Report on Migration and Asylum 2020

European  
Migration Network

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## About the European Migration Network

The European Migration Network (EMN) is an EU network of migration and asylum experts. The EMN plays a key role in providing policymakers and the wider public with up-to-date, objective, reliable and comparable information on migration and asylum. This is essential for the EU to better respond to the challenges in these areas

The EMN was legally established under Council Decision 2008/381/EC. The European Commission (Directorate-General for Migration and Home Affairs) coordinates the EMN, supported by a Service Provider (ICF), in cooperation with National Contact Points (EMN NCPs) appointed by EU Member States plus Georgia, Moldova and Norway. EMN NCPs are located within ministries of interior and of justice, specialised government agencies dealing with migration, research institutes, non-governmental organisations or national offices of international organisations. In their own countries, the EMN NCPs form national networks with a wide range of relevant stakeholders.

## Explanatory note

This EMN Annual Report on Migration and Asylum 2020 was prepared on the basis of annual National Reports on Migration and Asylum from 25 EMN NCPs (**Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Poland, Slovak Republic, Slovenia, Spain, Sweden** and **Norway**) according to a common template developed by the EMN and completed by EMN NCPs to ensure, to the extent possible, comparability. More detailed information on the topics addressed in this EMN Annual Report on Migration and Asylum 2020 may be found in the available annual National Reports on Migration and Asylum for 2020, and it is strongly recommended that these are consulted as well.

The annual National Reports on Migration and Asylum provided by EMN NCPs describe the migration and asylum situation and developments in their respective countries specifically for the year 2020. National Reports were largely based on desk analysis of existing legislation and policy documents, reports, academic literature, internet resources and reports and information from national authorities and practitioners. Statistics were sourced from Eurostat, national authorities and other (national) databases.

EU level updates were provided by the relevant units of DG Migration and Home Affairs of the European Commission. The European Asylum Support Office (EASO) and European Border and Coast Guard Agency (Frontex) were also consulted in the development of the Annual Report.

## Disclaimer

This Annual Report on Migration and Asylum 2020 was produced by the EMN. It does not necessarily reflect the opinions and views of the European Commission, EMN Service Provider (ICF) or the EMN NCPs, nor are they bound by its conclusions. Similarly, the European Commission, ICF and the EMN NCPs are in no way responsible for any use made of the information it contains.

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# 1. OVERVIEW OF KEY DEVELOPMENTS AND DRIVERS ACROSS ASYLUM AND MIGRATION IN 2020



## KEY POINTS TO NOTE

- As a result of the COVID-19 pandemic, the number of legal migrants and asylum applicants arriving in the EU in 2020 decreased substantially compared to 2019. The number of returns was generally lower, although a few Member States reported higher numbers than in the previous year.
- The COVID-19 pandemic was a catalyst for new developments in asylum and migration management in 2020. Member States and Norway were impacted differently by the pandemic, depending on their epidemiological situation and on the pre-pandemic set-up of national systems. In some countries, new electronic systems and digital tools were introduced to ensure the maintenance of asylum and migration processes amidst restricted office hours or office closures and physical distancing measures.
- Member States undertook procedural changes to handle particularly the admission of highly skilled and essential workers during COVID-19 restrictions and introduced measures to protect the health of migrants and asylum seekers and prevent them from falling into irregular situations.
- Besides COVID-19 related impacts, increasing the efficiency and effectiveness for better migration management was a common theme of developments at EU and national level. The Commission's new Pact on Migration and Asylum, launched in September 2020, stresses the importance of effective and efficient procedures, systems and cooperation across all areas.<sup>1</sup>
- At national level, efforts often focussed on increasing administrative efficiency, notably through the harnessing of digital tools and through enhanced cooperation across different entities, including in third countries.
- Member States also adopted new strategic directions and priorities, commonly focusing on the attraction of new talent and enhanced labour market integration. New strategic forms of cooperation with third countries were established not only to enhance legal pathways, but also to tackle irregular migration.
- The protection of asylum seekers and refugees, including minors and other vulnerable groups, remained an area of considerable development in legislation and policy at EU and national level during 2020.
- The UK's official departure from the EU led to the implementation of measures to regulate the legal status of UK nationals and their family members in Member States.



## 1.1. INTRODUCTION

The year 2020 brought about unforeseen developments, challenges, and opportunities in the areas of migration and asylum. In the face of the global COVID-19 pandemic, which brought the movement of people and daily life to a virtual standstill through border closures and travel restrictions, the EU and its Member States quickly established contingency measures to maintain the functioning of their asylum and migration systems as far as possible. Moreover, the devastating fire in the Moria camp in Lesbos, Greece in September 2020 brought the topic of the reception of asylum seekers in the EU once again into the spotlight. As noted in the new EU Pact on Migration and Asylum, some Member States committed to relocation from the camp, although efforts to do so

were delayed due to practical constraints resulting from the COVID-19 pandemic.

These new challenges came in addition to persisting ones. The need to continually improve the efficiency, effectiveness and quality of migration management systems, including managing irregular migration and return, and adapt to change has been the on-going focus of efforts of EU and national policy-makers, also in light of continued irregular migration flows despite the COVID-19 pandemic. Similarly, the arrival of asylum seekers continued to be an important driver for developments at EU and national level in 2020. The European Commission's new Pact on Migration and Asylum shows the emphasis on these

<sup>1</sup> Communication on a New Pact on Migration and Asylum, COM(2020) 609 final [https://ec.europa.eu/info/strategy/priorities-2019-2024/promoting-our-european-way-life/new-pact-migration-and-asylum\\_en](https://ec.europa.eu/info/strategy/priorities-2019-2024/promoting-our-european-way-life/new-pact-migration-and-asylum_en)

priorities at EU level, laying out a comprehensive approach bringing together policy proposals in the areas of migration, asylum, integration and border management.<sup>2</sup>

At national level, new governments brought new strategic directions, and existing governments adopted new or revised strategies and action plans, setting the groundwork for legislative and policy actions in the upcoming years. In Austria and Belgium, new federal governments committed to adapted/different approaches in relation to asylum and migration policies whilst in Ireland, the formation of a new Government resulted in an internal restructure<sup>3</sup> and the publication of a new Programme for Government<sup>4</sup> with new policy commitments including in relation to reception and undocumented migrants. In Sweden, a parliamentary commission made proposals for Sweden's future migration policies in broad areas such as asylum and family reunification.<sup>5</sup>

An on-going trend was the establishment of new partnerships and cooperation mechanisms with third countries both at EU and national level, not only to prevent irregular migration and enhance returns, but also in the area of skilled migration. In fact, the European Migration Network (EMN) itself commenced cooperation with third countries in 2020, namely Georgia and the Republic of Moldova; these countries officially joined the EMN as observers in March 2021.<sup>6</sup>

2020 also marked the year of the official withdrawal of the United Kingdom from the EU, with far-reaching consequences also in the migration area. Indeed, various developments at national level, particularly in the area of legal migration, were driven by the United Kingdom's changed status.



## 1.2. AIM AND STRUCTURE OF THE ANNUAL REPORT

In this Annual Report, the EMN reports on the most important developments in the areas of migration and asylum in the EU Member States and Norway in 2020. It focuses particularly on new legislative and policy measures introduced in 2020, reported by the EMN's National Contact Points (NCPs) via their national reports. These national reports will be available on the EMN website and can be consulted for further details.<sup>7</sup>

This first chapter of the Annual Report 2020 provides an overview of the main legal and policy developments across all areas of migration and asylum, identifying the main aims and drivers of EU-level and national actions. The second chapter of the Report consists of ten thematic chapters, which provide a detailed summary of the main legislative and policy developments, as well as available statistics, in the following areas:

1. Legal migration
2. International protection
3. Minors and other vulnerable groups

4. Integration
5. Citizenship and statelessness
6. Enhanced border management at the external borders
7. Irregular migration including migrant smuggling
8. Trafficking in human beings
9. Return and readmission
10. Migration and development cooperation

Although this Annual Report also covers developments in the COVID-19 context, the EMN produced a variety of outputs looking specifically into the impacts of the pandemic across the migration fields, including a series of five Informs<sup>8</sup> developed by the EMN and the Organisation for Economic Co-operation and Development (OECD), followed by a synthesis document drawing together and updating findings from across all publications, with an additional chapter on asylum provided by EASO, published on 30 April 2021.<sup>9</sup> Readers are invited to consult these outputs for further details.



## 1.3. COVID-19 AS A CATALYST FOR CHANGE

Widespread travel restrictions as a result of the COVID-19 pandemic impacted the numbers of third-country nationals entering the EU, either as legal migrants or asylum seekers, and those leaving the EU in the framework of return procedures, which decreased significantly

in 2020 compared to 2019. Preliminary data indicates that the number of visa and residence permits issued in 2020 decreased by nearly 50% in some Member States; for example, Sweden reported the lowest level of net immigration since 2005.<sup>10</sup> Similarly, the number of

2 Communication on a New Pact on Migration and Asylum, COM(2020) 609 final [https://ec.europa.eu/info/strategy/priorities-2019-2024/promoting-our-european-way-of-life/new-pact-migration-and-asylum\\_en](https://ec.europa.eu/info/strategy/priorities-2019-2024/promoting-our-european-way-of-life/new-pact-migration-and-asylum_en)

3 Following the formation of a new Government in Ireland, responsibility for certain protection-related matters (in relation to reception, resettlement) and integration which were previously under the remit of the Department of Justice and Equality transferred to the Department of Children, Equality, Disability, Integration and Youth in October 2020.

4 Department of the Taoiseach (2020), Programme for Government: Our Shared Future, 29 October 2020, available at: <https://www.gov.ie/en/publication/7e05d-programme-for-government-our-shared-future/>

5 Government Offices of Sweden (2020), Sustainable migration policy for the long term, 17 September 2020, available at: <https://www.government.se/articles/2020/09/sustainable-migration-policy-for-the-long-term/>

6 Please consult the EMN website for further information: [https://ec.europa.eu/home-affairs/content/georgia-joins-european-migration-network\\_en](https://ec.europa.eu/home-affairs/content/georgia-joins-european-migration-network_en) and [https://ec.europa.eu/home-affairs/content/republic-moldova-joins-european-migration-network\\_en](https://ec.europa.eu/home-affairs/content/republic-moldova-joins-european-migration-network_en)

7 [https://ec.europa.eu/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/nationalreports\\_en](https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/reports/nationalreports_en)

8 The EMN, in cooperation with the OECD, published a series of Informs in 2020 and 2021 on the impact of COVID-19 in the migration area. Please consult these for detailed and comprehensive information. Available here: [https://ec.europa.eu/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/informs\\_en](https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/reports/informs_en)

9 EMN/OECD (2021). The impact of COVID-19 in the migration area in EU and OECD countries – EMN-OECD Umbrella Inform. Brussels: European Migration Network, available at: [https://ec.europa.eu/home-affairs/sites/default/files/docs/pages/00\\_eu\\_emn\\_covid19\\_umbrella\\_inform\\_en.pdf](https://ec.europa.eu/home-affairs/sites/default/files/docs/pages/00_eu_emn_covid19_umbrella_inform_en.pdf)

10 As official Eurostat data on legal migration are not available at the time of writing, EMN NCPs have provided preliminary national data to the extent possible for the purpose of this report.

asylum applications was impacted, leading to a decrease by 32.6% in 2020 when compared to the previous year.<sup>11</sup> At the same time, national asylum authorities roughly maintained the same level of first-instance decisions as in 2019, causing the number of decisions to exceed the number of applications for the first time since 2017. As a result, the backlog of cases was reduced by more than 74 000 cases at first instance and by some 160 000, taking all instances altogether.<sup>12</sup> This reduction indicates that Member States managed to maintain processing, despite the particularly difficult circumstances in 2020. In the area of return, Eurostat data indicates that the number of returns to third countries decreased in 2020 compared to 2019, which can be partly explained by the impact of the COVID-19 measures. At the same time, despite the widespread travel restrictions, the Czech Republic, Cyprus, Hungary and Portugal reported an increase in the number of returns.<sup>13</sup>

## The role of electronic systems and digital tools

Member States and Norway were impacted by the pandemic in different ways and to varying degrees, depending not only on the epidemiological situation in the individual country, but also on the pre-pandemic set-up of the national systems. For example, Sweden, despite being affected by the pandemic in similar ways to other Member States, reported not to have implemented any significant new measures to mitigate negative impact on its legal migration systems, as most procedures for processing visa and residence permit applications were already moved to the online space prior to the outbreak of the pandemic. As a result, the continuity of services was ensured even amidst restricted office hours or office closures.<sup>14</sup> Indeed, electronic systems and digital tools played a key role in maintaining the functioning of migration and asylum systems; other Member States which did not have such electronic services in place pre-pandemic, rapidly introduced mail, online, or other electronic services for application and renewal of visas and residence permits.<sup>15</sup>

In the area of international protection, new electronic and online tools were established by Member States to ensure effective access to the asylum procedure despite ongoing measures to contain the spread of COVID-19. This entailed the possibility of lodging an asylum application without personal contact, for example, in Germany, and conducting remote interviews with asylum applicants at the registration stage, for example, in Cyprus, Italy and the Netherlands. Member States also ensured effective access to information, legal counselling and interpretation services with the help of remote means, by increasing the availability of services via telephone or screen.<sup>16</sup> Similarly, the effective provision of integration services

was maintained via temporary online classes, including language classes for migrant children and adults.<sup>17</sup> In the field of access to basic services, France adopted programmes to promote access to digital technologies for newly arrived third-country nationals.

The use of digital technologies is likely to be maintained well beyond the COVID-19 pandemic, with Luxembourg having already reported that the provision of civic classes and orientation days in a digital format will continue in the future to complement former ways of working. Also Latvia reported that the expanded electronic services available to applicants are planned to be implemented permanently. In Spain, the newly introduced application “Mercurio” enables employees to submit applications for an authorisation to reside and work electronically, potentially reducing the workload of the Immigration Offices by up to 29%. Hence, although initially driven by the need to reduce physical contact, the changes made throughout 2020 may result in an increased reliance on electronic and digital tools in the future.

## Admission and protection of third-country nationals

Besides the introduction of electronic and digital tools and with a view to ensuring the fulfilment of labour market needs during the pandemic, Member States undertook procedural changes to handle particularly the admission of highly skilled and essential workers during COVID-19 restrictions. For example, Lithuania waived the need for applicants to provide biometrics. The seasonal workforce in sectors such as agriculture and food production was maintained mainly through their priority admission or extension of stay. Cyprus and Spain<sup>18</sup> allowed asylum seekers to work as seasonal workers.

Member States not only looked into ways of facilitating the admission and stay of these workers, but also sought to protect their health and prevent them from falling into irregular situations. For example, employers of seasonal workers in Spain were obliged to develop a contingency plan to evaluate risks and implement measures to prevent and control the incidence of COVID-19 among their workers, including providing information and training. The employer was made responsible for the implementation of all specific health control measures required to cross borders, and to maintain the legal security of their workers, including the extension of work authorisations and the guarantee of accommodation, if border closures prevented their return.

Another important category of third-country nationals which Member States *inter alia* sought to protect in the COVID-19 context were international students. Also here, visa or residence permits were extended to prevent students from falling into irregular situations,<sup>19</sup> and their

11 Eurostat, 2021, Asylum statistics, [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Asylum\\_statistics#Number\\_of\\_asylum\\_applicants:\\_decrease\\_in\\_2020](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Asylum_statistics#Number_of_asylum_applicants:_decrease_in_2020), last accessed on 10 May 2021.

12 Eurostat, 2021, First-time asylum applicants down by a third in 2020, 24 March 2021. <https://ec.europa.eu/eurostat/web/products-eurostat-news/-/ddn-20210324-1?redirect=%2Feurostat%2F>

13 Eurostat, 2021, Third country nationals returned following an order to leave - annual data (rounded) [migr\_eirtn]. [https://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr\\_eirtn&lang=en](https://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_eirtn&lang=en), last accessed on 10 May 2021.

14 For more information related to the impact of COVID-19 on the area of legal migration, please consult the EMN Informs published in 2020: [https://ec.europa.eu/home-affairs/sites/default/files/00\\_eu\\_inform3\\_labour\\_migration\\_2020\\_en.pdf](https://ec.europa.eu/home-affairs/sites/default/files/00_eu_inform3_labour_migration_2020_en.pdf) and [https://ec.europa.eu/home-affairs/sites/default/files/00\\_eu\\_inform1\\_residence\\_permits\\_and\\_unemployment\\_en\\_updated\\_final.pdf](https://ec.europa.eu/home-affairs/sites/default/files/00_eu_inform1_residence_permits_and_unemployment_en_updated_final.pdf)

15 AT, BE, ES, HR, IE, LV.

16 AT, CY, CZ, FR, HR, LU, LV, NL, SE, NO.

17 AT, BE, BG, CZ, FI, HR, LU, PL, NL, SI, SK, NO.

18 In Belgium, asylum applicants were allowed and encouraged to work as seasonal workers without the waiting time of four months.

19 BE, CY, ES, FR, IE, SI, SK.

health was protected through the organisation of distance learning.<sup>20</sup> Ireland aimed to ensure the financial stability of international students by making a temporary change in April 2020 to criteria for the student work concession allowing students to work up to 40 hours per week if their college had physically closed. This was conditional on completing the course online if it was offered by the college. Standard criteria for the work concession were re-introduced from October 2020.<sup>21</sup>

A challenge faced by many Member States was the provision of safe accommodation in line with hygiene and social distance measures for those groups of third-country nationals often accommodated in group facilities,

namely asylum applicants and return candidates. To this end, Belgium and Sweden, for example, moved asylum applicants from collective accommodation to apartments,<sup>22</sup> and Austria re-opened reception facilities that were temporarily closed. For forced return candidates, Cyprus and Luxembourg offered alternatives to detention wherever possible in light of the reduced capacity of detention centres. Spain considered the reception and care service for asylum seekers and refugees an essential service and put in place new reception resources to ensure that persons who resided in the reception facilities and had a (suspected) positive COVID-19 diagnosis, complied with isolation measures.



## 1.4. INCREASING EFFICIENCY AND EFFECTIVENESS FOR BETTER MIGRATION MANAGEMENT

An emphasis on achieving effective policies and efficient approaches for better migration management was also a common theme of developments reported at the EU and national level throughout 2020. Across all areas covered by this Annual Report, Member States and Norway sought to find new or improved ways of managing their asylum and migration systems, including at the external borders of the EU and through cooperation with third countries.

The Commission's new Pact on Migration and Asylum stresses the importance of effective and efficient procedures, systems and cooperation on numerous occasions and across all areas covered.<sup>23</sup> It *inter alia* makes calls for fair and efficient asylum rules, more consistent and efficient border procedures, efficient Schengen evaluation mechanisms, effective integration and return policies, as well as alternatives to detention. This is proposed to be achieved through increased cooperation between Member States and with third countries, modern IT systems, digitalised visa procedures, and enhanced operational support, including from EU agencies.

An emphasis on enhancing effectiveness and efficiency was evident in many of the actions that were already being taken at national level in 2020. From legal migration and international protection to measures in the area of return, there was already a trend to improve efficiency through administrative simplification, enhancement of cooperation between relevant actors, or strengthening operational capabilities. To reduce the administrative burden in the family reunification procedure, the Netherlands, for example, no longer requires family members of self-employed persons to have a work permit to take up employment. This change was driven by research indicating that the number of third-country national self-employed persons who decided to settle in the Netherlands was

strongly influenced by the possibilities for their partners also to take up employment.<sup>24</sup>

To increase efficiency and effective cooperation in the field of asylum, one trend identified was the development of new reception facilities<sup>25</sup> bringing together an on-site presence for all relevant actors involved in the reception of asylum applicants. A new arrival centre in Norway brought together all relevant authorities and the police to expedite the processing of claims, improve ID-control and facilitate faster settlement for those granted residence, and faster return for those who are not. Bulgaria focussed specifically on the Dublin procedure, taking measures to decrease the time period for the execution of decisions through revisions to administrative procedures.

Harnessing digital technologies to improve operational aspects of the asylum procedure were also reported outside of the COVID-19 impact. These included the further digitalised handling of linguistic analysis in Sweden, where voice samples are now recorded, stored and streamed digitally to linguistic analysts. Asylum and appeal cases can also now be digitally transferred between the responsible authority and the migration courts. Croatia granted resources to bring all business processes and data related to international protection into one database to facilitate the daily work of officials, whilst Belgium initiated a project to develop an electronic agenda system to facilitate the planning and follow-up of appointments for asylum applicants.

Some Member States increased their operational capabilities to detect fake travel documents in the framework of border management,<sup>26</sup> *inter alia* by purchasing new equipment and introducing new technologies.

New measures to increase the effectiveness and efficiency of return procedures were also widespread,<sup>27</sup> with Germany introducing a legal amendment enabling the creation

20 AT, BE, CY, CZ, FR, HR, IE, IT, LU, LV, SK.

21 Standard criteria allow students to work 40 hours per week during holiday periods (June, July, August and September and 15 December to 15 January inclusive) and 20 hours per week at all other times.

22 BE (for asylum applicants with a heightened risk of developing a severe form of COVID-19), SE.

23 Communication on a New Pact on Migration and Asylum, COM(2020) 609 final [https://ec.europa.eu/info/strategy/priorities-2019-2024/promoting-our-european-way-life/new-pact-migration-and- asylum\\_en](https://ec.europa.eu/info/strategy/priorities-2019-2024/promoting-our-european-way-life/new-pact-migration-and- asylum_en), last accessed on 28 May 2021.

24 Working Group Warm Welcome Talent (*Werkgroep Warm Welkom Talent*) (2017), 'City Deal Warm Welkom Talent. Working group report,' available at: [https://agendastad.nl/wp-content/uploads/2017/05/102724\\_Rapportage\\_Citydeal\\_web.pdf](https://agendastad.nl/wp-content/uploads/2017/05/102724_Rapportage_Citydeal_web.pdf); Regio Plan Policy Research (*Regioplan Beleidsonderzoek*) (2018), 'Aantrekkelijkheid van Nederland voor kennismigranten,' available at: <https://www.regioplan.nl/wp-content/uploads/2018/10/17216-Aantrekkelijkheid-Nederland-Voor-Kennismigranten-Regioplan.pdf>.

25 DE, LU, NO.

26 BG, FI, HR, LV, NL.

27 AT, BE, BG, CY, CZ, DE, EE, IE, IT, LU, NL.

of a centralised data collection in the field of return. Cyprus simplified procedures by providing that after a relevant law amendment, a return decision can be issued

by the Asylum Service simultaneously and in a single act with a negative decision on an asylum application.



## 1.5. NEW STRATEGIC DIRECTIONS IN MIGRATION AND ASYLUM

2020 saw the adoption of many new important strategic documents and governance structures in the migration and asylum area, both at EU and national level. As the relevant EU legislation had been largely transposed and many five-year plans came to an end in 2020, the EU and Member States focussed much of their efforts on elaborating long-term strategies or reviewing existing ones. Also the inauguration of new national governments impacted the strategic direction of migration and asylum policies in some Member States.

At the EU level, this is most prominently reflected in the new Pact on Migration and Asylum, which, next to calls for more efficiency and effectiveness, also emphasises new strategic approaches. With a view to supporting legal migration and mobility with key partners, the European Commission announced that Talent Partnerships would be launched with partner countries, in the first instance, in the EU's Neighbourhood, the Western Balkans, and in Africa. These will aim to better match labour and skills needs in the EU, as well as being part of the EU's toolbox for engaging partner countries strategically on migration.<sup>28</sup>

Furthermore, the new Pact on Migration and Asylum disclosed plans for the launch of various new action plans and strategies across the migration field, including the following:

1. A new EU Action plan on integration and inclusion 2021-2027, presented by the Commission in November 2020.<sup>29</sup> This brings forward more than fifty actions and a framework to promote integration and inclusion and its scope covers both migrants and EU citizens with a migrant background. The action plan has a strong focus on the integration of migrant women and on the use of new technologies for integration.
2. A new EU Action plan against migrant smuggling for the period 2021-2025, aimed at further strengthening operational information exchange and cooperation among EU Member States and EU law enforcement agencies to investigate and prosecute migrant smuggling networks and strengthened partnerships to counter migrant smuggling along migratory routes to the EU.
3. An EU Strategy on the Rights of the Child (2021-2024), published in March 2021,<sup>30</sup> which provides the framework for EU action to better promote and protect children's rights, including children in migration.

4. An EU Strategy on voluntary return and reintegration, published in April 2021.<sup>31</sup> This sets out new approaches to the design, promotion and implementation of assisted voluntary return and reintegration schemes, setting common objectives and promoting coherence both between EU and national initiatives and between national schemes.
5. An EU Strategy on the future of Schengen, to arrive at a stronger and more complete Schengen area by reinforcing the Schengen Borders Code and the Schengen evaluation mechanism. This is expected to be adopted in the first half of 2021.

At national level across Member States and Norway, an equally wide range of areas was covered with regard to new strategic priorities, governance structures and overarching strategies and plans.

### New strategic directions in legal migration and integration

In the area of legal migration, a common strategic goal was the attraction of new talent.<sup>32</sup> In Germany, the Skilled Immigration Act entered into force on 1 March 2020, which set out a comprehensive legal framework concerning the immigration of skilled workers from third countries. Finland expanded its Talent Boost-programme, impacting not only on migration policies for start-ups and highly skilled workers but also other parts of the labour force, students and researchers. Indeed, in the higher education field, a movement towards further internationalisation was identified, with Austria, the Czech Republic and Finland adopting national strategies on the internationalisation of higher education. As an example of a wider trend to tackle illegal and undeclared employment, the Czech Republic deemed this to be a political priority, and steps were taken to establish an Inter-ministerial body for combating illegal employment, tasked with updating the concept and strategy targeting the issue of undeclared employment in the Czech Republic, to be approved in 2021.

Furthermore, high-level strategic developments were evident in the field of integration, with many Member States and Norway reviewing or adopting new national or regional integration policy and legislation.<sup>33</sup> This *inter alia* entailed the adoption of- or government commitments for specific strategies or programmes for enhanced labour market integration of third-country nationals.<sup>34</sup>

28 Communication on a New Pact on Migration and Asylum, COM(2020) 609 final, [https://ec.europa.eu/info/strategy/priorities-2019-2024/promoting-our-european-way-life/new-pact-migration-and-asylum\\_en](https://ec.europa.eu/info/strategy/priorities-2019-2024/promoting-our-european-way-life/new-pact-migration-and-asylum_en), last accessed on 28 May 2021.

29 Communication on an Action Plan on integration and inclusion 2021-2024, COM(2020) 758 final, <https://ec.europa.eu/migrant-integration/news/the-ec-presents-its-eu-action-plan-on-integration-and-inclusion-2021-2027>, last accessed on 28 May 2021.

30 Communication on an EU strategy on the rights of the child (2021-24), COM(2021) 142 final, <https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12454-EU-strategy-on-the-rights-of-the-child-2021-24->, last accessed on 28 May 2021.

31 Communication on The EU strategy on voluntary return and reintegration, COM(2021) 120 final, [https://ec.europa.eu/home-affairs/sites/default/files/pdf/27042021-eu-strategy-voluntary-return-reintegration-com-2021-120\\_en.pdf](https://ec.europa.eu/home-affairs/sites/default/files/pdf/27042021-eu-strategy-voluntary-return-reintegration-com-2021-120_en.pdf), last accessed on 28 May 2021.

32 FI, HR, IT.

33 FI, IE, IT, LU, SE, NO.

34 FI, IE, IT, SE, NO.

Additionally, the trend towards decentralisation continued in 2020, as competences for integration matters were transferred in several Member States from the national to the regional level or an enhanced role for municipalities or counties, whose active role is being viewed as a crucial element of successful integration policies.<sup>35</sup> Action plans and programmes also targeted the fight against racism and discrimination.<sup>36</sup> For example, Croatia drafted its 2021–2027 national plan for the protection of human rights and combatting discrimination, joining for the first time the need to protect human rights and combat discrimination in one policy.

## New strategic developments to fight irregular migration and trafficking in human beings

In the field of irregular migration, new strategic forms of cooperation with third countries were established, mainly with Western and Southern Mediterranean countries (i.e. Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Mauritania, Morocco, Palestine, Syria and Tunisia).<sup>37</sup> For example, Germany, Hungary, Poland, the Czech Republic and the Slovak Republic started a joint project with Morocco that aimed to reduce irregular migratory inflows from Africa towards Europe. The project has two main pillars, firstly aiming to improve the Moroccan border protection capabilities, and secondly including economic development projects that aim to address the root causes of irregular migration from Morocco (i.e. through the provision of training, improvement of access to the labour market and support of medium-size enterprises).

Also the fight against trafficking in human beings was a particular focus of attention in some Member States. In Ireland, the Irish Human Rights and Equality Commission (IHREC) was designated as the national rapporteur to fulfil Ireland's obligations under the EU Anti-trafficking Directive (2011/36/EU) and a stakeholder forum on trafficking was established which will examine the need

to update Ireland's National Action Plan to Prevent and Combat Human Trafficking and input into a review of the National Referral Mechanism. Ireland also commenced the review of Part 4 of the Criminal Law (Sexual Offences) Act 2017, which is central to its approach to combatting human trafficking for reasons of sexual exploitation. A public consultation process was launched as part of the review. The Czech Republic adopted its 'National Strategy for Combating Trafficking in Human Beings' for the period 2020–2023, with a specific focus on the trafficking of minors, foreseeing the preparation of a study to examine this phenomenon and educational material for early identification and provision of assistance to child victims of trafficking in human beings for persons working with children.

In Austria and Belgium, the inauguration of new governments led to the identification of new strategic priorities in the areas of, respectively, migration and development cooperation and return. The new Austrian 2020–2024 Government Programme placed a strong focus on migration and effective local assistance in countries of origin, also aiming to create incentives for businesses to invest in third countries to improve local opportunities for livelihoods and thus to mitigate the causes of forced and irregular migration. In Belgium, the new coalition government expressed its intention to prioritise return and promote voluntary return, for example by focusing on intensive and informative return coaching, shortening the return procedure through digitalisation and increasing detention capacity.

The migration and development cooperation area was also subject to new or revised strategic visions in other Member States, *inter alia* driven by COVID-19.<sup>38</sup> For example, Spain adopted the "Spanish Cooperation Strategy in Response to the COVID-19 crisis" to boost its cooperation with the most vulnerable countries and offer a global response to the pandemic, with a particular focus on the Sahel region, Central America and the countries receiving Venezuelan migrants.

## 1.6. NEW PARTNERSHIPS AND STRENGTHENED COOPERATION WITH THIRD COUNTRIES



The establishment of partnerships and strengthening of cooperation mechanisms with third countries has become an integral pillar of migration governance at the EU and national level over the past years, already forming an important element of the 2015 European Agenda on Migration.<sup>39</sup> This trend continued in 2020, whereby the irregular migration and return field remained the focus of attention of many such developments, both from a strategic and operational perspective. However, the need for enhanced legal pathways and continued demands for (highly) skilled workers also prompted the EU and Member States to increasingly explore partnership and cooperation opportunities.

At the EU level, the announcement in the new Pact of the launch of Talent Partnerships with third countries to facilitate legal migration and mobility is a clear reflection of this trend. Such partnerships aim to benefit both sides alike through contributing to the fulfilment of labour and skills needs in the EU while building the capacity in third countries in areas such as labour market, vocational education and integration of returning migrants. Also in the areas of irregular migration and return, the new Pact proposes partnerships with key third countries of origin and transit, for example in the form of tailor-made partnerships to counter migrant smuggling, and to strengthen migration governance and management. The renewed European Partnership for Integration with social and economic partners, or the enhanced role of the European

35 LT, LU, NO.

36 AT, BE, DE, HR, IE, LU, PT, SK, NO.

37 AT, CZ, ES, HU, IT, LT, MT, NL, SK, NO.

38 AT, BE, CZ, DE, EE, ES, FI, FR, NL, PL, SE, SK, NO.

39 Commission Communication on a European Agenda on Migration, COM(2015) 240 final, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52015DC0240&from=EN>, last accessed on 28 May 2021.

Border and Coast Guard Agency (Frontex) and the European Asylum Support Office (EASO), particularly with a view to providing operational support to asylum and return procedures, each demonstrate the commitment to strengthening partnerships and cooperation across the EU.

The increased attention for partnerships in the legal migration field was also reflected at the national level, where Germany expanded its partnerships with third countries in the legal migration field through its new Skilled Immigration Act, which sets out a comprehensive legal framework concerning the immigration of skilled workers from third countries.

Similar to the priorities outlined in the new Pact, there was already an existing trend towards intensifying cooperation with Frontex at national level, *inter alia* to increase

the effectiveness of voluntary return programmes.<sup>40</sup> Also readmission agreements remained an important focus of attention, with negotiations on implementing protocols initiated or concluded most commonly with Armenia, Georgia and Ukraine. Numerous new partnerships were also established to combat irregular migration mainly with countries in the Western and Southern Mediterranean, including Algeria, Egypt, Lebanon and Mauritania. For example, Austria, France, Germany, Italy and the Netherlands — in cooperation with Interpol — took part in the project “COP-North Africa against migrant smuggling and human trafficking” funded by ISF-Police which aims to establish operational partnerships and increase cooperation with competent national authorities of countries along African migratory routes towards the EU to prevent and fight migrant smuggling and human trafficking.

## 1.7. THE PROTECTION OF ADULTS AND CHILDREN IN GREATEST NEED



Beyond the immediate impacts of the pandemic, the protection of migrants and asylum seekers, including minors and other vulnerable groups, remained an area of considerable development in legislation and policy at EU and national level during 2020.

At EU level, the new Pact set out further actions in the context of protection, pointing out that the proposed reform of EU rules on asylum and return is an opportunity to strengthen safeguards and protection standards under EU law for migrant children. Here, the best interests of the child should be the primary consideration in all decisions concerning migrant children and ensure that the right for the child to be heard is respected. The call to develop legal pathways to Europe, including resettlement, private sponsorship programmes and humanitarian admission schemes, is made with the rationale of creating safe channels to offer protection to those in need. Also new partnerships with third countries in the area of migration governance aim at enhancing the protection of the rights of migrants and refugees.

In addition to the new Pact, the European Commission adopted the EU strategy for a more effective fight against child sexual abuse on 24 July 2020, which set out a comprehensive multi-stakeholder approach to safeguard all children, including the most vulnerable, from these crimes.

The devastating fire in the Moria camp in Lesbos, Greece in September 2020 triggered the relocation of asylum seekers, including unaccompanied minors, affected by the fire, to a few EU Member States, although the COVID-19 pandemic hampered the implementation of the relocations to some extent.

An important trend at national level was the protection and care of unaccompanied minors, including the opening of new reception facilities,<sup>41</sup> as well as adapting or expanding existing facilities to better meet their needs.<sup>42</sup> In Belgium, as well as adding reception capacity due to a considerable rise in the number of arrivals of

unaccompanied minors, additional places were created for non-vulnerable unaccompanied boys, declaring to be at least 17 years old, and who met the minimum criteria for autonomy. Bulgaria sought to improve protection in the best interest of the child in response to deficits highlighted by the national courts – a lawyer will now act as a legal representative for unaccompanied minors during the asylum procedure rather than a representative of the local municipality.

Private and community sponsorship programmes emerged as another clear trend in actions undertaken by Member States and Norway related to resettlement of refugees from third countries.<sup>43</sup> For example, in Germany, a resettlement programme based on the community sponsorship model was operationally implemented by the Federal Office for Migration and Refugees (BAMF). The programme’s main objectives are to increase reception capacity within resettlement, and to create shared responsibility between state actors and civil society in the reception of resettled refugees. The programme is run in cooperation with the government and faith-based organisations and includes groups of at least five volunteers serving as ‘mentors’ who commit to finding housing for the supported refugees and to cover the housing costs for two years as well as to provide extensive support for one year, thus improving their overall conditions for integration.

In the field of return, efforts were made in particular to introduce more favourable conditions for (potential) detainees. For example, driven by the principle of the best interests of the child, Belgium changed its policy and prohibited the detention of minors, while Italy introduced greater entitlements for detainees, such as introducing a possibility for third-country nationals to remain in touch with the outside world during their detention and allowing detainees to lodge complaints about their conditions. Moreover, Italy reduced the maximum period of detention from 180 to 90 days. Lithuania introduced an obligation to regularly review the grounds for detention

40 FI, FR, SE.

41 BE, BG, CY, DE, FI, FR, HU, LU, LV, SK, NO.

42 BE, BG, CY, IT.

43 BE, DE, FI, FR (humanitarian corridors from Lebanon and asylum visa provisions aimed at specific nationalities: Syrian and Iraqi nationals), IE, IT.

of a third-country national (at least every three months), in line with the recommendations issued by Schengen evaluators in 2018. Luxembourg focussed specifically on minors, establishing a Consultative Commission on the best interests of unaccompanied minors in return

decisions in November 2020. An unaccompanied minor has the right to be heard by the Commission and any person who can contribute to a better understanding of the case may be invited by the Commission in an advisory capacity.

## 1.8. MEMBER STATES RESPONSES TO THE UK'S DEPARTURE FROM THE EU ('BREXIT')



2020 also marked the official departure of the United Kingdom (UK) from the EU, ending the year-long transition period and negotiations between the EU and the UK. The migration area was also impacted, particularly as regards the status of UK nationals present in other EU Member States<sup>44</sup> implemented legislative measures regulating the legal status of UK nationals and their family members in accordance with the EU/UK withdrawal agreement. Germany, for example, added the United Kingdom and Northern Ireland to the list of privileged states. British nationals were granted facilitated labour market access, where the Federal Employment Agency could approve any such employment with a priority

check, irrespective of formal professional qualifications. Moreover, Ireland announced a new scheme applicable to third-country national family members of UK nationals who move to Ireland after 31 December 2020, for stays of longer than 90 days. The scheme allows UK nationals to sponsor an application from specified third-country national family members to join them in Ireland for a stay of longer than 90 days. Spain approved measures to give legal certainty to those UK workers who were posted to Spain by a UK company before 31 December 2020.

In the context of return, Austria and Ireland designated the United Kingdom as a safe third country in legislative amendments.

# 2. LEGAL MIGRATION



## 2.1. EU DEVELOPMENTS

The EU's new Pact on Migration and Asylum provides the framework for the Commission's key priorities in the legal migration area. The new Pact included the revision of the EU Blue Card Directive, which aims to attract highly skilled and qualified third-country national workers needed by EU labour markets and announced the launch of the Talent Partnerships and the Skills and Talent Package.

The interinstitutional negotiations on the EU Blue Card Directive have been stalled since 2018, mostly because of the issue of national parallel schemes. The new Pact aims to unblock negotiations by proposing to accept for Member States to keep their national schemes, if reforms that would bring real EU added value and a level playing field between national and EU systems were put in place. Interinstitutional negotiations restarted under the Germany Presidency following the adoption of the new Pact, and have progressed under the Portuguese Presidency, with the objective to reach an agreement achieved in May 2021.

Under the new Pact, the Commission announced the launch of the Talent Partnerships which propose to provide a comprehensive EU policy framework and funding support for legal migration and mobility from key partner countries. The Talent Partnerships are intended to build on, and scale up, the current pilot projects. The Commission also announced that it would prepare a Skills and Talents Package, consisting of revision of the Long-Term Residence Directive (2003/109/EC),<sup>45</sup> a review of the Single Permit Directive (2011/98/EU),<sup>46</sup> and a possible EU Talent Pool for third-country skilled workers. In this framework, the Commission carried out a public consultation, which took place from September to December 2020.

In the context of the COVID-19 pandemic, the Commission Communication of 16 March 2020 recommending a temporary restriction of all non-essential travel from third countries into the EU for one month, which was extended on 8 April, 8 May and 11 June 2020.<sup>47</sup> The Council adopted in June 2020 its Recommendation on the gradual lifting of the temporary restriction on non-essential travel into the EU.<sup>48</sup> Where travel restrictions continue to apply to a third country, Member States should provide certain exemptions, including the essential travel of travellers with an essential function or need, as listed in Annex 2 of the Recommendation. In October 2020, the Commission adopted a Communication<sup>49</sup> offering guidance on persons exempted from the temporary restriction on non-essential travel. It should be noted that neither the Recommendation nor the guidance are legally binding, and Member States could thus decide whether to implement them or not.<sup>50</sup> In addition, in July 2020, the European Commission published Guidelines on seasonal workers in the EU,<sup>51</sup> aimed at providing guidance to national authorities, labour inspectorates, and social partners to guarantee the rights, health and safety of seasonal workers, and at ensuring that seasonal workers were aware of their rights in the context of the pandemic.

During the year, four new labour migration pilot projects were selected for EU funding under the Mobility Partnership Facility with Moldova, Morocco, Senegal and Tunisia. Whilst some activities relating to projects funded in previous years were negatively influenced by the COVID-19 pandemic, around 180 people did arrive in the EU under these projects, for education, training and work purposes. In addition, pre-departure, capacity building and reintegration activities remained ongoing.

45 Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents, OJ L 16, 23.1.2004, <https://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX%3A32003L0109>, last accessed on 28 May 2021.

46 Directive 2011/98/EU of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State, OJ L 343, 23.12.2011, <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32011L0098>, last accessed on 28 May 2021.

47 Commission Communication, COVID-19: Temporary Restriction on Non-Essential Travel to the EU, COM(2020)/115 final, <https://eur-lex.europa.eu/legal-content/EN/TX/?uri=CELEX%3A52020DC0115>, last accessed on 28 May 2021.

48 Council Recommendation on the temporary restriction on non-essential travel into the EU and the possible lifting of such restriction, 2020/0134(NLE), <https://data.consilium.europa.eu/doc/document/ST-9208-2020-INIT/en/pdf>, last accessed on 28 May 2021.

49 Commission Communication, COVID-19 Guidance on persons exempted from the temporary restriction on non-essential travel to the EU as regards the implementation of Council Recommendation 2020/912 of 30 June 2020, COM(2020) 686 final, [https://ec.europa.eu/home-affairs/sites/default/files/what-we-do/policies/european-agenda-security/20201028\\_com-2020-686-commission-communication\\_en.pdf](https://ec.europa.eu/home-affairs/sites/default/files/what-we-do/policies/european-agenda-security/20201028_com-2020-686-commission-communication_en.pdf), last accessed on 28 May 2021.

50 The setting and lifting of travel restrictions lie within the competence of Member States, and they may apply public health-related restrictions (such as self-isolation/quarantine/testing) under national law.

51 Commission Communication, Guidelines on seasonal workers in the EU in the context of the COVID-19 outbreak, C(2020) 4813 final, [https://ec.europa.eu/info/sites/default/files/guidelines\\_on\\_seasonal\\_workers\\_in\\_the\\_eu\\_in\\_the\\_context\\_of\\_the\\_covid-19\\_outbreak\\_en.pdf](https://ec.europa.eu/info/sites/default/files/guidelines_on_seasonal_workers_in_the_eu_in_the_context_of_the_covid-19_outbreak_en.pdf), last accessed on 28 May 2021.



## 2.2. NATIONAL DEVELOPMENTS

### Preliminary legal migration statistics 2020

Preliminary data on the residence permits issued in 2020 provided by some Member States<sup>52</sup> show that overall due to the COVID-19 pandemic, a significant decline in the number of permits issued across different categories of migrants can be observed. In most reporting countries, the decrease varied between categories of migrants. Preliminary estimates of the decrease in first

permits ranged from 16% in Luxembourg; 20% in France; 30% in Austria to 50% in Latvia. In Sweden, Statistics Sweden reported the lowest level of net immigration to Sweden since 2005. These variations may be in part explained by the Member States resuming the issuing of long stay visas at different times during the year; plus variations in how restrictions were applied to different priority categories at different times.<sup>53</sup> The number of total visas issued by Member States and Norway in 2019 and 2020 are shown in Table 1.

**Table 1: Number of total visas issued by Member States and Norway in 2019 and 2020 (including short-stay visa and national long-stay visa<sup>54</sup>)**

(Member) State	2019	2020	Change between 2019 and 2020	% Change between 2019 and 2020
AT	332 883	60 153	-272 730	-81.9
BE	224 437	63 038	-161 399	-71.9
BG	319 900	46 887	-273 013	-85.3
CY	93 145	8 965	-84 180	-90.4
CZ	717 204	185 952	-531 252	-74.1
DE	2 284 037	654 544	-1 629 493	-71.3
EE	170 354	43 641	-126 713	-74.4
ES	1 871 884	379 543	-1 492 341	-79.7
FI	877 761	152 543	-725 218	-82.6
FR	3 534 999	712 311	-2 822 688	-79.8
HR	69 011	12 728	-56 283	-81.6
HU	230 740	57 124	-173 616	-75.2
IE <sup>55</sup>	137 207	37 262	-99 945	-72.8
IT	2 040 175	369 381	-1 670 794	-81.9
LT	403 283	103 336	-299 947	-74.4
LU	13 208	6 395	-6 813	-51.6
LV	171 670	36 339	-135 331	-78.8
MT	43 313			
NL	785 181	179 743	-605 438	-77.1
PL	1 545 684	740 314	-805 370	-52.1
SE	180 057	32 815	-147 242	-81.8
SI	23 562	5 013	-18 549	-78.7
SK	29 148	7 240	-21 908	-75.2
NO	188 545	18 876	-169 669	-90.0

Please note: Data for other Member States was not available at time of publication but will be published in the Statistical Annex of the 2020 EMN Annual Report on Migration and Asylum (forthcoming). 2019 data can be found in the 2019 Statistical Annex.<sup>56</sup>

### Overarching strategic developments in legal migration at national level

Mitigating the impact of COVID-19 and generic measures aimed at increasing system efficiency or lowering administrative burden were the main overarching themes reported by the Member States and Norway during the year.

<sup>52</sup> AT, CZ, EE, ES, FI, FR, HR, LU, LV (only stock data available), NL, SE, SI.

<sup>53</sup> For more information, see EMN OECD Umbrella Inform: The impact of COVID-19 in the migration area, April 2021.

<sup>54</sup> Please note that residence permits are not included in these statistics.

<sup>55</sup> National visas (both short stay and long stay). Ireland is not part of the Schengen area and does not issue Schengen visas.

<sup>56</sup> The Statistical Annex of the 2019 EMN Annual Report on Migration and Asylum can be found here: [https://ec.europa.eu/home-affairs/sites/default/files/00\\_eu\\_arm2019\\_statistical\\_annex\\_final\\_en.pdf](https://ec.europa.eu/home-affairs/sites/default/files/00_eu_arm2019_statistical_annex_final_en.pdf)

The vast majority of Member States reported legislative and policy developments to manage migration systems during travel restrictions and border closures in response to the COVID-19 crisis.<sup>57 58</sup> The most common measure was the extension of the validity of visas and residence permits for *force majeure* reasons to allow third-country nationals to remain in the Member State legally.<sup>59</sup> Other Member States reported waiving certain administrative requirements for renewal or change of residence permit.<sup>60</sup> Latvia abolished the mandatory requirement to prove the existence of sufficient financial resources based on the salary threshold set at €1 076 for third-country nationals who had entered the country and applied for a temporary residence permit before 10 June 2020. In several cases, mail, online or other electronic services for application and renewal of visas and residence permits were introduced to reduce physical contact.<sup>61</sup> Latvia reported that although the introduction of electronic services was driven by necessary changes due to COVID-19, the range of electronic services available for applicants was significantly expanded and the procedures for receiving services online are planned to be adopted permanently. In Spain, applications for an authorisation to reside and work as an employee in Spain can be presented electronically using the “Mercurio” application. A few Member States also temporarily closed offices<sup>62</sup> and partially or fully suspended the processing of visa and residence permit applications during the pandemic.<sup>63</sup> For example, in Malta, from March until August, Identity Malta Agency, the authority responsible for the issuance of residence permits, ceased accepting applications from third-country workers, except for highly skilled and healthcare professionals.

To increase efficiency and lower the administrative burden of application procedures, Finland established a new Permit and Nationality Unit within the Finnish Immigration Service to increase efficiency and automation of citizenship and residence permit applications, and Sweden appointed an inquiry to review the Swedish labour migration system.

### Substantial review of labour immigration policy informed by new government inquiry - Sweden

In February 2020, the Swedish Government appointed an inquiry to review important parts of the Swedish labour migration system, which is expected to lead to substantive changes to the Swedish labour immigration system. The inquiry will present findings in February and November 2021 and is expected to propose a new type of residence permit for highly skilled third-country

nationals who want to come to Sweden to look for employment or start a business. It will also present measures to prevent abuse of the system and the exploitation of workers.

## Work-related migration

### Highly skilled/qualified workers

The migration of highly skilled and qualified workers remains a priority for the EU, and during the year, the majority of Member States and Norway<sup>64</sup> introduced new legal and policy measures to attract and/or retain highly skilled workers, in response to labour market needs. In Germany, for example, the Skilled Immigration Act, which entered into force on 1 March 2020, sets out a comprehensive legal framework aiming at attracting skilled workers from third countries, which includes, *inter alia*, a definition of ‘skilled worker’ and made it easier for third-country nationals to access the German labour market (e.g. easier access for people with a vocational training or no more priority checks).

Some Member States<sup>65</sup> allowed certain categories of highly skilled workers, including healthcare workers, to arrive despite general travel restrictions, and undertook procedural improvements for the admission of highly skilled workers, such as speeding up the processing times of applications.<sup>66</sup> Finland, for example, set at two weeks a target time for processing applications for special experts and start-up entrepreneurs and their family members, and between July and November 2020, the processing time for a first residence permit for a specialist was accelerated to 17 days on average. Other simplification measures included allowing the extension of residence permits without the need for a new application;<sup>67</sup> examining applications without waiting to provide biometrics<sup>68</sup> and removing the requirement to provide evidence of accommodation to local standards.<sup>69</sup> In the Brussels-Capital Region of Belgium, highly qualified workers’ authorisations to work were no longer limited to two periods of four years and could be renewed indefinitely. In France, the services responsible for receiving foreign nationals at the Prefectures were encouraged to implement measures to allow immediate access to counters and fast file processing for “talent passport” applicants. In Spain urgent measures were introduced for the healthcare sector, including the hiring of healthcare professionals whose title of specialist was not recognised in Spain. A protocol was established for the entry of highly qualified professionals in the audiovisual and high-level sports testing sectors.

In relation to salary threshold requirements, measures were adopted in Ireland to ensure closer alignment of pay

57 AT, BE, CY, CZ, EE, ES, FI, FR, HR, HU, IE, IT, LU, LV, MT, PL, SK.

58 For more information related to the impact of COVID-19 on the area of legal migration, please consult the relevant EMN OECD Informs: [https://ec.europa.eu/home-affairs/sites/default/files/00\\_eu\\_inform3\\_labour\\_migration\\_2020\\_en.pdf](https://ec.europa.eu/home-affairs/sites/default/files/00_eu_inform3_labour_migration_2020_en.pdf), [https://ec.europa.eu/home-affairs/sites/default/files/00\\_eu\\_inform1\\_residence\\_permits\\_and\\_unemployment\\_en\\_updated\\_final.pdf](https://ec.europa.eu/home-affairs/sites/default/files/00_eu_inform1_residence_permits_and_unemployment_en_updated_final.pdf) and [https://ec.europa.eu/home-affairs/sites/default/files/docs/pages/00\\_eu\\_emn\\_covid19\\_umbrella\\_inform\\_en.pdf](https://ec.europa.eu/home-affairs/sites/default/files/docs/pages/00_eu_emn_covid19_umbrella_inform_en.pdf)

59 BE, CY, CZ (no extension of the validity of visas as such; third-country nationals were granted the right to stay to avoid irregularity), EE, ES, HR (third-country nationals whose temporary residence permit or visa has expired, were allowed to apply for temporary residence for other purposes), FI, FR, HU, IE, IT, LU, MT, PL, SI, SK.

60 For example, AT, HR, SI.

61 AT, BE, CZ, ES, FR, HR, IE, LU, LV, SI.

62 For more information related to the impact of COVID-19 on the area of legal migration, please consult the relevant EMN OECD Informs: [https://ec.europa.eu/home-affairs/sites/default/files/00\\_eu\\_inform3\\_labour\\_migration\\_2020\\_en.pdf](https://ec.europa.eu/home-affairs/sites/default/files/00_eu_inform3_labour_migration_2020_en.pdf), [https://ec.europa.eu/home-affairs/sites/default/files/00\\_eu\\_inform1\\_residence\\_permits\\_and\\_unemployment\\_en\\_updated\\_final.pdf](https://ec.europa.eu/home-affairs/sites/default/files/00_eu_inform1_residence_permits_and_unemployment_en_updated_final.pdf) and [https://ec.europa.eu/home-affairs/sites/default/files/docs/pages/00\\_eu\\_emn\\_covid19\\_umbrella\\_inform\\_en.pdf](https://ec.europa.eu/home-affairs/sites/default/files/docs/pages/00_eu_emn_covid19_umbrella_inform_en.pdf)

63 CZ, EE, FR, HR (Croatia partially suspended the processing of visa from March 2020, processing of residence permit applications was not, however, suspended) IE, LU, MT.

64 AT, BE, BG, HR, DE, ES, FI, FR, IE, LV, LT, LU, NL, PL, SE, SK, NO.

65 CZ, EE, ES, FR, IE, LV, LU, SE, SK.

66 For example, FI, FR, LT.

67 FI.

68 LT.

69 AT.

between nationals and third-country nationals, where the minimum salary thresholds for occupations in the Critical Skills Occupations List were increased following a recommendation in the Review of Economic Migration Policy *“as the first step towards closer alignment with average annual earnings for all employees.”*

### Low and medium skilled workers

Measures to tackle labour shortages included setting or increasing quotas or specific alleviations of admission conditions for low and medium skilled workers from specific nationalities, such as Belarus,<sup>70</sup> the Philippines,<sup>71</sup> and the Western Balkan countries<sup>72</sup>. In Ireland and Lithuania, the changes affected specific occupations; for example, Ireland took into account pressure on the availability of chefs for the hospitality sector by enabling all chefs to become eligible for an employment permit. Some Member States made updates to amend or remove the requirement for labour market tests, for example, in Belgium, where the Walloon government updated its list of shortage occupations for medium-skilled workers that are exempted from the labour market test requirement. Other measures were adopted to ensure that employers were adequately testing the EEA labour market before submitting an application to employ a non-EEA citizen.<sup>73</sup> In Ireland, for example, the period of publication for employment permit types that require a labour market test, was increased from 14 to 28 days, whilst in Luxembourg, the time limit for the National Employment Agency (ADEM) to examine whether a declared job offer could be filled by a registered job seeker was extended, from three to six weeks, as a temporary measure during the state of crisis.

### Seasonal workers

The vast majority of Member States<sup>74</sup> reported developments for seasonal workers. For the most part these concerned COVID-19 related measures.<sup>75</sup> The aim was to maintain the seasonal workforce, in particular in risk sectors such as agriculture and horticulture, food production, forestry and fish farming. For seasonal workers, Member States allowed for the extension of stay;<sup>76</sup> for more days to be worked per year;<sup>77</sup> for temporary exemptions from certain requirements;<sup>78</sup> for priority admission<sup>79</sup> for flexibility to change employer<sup>80</sup> and granted access to asylum seekers to work as seasonal workers.<sup>81</sup>

## Protection of seasonal workers during the COVID-19 pandemic - Spain

Employers of seasonal workers in Spain were obliged to develop a contingency plan to evaluate risks and implement measures to prevent and control the incidence of COVID-19 among their workers, including providing information and training. The employer was made responsible for the implementation of all specific health control measures required to cross borders, and to maintain the legal security of their workers, including the extension of work authorisations and the guarantee of accommodation, if border closures prevented their return.

There were also developments unrelated to COVID-19. Finland introduced proposals to facilitate seasonal workers to change employer while on the territory and Germany concluded a new placement agreement with Georgia to employ seasonal workers as agricultural workers.

### Intra-corporate transferees

Legislative changes concerning intra-corporate transferees (ICTs)<sup>82</sup> during the year aimed to better clarify and transpose certain provisions of Intra-Corporate Transfer Directive (2014/66/EU)<sup>83</sup> for this group of workers.<sup>84</sup> Bulgaria aimed to reduce the administrative burden on ICTs and comply with the directive, whilst the objective of the change in Luxembourg was to ensure that the person subject to an intra-group transfer had skills that were specific to the host entity and guaranteed competitiveness. Conversely, Finland and Latvia reported specific COVID-19 related developments, such as the prolongation of the right to work, even if the permit had expired<sup>85</sup> and the temporary suspension of certain administrative requirements.<sup>86</sup>

### Trainees, au-pairs, volunteers and other remunerated workers

In Luxembourg, a new Bill sought to simplify the administrative burden of applicants (interns/trainees) and comply with the Students and Researchers Directive ((EU) 2016/801).<sup>87</sup> Norway aimed to improve protection for au-pairs by amending their Immigration Act and Regulation to introduce a permanent ban from the au pair scheme for host families that exploit or abuse au pairs.

### Other remunerated workers

Croatia, the Czech Republic, Estonia, Ireland and Luxembourg all reported on developments for other

70 CZ, PL.

71 CZ.

72 DE.

73 IE, LU.

74 AT, BE, CY, CZ, DE, EE, ES, FI, FR, HR, IT, LV, LU (NB Seasonal workers in Luxembourg are not usually third-country nationals but EU citizens) PL, SI, SK, NO.

75 BE, CY, CZ, EE, ES, FI, FR, LV, LU, PL, SI, SK, NO.

76 AT, EE, ES, FR, IT, NO.

77 BE, EE, FR, SI.

78 LV, PL, SK.

79 CZ, FI, LU, SK.

80 PL.

81 CY, ES (18-21 years old).

82 BE, BG, EE, FI, LU, LT, LV.

83 Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer, <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32014L0066>, last accessed on 28 May 2021.

84 BE, EE, LU.

85 FI (even if the previous permit had expired and the new permit application was still pending; the right to work remained in this period).

86 LV.

87 Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing, <https://eur-lex.europa.eu/eli/dir/2016/801/oj>, last accessed on 28 May 2021.

remunerated workers. The Czech Republic and Luxembourg reported on their transposition of the Posted Workers Directive ((EU)2018/957) concerning the posting of workers in the framework of the provision of services (see also ‘social dumping below’).<sup>88</sup> Estonia introduced a “Digital Nomad” Visa, which allows remote workers to live in Estonia and legally work for their employer or their own company registered abroad. Similarly, in Croatia a new purpose for the temporary residence permit “Digital nomad”, was introduced with the new Foreigners Act, also allowing remote workers to live in Croatia and legally work for their employer or their own company registered abroad. Finally, Ireland introduced an online application process for the Atypical Worker Scheme.<sup>89</sup>

### Satisfying labour market shortages

Due to travel restrictions, the COVID-19 crisis posed specific challenges in relation to the supply of essential workers. A key priority among some Member States was therefore to facilitate admission of essential workers in key sectors and occupations, such as healthcare, agriculture and food production.<sup>90</sup>

Member States also adopted new annual quotas and lists of shortage occupations to satisfy labour market shortages and demand for specific skills in the labour market.<sup>91</sup> Finland further automated data collection on companies’ needs for international talent and initiated further cooperation with Finnish embassies in mapping the international talent pool.

### Social dumping<sup>92</sup> and labour exploitation

Third-country national workers, amongst other groups, may be vulnerable to extreme exploitation in the labour market.<sup>93</sup> To fight labour exploitation and social dumping, measures were introduced, developed or implemented during 2020.<sup>94</sup> These included new infrastructure developments, for example in the Czech Republic, where combating illegal and undeclared employment was deemed a political priority, and steps were taken to establish an inter-ministerial body tasked to update a concept and strategy targeting this issue, to be approved in 2021. With the aim of more effectively preventing the exploitation of foreign labour and improving the legal position of victims of exploitation, Finland proposed an amendment to the

Aliens Act specifically to improve the detection of work-related exploitation. In Norway, a proposal to introduce criminal liability for ‘wage theft’ as an illegal practice of withholding wages was launched during the year.

In other Member States measures were introduced to protect specific categories of workers. These included posted workers;<sup>95</sup> labour exploitation and undignified accommodation;<sup>96</sup> workers employed in the residence of the employer;<sup>97</sup> third-country national fishermen employed in the whitefish fleet, where a continued labour inspection regime was implemented;<sup>98</sup> and third-country nationals on board seagoing vessels.<sup>99</sup> In the context of the COVID-19 pandemic, the so-called “*Decreto Rilancio*” (Decree n. 34/2020) in Italy allowed the regularisation, through a regular job contract, of foreigners employed in the field of agriculture, livestock breeding and fisheries, personal assistance and domestic work, who were in Italy at the beginning of the pandemic.

### Bilateral labour migration agreements<sup>100</sup>

Bilateral labour migration agreements are formal mechanisms establishing legally binding commitments for inter-state cooperation on labour migration. Changes to bilateral labour agreements reported during 2020<sup>101</sup> mostly related to Working Holidays Schemes (WHS). Schemes of up to one year were announced by the Netherlands, for young people from Japan, Taiwan and Uruguay aged 18 to 30, and the Slovak Republic, for young people aged 18 to 35 years from Argentina, with a reciprocal arrangement. Sweden suspended some of its Working Holiday Schemes. Spain, in light of the COVID-19 pandemic, suspended its visa programme to look for employment in Spain, addressed to sons and grandsons of people of Spanish origin.

## Other legal migration

### Students and researchers

Various measures were taken to facilitate EU access for international students and researchers, including the adoption of national strategies on the internationalisation of higher education;<sup>102</sup> simplifying the recognition of foreign qualifications;<sup>103</sup> boosting online application

88 Directive (EU) 2018/957 of the European Parliament and of the Council of 28 June 2018 amending Directive 96/71/EC concerning the posting of workers in the framework of the provision of services, <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex:31996L0071>, last accessed on 28 May 2021.

89 The Atypical Worker Scheme provides a streamlined mechanism to deal with atypical, short term employment or certain other employment situations which are not governed by the Employment Permits Acts or by current administrative procedures under the Employment Permits Acts

90 For more information related to the impact of COVID-19 on the area of legal migration, please consult the EMN OECD Informs published in 2020: [https://ec.europa.eu/home-affairs/sites/default/files/00\\_eu\\_inform3\\_labour\\_migration\\_2020\\_en.pdf](https://ec.europa.eu/home-affairs/sites/default/files/00_eu_inform3_labour_migration_2020_en.pdf) and [https://ec.europa.eu/home-affairs/sites/default/files/00\\_eu\\_inform1\\_residence\\_permits\\_and\\_unemployment\\_en\\_updated\\_final.pdf](https://ec.europa.eu/home-affairs/sites/default/files/00_eu_inform1_residence_permits_and_unemployment_en_updated_final.pdf), last accessed on 28 May 2021.

91 AT, BE, CZ, DE, EE, HR, IE, IT, PL.

92 While there is no definition of the concept of “social dumping” in EU law, the term is generally used to point to unfair competition due to the application of different wages and social protection rules to different categories of worker (Parliamentary questions, 27 May 2015, E-008441-15). The EMN Glossary (Version 7.0) defines social dumping as “The practice whereby workers are given pay and / or working and living conditions which are sub-standard compared to those specified by law or collective agreements in the relevant labour market, or otherwise prevalent there.” See: [https://ec.europa.eu/home-affairs/what-we-do/networks/european\\_migration\\_network/glossary\\_search/social-dumping\\_en](https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/glossary_search/social-dumping_en)

93 EU Agency for Fundamental Rights (FRA), ‘Protecting migrant workers from exploitation in the EU 2019’, <https://fra.europa.eu/en/publication/2019/protecting-migrant-workers-exploitation-eu-workers-perspectives>, last accessed on 28 May 2021.

94 BE, CZ, FI, FR, IE, LU, NL, SE, SK, NO.

95 FR, LV, LU.

96 FR.

97 BE (Brussels-Capital Region).

98 IE.

99 NL.

100 According to the International Organisation for Migration (IOM), bilateral labour migration agreements are “formal mechanisms concluded between States, which are essentially legally binding commitments concerned with inter-state cooperation on labour migration. The term is also used to describe less formal arrangements regulating the movement of workers between countries entered into by States as well as a range of other actors, including individual ministries, employer organizations, etc.” (Source: [https://publications.iom.int/system/files/pdf/iml25\\_1.pdf](https://publications.iom.int/system/files/pdf/iml25_1.pdf)).

101 ES, IE, NL, SK, SE.

102 AT, CZ, FI.

103 CZ.

services;<sup>104</sup> and administrative simplifications.<sup>105</sup> In terms of simplification, for example, in Finland, a legislative initiative was initiated, aiming to amend the law so that a student is issued a residence permit for the full duration of their studies instead of maximum of two years. Developments also took place to align national legislation with the Students and Researchers Directive.<sup>106</sup> Measures in Cyprus, including more rigorous checks of application documents as well as audits of Higher Education Institutions, were introduced to prevent the misuse of the student status.

Due to the global COVID-19 pandemic,<sup>107</sup> Member States adopted specific measures to protect international students on their territory and to allow for flexibility due to travel restrictions.<sup>108</sup> Some measures, including extensions of stay, were introduced to guarantee their stay remained legal in the Member State<sup>109</sup> whilst others were driven by public health concerns, such as distance learning to facilitate social distancing.<sup>110</sup> Measures for enrolled students included exemptions from travel and entry restrictions,<sup>111</sup> extending timeframes for application and/or enrolment, temporarily relaxing documentary requirements, and changes to work concession rules.<sup>112</sup> In Finland, for example, international students who had accepted a study place in Finland could register as a non-attending student for the academic year 2020–2021 if unable to begin their studies in Finland. Ireland made a temporary change to criteria for the student work concession in April allowing students to work up to 40 hours per week if their college had physically closed. This was conditional on completing the course online, if it was offered by the college. Standard criteria for the work concession were re-introduced from October 2020.<sup>113</sup>

In Luxembourg, in relation to researchers, only certain types of researchers were among the categories of third-country nationals exempt from the prohibition to enter the Member State and these categories changed over time.

### Family reunification<sup>114</sup>

Access to family reunification and reduction of the administrative burden were the focus of measures taken throughout 2020.<sup>115</sup> In the Netherlands, for example, family members of self-employed persons no longer required a work permit to take up employment. The change was driven by research indicating that the number of third-country national self-employed persons who decided to settle in the Netherlands was strongly influenced by the possibilities for their partners also to take up employment.

Sweden changed their legal practice regarding family reunification cases involving child applicants, following a judgement by the European Court of Justice.<sup>116</sup> Before the ruling, the Migration Agency based its decisions on the age of the applicant at the time of the decision. The ruling made clear, however, that decisions (in many cases) had to be based on the age of the applicant at the time of application.

A few Member States implemented measures aimed at alleviating the impact on COVID-19 on family reunification.<sup>117</sup> These included exceptions to minimum income/sufficient resources requirements,<sup>118</sup> exemptions from travel bans<sup>119</sup> and flexibility around the age of applicants at the time of application.<sup>120</sup>

## Information on routes to and conditions of legal migration

New measures to provide information on routes to and the conditions of legal migration were implemented in several Member States,<sup>121</sup> providing tailored information for various groups of migrants and potential migrants, such as people planning to come for visits, to study, work or join family members, and for asylum seekers. Initiatives also focused on providing British nationals and businesses with information on residence rules for British nationals in the EU following the EU/UK withdrawal agreement.

In France, as part of the “Welcome to France” attractiveness strategy, one of the measures was to provide information for visa applicants in several languages. Following an increase in the number of enquiries from Belarusian nationals about the possibilities to move to and work in Lithuania, triggered by the presidential elections in neighbouring Belarus in 2020, Lithuania prepared an information leaflet in Russian and English targeting Belarusian nationals wishing to move to Lithuania. The leaflet was distributed at the border and at all migration-related institutions.

## Other measures regarding legal migration

During 2020, the majority of Member States<sup>122</sup> implemented legislative measures regulating the legal status of UK nationals and their family members in accordance with the EU/UK withdrawal agreement. For British citizens entering the EU from 1 January 2021 onwards (i.e. after the end of the transition period),

104 FR.

105 BG, FI, LT, LV.

106 BE, EE, SE, SI.

107 For more information on the impact of COVID-19 on international students, please consult the EMN OECD Inform published in September 2020 and the EMN OECD Umbrella Inform on COVID-19: [https://ec.europa.eu/home-affairs/sites/default/files/00\\_eu\\_inform2\\_students\\_final\\_en.pdf](https://ec.europa.eu/home-affairs/sites/default/files/00_eu_inform2_students_final_en.pdf) and [https://ec.europa.eu/home-affairs/sites/default/files/docs/pages/00\\_eu\\_emn\\_covid19\\_umbrella\\_inform\\_en.pdf](https://ec.europa.eu/home-affairs/sites/default/files/docs/pages/00_eu_emn_covid19_umbrella_inform_en.pdf)

108 AT, BE, CZ, ES, FI, HR, IE, IT, LU, LV, NL.

109 BE, CY, ES, FR, HR, IE, SI, SK.

110 AT, BE, CY, CZ, EE, FR, HR, IE, IT, LU, LV, SK.

111 HR, LV, LU.

112 BE, CZ, FR, HR, IE, IT, LU, NL.

113 Standard criteria allow students to work 40 hours per week during holiday periods (June, July, August and September and 15 December to 15 January inclusive) and 20 hours per week at all other times.

114 This refers to family reunification under the Family Reunification Directive (2003/86/EC).

115 AT, BG, FR, IT, LT, LU, NL, SE.

116 Joined cases C133/19, C136/19 and C137/19 <https://curia.europa.eu/juris/liste.jsf?language=en&jur=C,T,F&num=c-133/19>.

117 BE, ES, FI, LV, LU, SI.

118 BE, ES, FI, LV (temporary measure only), SI.

119 LU.

120 BE.

121 BE, CZ, EE, FI, FR, LT, NL, PL, SE.

122 AT, BE, CY, CZ, EE, ES, DE, FR, HR, IE, LT, LU, NL, SE SK. In HR and LU, legislation was drafted in 2020 and entered into force on 1 January 2021.

Germany, added United Kingdom and Northern Ireland to the list of privileged states. British nationals were granted facilitated labour market access, where the Federal Employment Agency could approve any such employment with a priority check, irrespective of formal professional qualifications. Spain approved a measure to give legal certainty to those United Kingdom workers who were posted to Spain by a UK company before 31 December

2020 and were not covered by the Withdrawal Agreement. Such workers can continue to provide their services without obtaining a permit to reside and work. However, if an extension of the duration of the posting originally planned and communicated to the employment authority is necessary, a residence and work permit must be applied for. The national employment situation does not apply and no visa is required.

# 3. INTERNATIONAL PROTECTION



## 3.1. EU DEVELOPMENTS

As a consequence of the pandemic and necessary travel restrictions in 2020, there was a decrease of 32.6% in applications for international protection over 2019 with 471 300 asylum seekers applying for international protection in the EU-27+, according to data released by Eurostat.<sup>123</sup>

On 16 April 2020, the European Commission adopted a Guidance on the implementation of relevant EU provisions in the area of asylum and return procedures and on resettlement<sup>124</sup> in the context of the COVID-19 pandemic containing practical advice on how to ensure continuity and effectiveness of asylum procedures as much as possible, while fully ensuring the protection of migrants' health and fundamental rights. EASO provided further assistance and support to Member States for the development of practical recommendations and fora to exchange of best practices.

On 25 June 2020, EASO launched its Annual Report on the Situation of Asylum in the EU.<sup>125</sup> The report describes changes to policies and legislation at European and national levels, shares best practices and summarises persisting challenges. It presents trends in asylum patterns, key indicators and examples of case law to showcase how European and national laws are interpreted and applied in the context of the EU asylum acquis.

The new Pact on Migration and Asylum proposes a new Screening Regulation (COM(2020) 612)<sup>126</sup> and an amendment to the 2016 Commission proposal for an Asylum Procedures Regulation (COM(2020) 611)<sup>127</sup> with the objective of putting in place more efficient and faster status determination procedures especially at the EU's external borders, which includes a pre-entry screening, following which a pre-entry border procedure shall take place for

certain categories of persons, with swifter decisions on asylum and/or return.

The proposed new Regulation on Asylum and Migration Management (COM/2020/613 final)<sup>128</sup> broadens the scope of the current Dublin Regulation beyond determining the responsible Member State and relaunches the reform of the Common European Asylum System. It establishes a common framework that contributes to the comprehensive approach to migration management based on new forms of mandatory solidarity between all the Member States and through integrated policy-making in the field of asylum and migration management, including both their internal and external components.

The overall objective of the new Proposal for a Regulation to address crisis situations and force majeure<sup>129</sup> (COM/2020/613 final) is to provide for the necessary adaptation of the rules on asylum and return procedures, as well as of the solidarity mechanism established in the proposed Regulation on Asylum and Migration Management to ensure that Member States are able to address such situations. For this purpose, a simplified procedure and shortened timeframes are set out for triggering the compulsory solidarity mechanism procedure foreseen for situations of pressure in the Regulation on Asylum and Migration Management.

The new Pact also promotes legal pathways to the EU, both economic and humanitarian. The Recommendation on legal pathways to protection in the EU calls on Member States to increase resettlement, humanitarian admission and other complementary pathways to provide protection to those most in need.

During 2020, the Commission awarded funding, via Union Actions supporting specific transnational or particularly

123 Eurostat, 2021, Asylum statistics, [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Asylum\\_statistics#Number\\_of\\_asylum\\_applicants:\\_decrease\\_in\\_2020](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Asylum_statistics#Number_of_asylum_applicants:_decrease_in_2020), last accessed on 28 May 2021.

124 Commission Communication, COVID-19: Guidance on the implementation of relevant EU provisions in the area of asylum and return procedures and on resettlement (C(2020) 2516 final), <https://ec.europa.eu/info/sites/default/files/guidance-implementation-eu-provisions-asylum-retur-procedures-resettlement.pdf>, last accessed on 28 May 2021.

125 European Asylum Support Office (EASO), (2020), EASO Asylum Report 2020: Annual Report of the Situation of Asylum in the European Union, <https://easo.europa.eu/asylum-report-2020>, last accessed on 28 May 2021.

126 Proposal for a Regulation introducing a screening of third country nationals at the external borders, COM(2020) 612 of 23 September 2020, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2020:612:FIN>, last accessed on 28 May 2021.

127 Amended proposal for a Regulation establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU, COM(2020) 611 of 23 September 2020, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2020:611:FIN>, last accessed on 28 May 2021.

128 Proposal for a Regulation on asylum and migration management, COM(2020) 610 of 23 September 2020, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2020:610:FIN>, last accessed on 28 May 2021.

129 Proposal for a Regulation addressing situations of crisis and force majeure in the field of migration and asylum, COM/2020/613 final, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2020:613:FIN>, last accessed on 28 May 2021.

innovative initiatives, to sixteen Union Action projects which included a priority on fostering the integration of

persons in need of protection through private sponsorship schemes.<sup>130</sup>



## 3.2. NATIONAL DEVELOPMENTS

### Access to the asylum procedure

Maintaining access to the asylum procedure in the context of COVID-19 was the main trend reported by those Member States who made changes, in some cases on a temporary basis, to their legislation and policies during 2020.<sup>131</sup>

Such developments included measures to facilitate the lodging of ‘form-based’ asylum applications, comparable to written applications but without personal contact;<sup>132</sup> temporarily relaxing some of the application requirements, for example, fingerprinting, suspending time limits for applications,<sup>133</sup> and for administrative / appeal procedures,<sup>134</sup> conducting remote interviews,<sup>135</sup> and prolonging the deadline for lodging asylum applications.<sup>136</sup> In Luxembourg, interview and Dublin transfers were suspended, and all expiring certificates for filing an application for international protection were extended for the duration of the state of emergency; however, the health crisis did not have any repercussions on the possibility of applying for international protection in Luxembourg. Several countries did not report legal or policy changes, as opposed to operational changes, to address the issue,<sup>137</sup> with some reporting that asylum seekers’ access to the procedure was not impacted by COVID-19 during the year.<sup>138</sup>

Outside of the changes made to maintain access to the asylum procedure, other changes were introduced to increase effectiveness. In Luxembourg, for example, a Bill was introduced to, amongst others, amend the appeal procedure while guaranteeing maximum legal security for asylum applicants. In Latvia, a new procedure for the immediate registration of an application was adopted.

### Reception of asylum applicants

The main theme of changes introduced in 2020 in asylum reception was that Member States introduced preventative measures to reduce the spread of COVID-19 in order to protect staff and residents in reception facilities during the pandemic.<sup>139</sup> These included the establishment of temporary,<sup>140</sup> new,<sup>141</sup> or emergency<sup>142</sup>

reception facilities operating safe regimes, adapting existing facilities, for example by moving applicants from collective accommodation to apartments,<sup>143</sup> providing self-isolation facilities within centres and offsite,<sup>144</sup> reopening temporarily closed facilities,<sup>145</sup> the adaptation of already existing detention facilities<sup>146</sup> and implementing non-essential visitor bans.<sup>147</sup> In several countries, quarantine areas within reception facilities were established for new arrivals.<sup>148</sup> In Belgium, meal vouchers were provided to residents with an accommodation solution outside the reception network to encourage out-flows. In Spain it remained possible to access the reception system even when it was not possible to request asylum: reception and care services for asylum seekers and refugees were considered an ‘essential service’, and new reception resources were put in place to ensure that isolation measures were complied with.

To increase effectiveness, one trend identified in a few countries was the development of new reception facilities each aiming to bring together an on-site presence for relevant actors involved in the reception of asylum applicants.<sup>149</sup> A new arrival centre in Norway brought together all relevant authorities and the police to expedite the processing of claims, improve ID-control and facilitate faster settlement for those granted residence, and faster return for those who are not. The opening of two new ‘one-stop’ reception, decision-making and return centres for asylum seekers<sup>150</sup> in the federal states of Hamburg and Baden-Württemberg in Germany have, since their launch in 2018, brought the number of such centres to 16, operating in eight federal states. Spain and EASO signed an Operational Plan for 2021 in which the European Agency will immediately begin work to support the change of model of the asylum seeker reception system in Spain.

A few countries aimed to further facilitate the integration process for asylum applicants during the reception phase.<sup>151</sup> Sweden, for example, legislated to improve asylum seekers’ knowledge of Swedish society (democracy, rights and obligations) through enhanced information flows, prepared legislation to introduce civic orientation

130 <https://ec.europa.eu/migrant-integration/librarydoc/union-actions-grants-under-the-asylum-migration-and-integration-fund-amif>

131 As per the Asylum Procedures Directive 2013/32/EU: Making an application: during this phase the person expresses the intention to apply for international protection; registering an application: the applicant’s intention to seek protection is registered, which may be done by an authority not competent for the asylum procedure itself, such as the border police; lodging an application: the asylum application is formally lodged at the competent authority for the asylum procedure.

132 DE.

133 FR, PL.

134 FR.

135 CY, IT, NL.

136 HR.

137 BG, CY, ES, IE, IT, MT, SE, SI, SK, NO.

138 CY, NO.

139 AT, BE, BG, CY, CZ, DE, EE, ES, FR, HR, IE, LU, LV, NL, PL, SE, SI, SK.

140 BE, BG, CZ, LU.

141 LU.

142 BE, LU, NL.

143 BE (for asylum applicants with a heightened risk of developing a severe form of COVID-19), SE.

144 IE.

145 AT.

146 CZ.

147 BE, BG, CY, CZ, HR, LU.

148 BE, CY, HR, IT, LU, LV, PL.

149 DE, LU, NO.

150 So-called ‘AnKER-Einrichtungen’.

151 FR, IT, LU, SE, NO.

for asylum seekers, and introduced new rules to limit the flow of asylum seekers to areas of the country facing socio-economic challenges, such as high unemployment and crime. Norway made 'integration' reception centres, introduced as a trial in 2016, a permanent part of the Norwegian reception system; here, adults and families that have been or are likely to be granted residence permits are obliged to follow a full-time qualification programme. France adopted a new National Action Plan<sup>152</sup> aiming to adapt reception policy to the migration context and the specific characteristics of the hosting regions, and introduced major policy changes to promote access to housing. Italy introduced a reformed "system of reception and integration" which provides integration measures not only towards beneficiaries of international protection and unaccompanied minors, but also for international protection applicants and other vulnerable categories.

In Ireland, the recommendations of the *Advisory Group on the Provision of Supports, including Accommodation to Persons in the International Process*<sup>153</sup> were published in October 2020, and the new Programme for Government committed to replace the current reception system with a new international protection accommodation policy, centred on a not-for-profit approach. France introduced plans to finance the creation of 4 500 new accommodation places for asylum seekers and promote access for beneficiaries of international protection. Bulgaria sought to improve protection in the best interest of the child in response to deficits highlighted by the national courts - a lawyer will now act as a legal representative for unaccompanied minors during the asylum procedure rather than a representative of the local municipality. Italy made legal changes reforming aspects of the reception system to give priority to vulnerable people, and in Luxembourg, a mental health project became operational in 2020 aiming to improve services and medical follow-ups provided to applicants of international protection suffering from mental health disorders. The Irish Government decided to decrease the waiting time before an international protection applicant could access the labour market from nine months to six months from the date of first application and to increase the duration of the labour market access permission from six months to twelve months.

Developments in the detention of applicants of international protection, aimed to bring greater clarity to the process. Estonia and Sweden clarified under what circumstances asylum applicants could be detained; in Estonia, this was in relation to emergency situations, and included also an amendment allowing the courts to make a ruling on detention without reviewing all parts of the application where such information was not available due to high numbers of applications. In Sweden, court cases restricted the use of detention for persons detained for other reasons than ensuring return. In Cyprus, dedicated case management was introduced as an alternative to detention, implemented by a local NGO.

## Asylum procedures – types of procedures

The main trends in developments in asylum procedures were to improve the speed and effectiveness of the Dublin Regulation procedure. In Bulgaria the aim was to decrease the time period for the execution of decisions through revisions to administrative procedures, whilst in Luxembourg, the deadline for the First instance Administrative Court's decision on an appeal against a transfer will be reduced from two to one month. This latter change was also due to the need to align national law more effectively with the requirements of the European Convention on Human Rights. In order to speed up the procedures for handling cases of family reunification under the Dublin Regulation, Italy standardised a questionnaire, to be filled by the family members who are already resident in Italy.

Other reported policy changes came in response to travel bans imposed by COVID-19 measures and focused on the suspension and resumption of transfers in and out of the Member States.<sup>154</sup> In Croatia, transfers were being considered in specific cases, such as those involving family reunification. No decision was made by Norway, however, to suspend Dublin transfers, and cases continued to be processed under the existing regulations. Where Member States introduced new developments in relation to asylum procedures at the borders, these mainly concerned temporary policy measures in relation to closure of external Schengen borders in response to the COVID-19 situation.<sup>155</sup>

Additional legal guarantees in the application of the 'safe-country of origin' concept in the asylum procedure were introduced through legislative changes, for example, in Bulgaria, which included an examination of the link between the applicant and the safe third country; the obligation to inform the applicant where a country is deemed safe; and guarantees for access to a procedure where access to the (safe) third country concerned is denied. In Sweden, a legislative proposal to Parliament was submitted to introduce the revised Asylum Procedures Directive's rules on safe countries of origin into Swedish law, prompted by a 2018 European Court of Justice judgment.<sup>156</sup> Ireland introduced the safe third country concept into the International Protection Act 2015 which now adds coming from a third country, which is considered safe for the applicant, to the list of circumstances for finding an application to be inadmissible. A related change allows for the designation of safe third countries and the United Kingdom was designated as a safe third country from 31 December 2020. Similarly, Austria, Estonia and the Netherlands have also designated the United Kingdom as a safe third country, whilst in the Czech Republic, a proposal for this change was prepared. Other legislative changes included the extension of national lists of safe countries of origin in some countries.<sup>157</sup>

<sup>152</sup> National Plan for the Reception of Asylum Seekers and for the Integration of Refugees 2021-2023.

<sup>153</sup> Department of Justice, 2020, 'Report of the Advisory Group on the Provision of Support including Accommodation to Persons in the International Protection Process', 21 October 2020, <https://www.gov.ie/en/publication/634ad-report-of-the-advisory-group-on-the-provision-of-support-including-accommodation-to-persons-in-the-international-protection-process/>, last accessed on 28 May 2021.

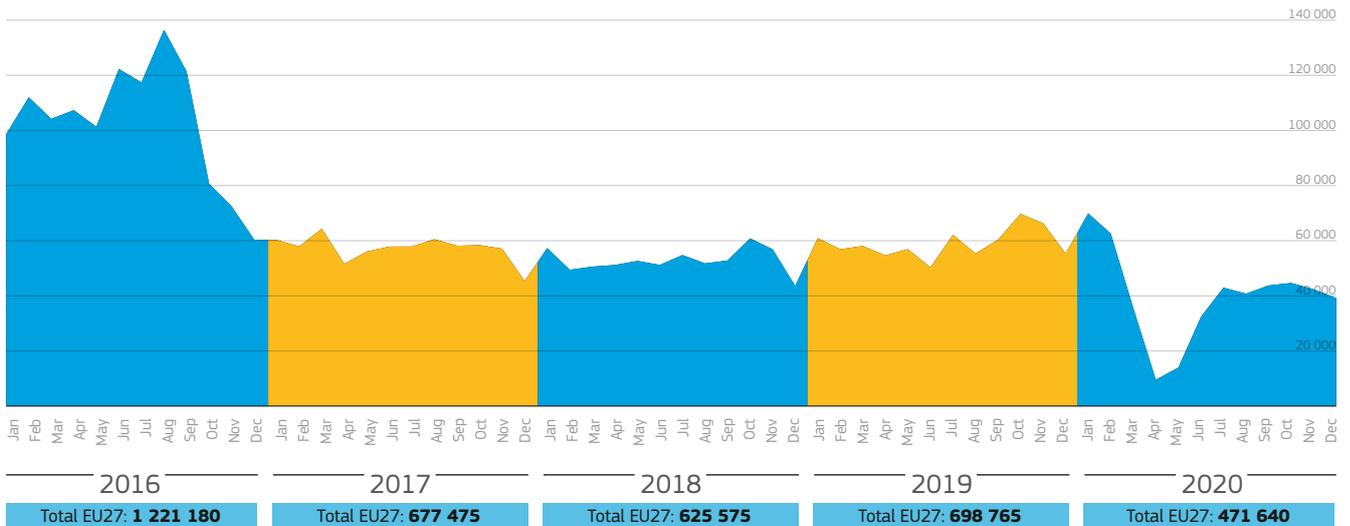
<sup>154</sup> AT, BE, CZ, DE, EE, FI, HR, IT, LU, LV, MT, NL, PL, SK.

<sup>155</sup> AT.

<sup>156</sup> European Court of Justice, 2018, Judgment of 25 July 2018 in case C-404/17, available at: <https://op.europa.eu/en/publication-detail/-/publication/c3f58bea-ba4c-11e8-99ee-01aa75ed71a1>, last accessed on 28 May 2021.

<sup>157</sup> AT, CY, DE, FI, MT, NL.

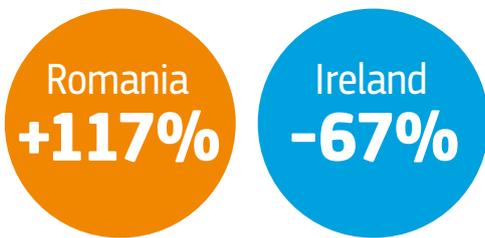
**Figure 1 – Asylum applications in the EU 27: January 2016 - December 2020**



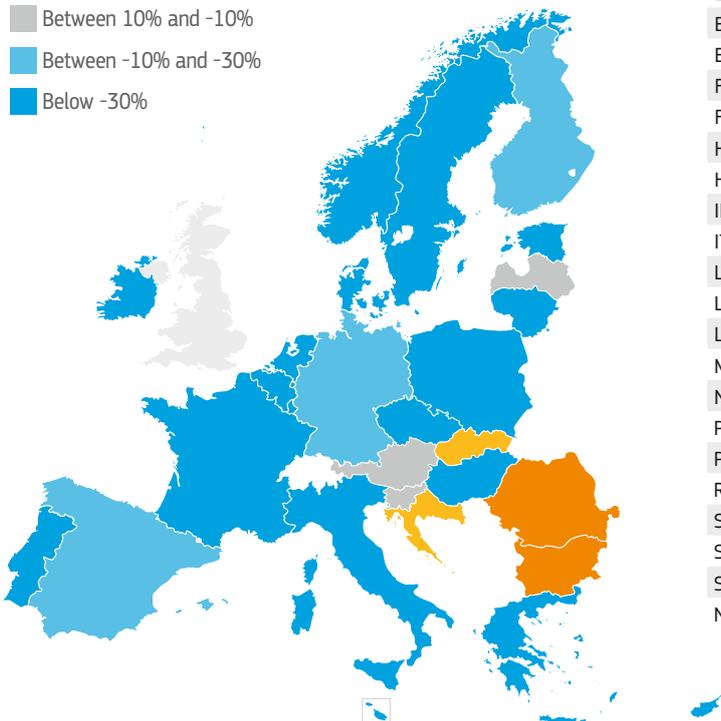
Source: Eurostat (migr\_asyappctzm), extracted on 26 May 2021

**Figure 2 – Overview of asylum applications in Member States and Norway: 2016-2020**

**Variation of asylum applications in 2020 compared to 2019**



- Above 30%
- Between 30% and 10%
- Between 10% and -10%
- Between -10% and -30%
- Below -30%

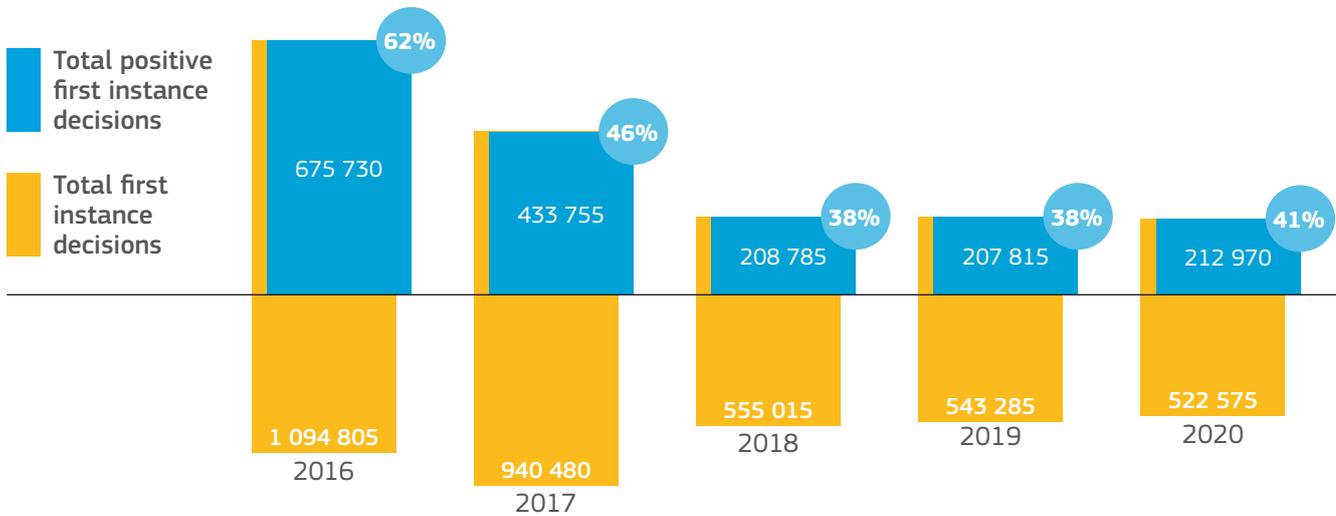


**Number of asylum applications**

	2016	2017	2018	2019	2020	2019-2020 variation in percentage
AT	42 255	24 715	13 710	12 860	14 180	10%
BE	18 280	18 340	22 530	27 460	16 710	-39%
BG	19 420	3 695	2 535	2 150	3 525	64%
CY	2 940	4 600	7 765	13 650	7 440	-45%
CZ	1 475	1 445	1 690	1 915	1 160	-39%
DE	745 160	222 565	184 180	165 615	121 955	-26%
DK	6 180	3 220	3 570	2 700	1 475	-45%
EE	175	190	95	105	50	-52%
EL	51 110	58 650	66 965	77 275	40 560	-48%
ES	15 755	36 610	54 050	117 800	88 530	-25%
FI	5 605	4 995	4 500	4 520	3 190	-29%
FR	84 270	99 330	137 665	151 070	93 470	-38%
HR	2 225	975	800	1 400	1 605	15%
HU	29 430	3 390	670	500	115	-77%
IE	2 245	2 930	3 670	4 780	1 565	-67%
IT	122 960	128 850	59 950	43 770	26 535	-39%
LT	430	545	405	645	315	-51%
LU	2 160	2 430	2 335	2 270	1 345	-41%
LV	350	355	185	195	180	-8%
MT	1 930	1 840	2 130	4 090	2 480	-39%
NL	20 945	18 210	24 025	25 200	15 255	-39%
PL	12 305	5 045	4 110	4 070	2 785	-32%
PT	1 460	1 750	1 285	1 820	1 000	-45%
RO	1 880	4 815	2 135	2 590	6 155	138%
SE	28 795	26 330	21 560	26 255	16 225	-38%
SI	1 310	1 475	2 875	3 820	3 550	-7%
SK	145	160	175	230	280	22%
NO	3 490	3 520	2 660	2 265	1 375	-39%

Source: Eurostat (migr\_asyappctza), extracted on 20 May 2020

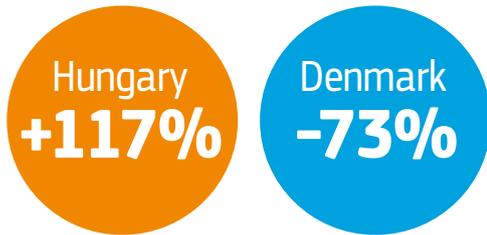
**Figure 3 – Total first instance decisions on asylum applications and total positive decision in first instance in Member States and Norway: 2016-2020**



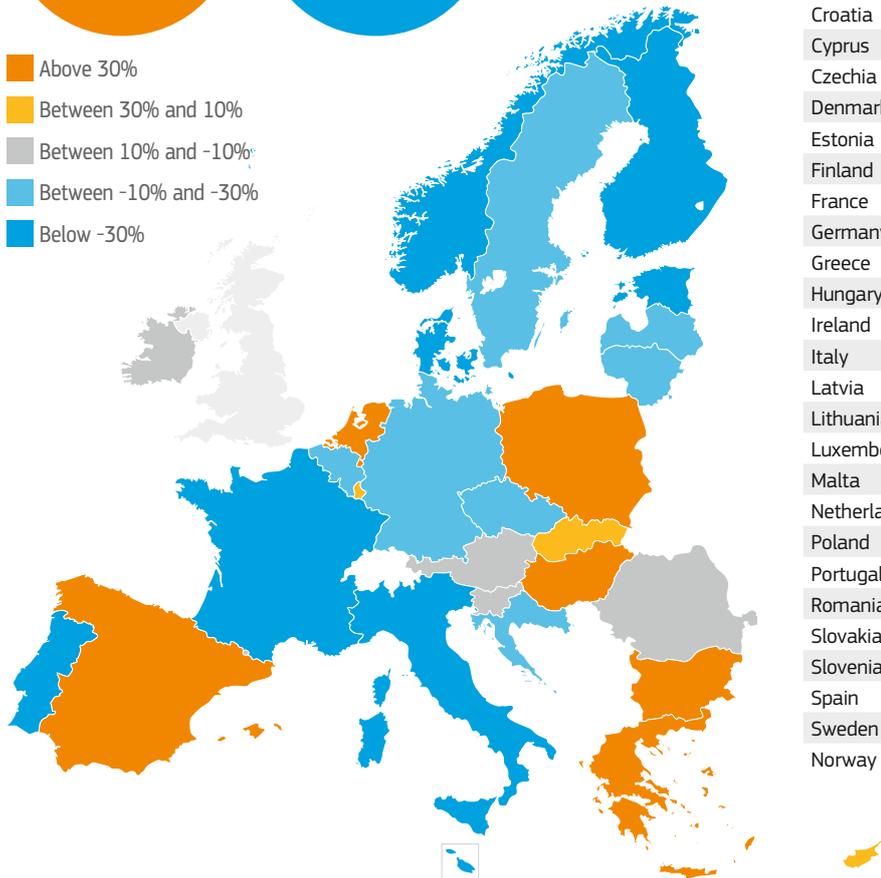
Source: Eurostat (migr\_asydcfst), extracted 27 May 2021

**Figure 4 – Total first instance and first instance positive decisions**

Variation of first instance positive decisions of asylum application in 2020 compared to 2019



- Above 30%
- Between 30% and 10%
- Between 10% and -10%
- Between -10% and -30%
- Below -30%



First instance positive decisions in EU27 and Norway

	Total first instance decisions, 2020	Total first instance positive decisions, 2020	2019-2020 variation in percentage
Austria	10 495	6 835	-7,9%
Belgium	16 360	5 710	-12,6%
Bulgaria	2 195	820	105,0%
Croatia	295	40	-27,3%
Cyprus	3 375	1 675	28,8%
Czechia	960	105	-22,2%
Denmark	1 185	420	-73,3%
Estonia	70	25	-44,4%
Finland	3 045	1 150	-30,9%
France	86 330	19 130	-32,0%
Germany	128 590	62 470	-11,2%
Greece	62 190	34 360	98,0%
Hungary	475	130	116,7%
Ireland	1 275	945	-3,1%
Italy	40 795	11 585	-37,0%
Latvia	120	25	-28,6%
Lithuania	350	80	-11,1%
Luxembourg	1 165	750	11,9%
Malta	875	270	-33,3%
Netherlands	13 580	8 620	77,9%
Poland	1 975	345	30,2%
Portugal	420	95	-44,1%
Romania	2 505	635	8,5%
Slovakia	80	40	14,3%
Slovenia	300	85	0,0%
Spain	124 795	51 055	32,9%
Sweden	17 215	4 425	-27,0%
Norway	1 565	1 145	-36,0%

Source: Eurostat (migr\_asydcfst), extracted 27 May 2020

## Asylum procedure – Operational aspects

Most developments in the year were introduced to ensure the safe continuation of provision of information and legal counselling / representation in response to the COVID-19 pandemic. Member States adapted technologies and routines to enable asylum interviews and other meetings between relevant actors to take place safely,<sup>158</sup> conducted group counselling sessions in smaller groups and with protective measures in place,<sup>159</sup> and provided written information setting out the sanitary measures in place.<sup>160</sup> In the case of Spain, for example, materials were provided in several languages and in cooperation with NGOs. Norway maintained its policy of ensuring the right to guidance from an independent organisation, by increasing its delivery of the service via screen or telephone.

Member States also adapted their interpretation services to ensure continuity during the COVID-19 pandemic, by conducting services under protective measures and using local services<sup>161</sup> and increasing the use of on-line services.<sup>162</sup> General developments included the implementation of projects aiming to improve interpretation services, for example, in Croatia and Finland.

Harnessing digital technologies to improve operational aspects of the asylum procedure were also reported in general during the year. These included the further digitalised handling of linguistic analysis in Sweden, where voice samples are now recorded, stored and streamed digitally to linguistic analysts. Asylum and appeal cases can also now be digitally transferred between the responsible authority and the migration courts. Croatia granted resources to bring all business processes and data related to international protection into one database to facilitate the daily work of officials, whilst Belgium initiated a project to develop an electronic agenda system to facilitate the planning and follow-up of appointments for asylum applicants. In Ireland, the *Advisory Group on the Provision of Support including Accommodation to Persons in the International Protection Process*, which reported in October 2020, identified a need for a more streamlined case and data management system for the international protection process, and made a number of specific recommendations. These recommendations are to be assessed by the relevant Government Departments.

Sweden aimed to facilitate access to information and legal counselling / representation during the asylum procedure by launching a new website *Information Sverige* (Information Sweden), available in ten languages, providing relevant information for new arrivals and details of the asylum procedure, and a new App for asylum seeking children.

## Application of technology to facilitate access to information for asylum-seeking children - Sweden

The Swedish Migration Agency developed an App for asylum seeking children. The purpose of the App is to explain the asylum process through simple pictures and spoken speech in several languages. It can also be used by adults who meet asylum-seeking children or by schools, for educational purposes.

Other new practice developments included the preparation of brochures informing applicants about the procedure<sup>163</sup> and the completion of projects on optimising the registration process, with a focus on communication with the applicant (Belgium) and on providing legal advice in the process of granting international protection (Croatia).

As well as the move towards ‘one-stop’ reception facilities (see above), other new measures were introduced to improve timeframes for asylum procedures<sup>164</sup> and case management<sup>165</sup> for first instance determinations and appeals/judicial reviews. Bulgaria for example, as part of wider legal amendments, systematised the process for applicants to appeal on administrative grounds, a new case management system was introduced in Norway. Luxembourg increased the national budget for expert, study and translation costs in view of bringing in external legal expertise and introduced new measures for appealing against a transfer decision in the Dublin context, as well as, against a final decision to withdraw the status of international protection. In Spain the processing of applications from Venezuelans was accelerated and significantly alleviated workloads; the political challenge of the very high percentages of denial of international protection for this group was addressed through the granting of temporary residence and annual renewable work permits to them.

## New case management flow introduced - Norway

The Norwegian Directorate of Immigration (UDI) introduced a new case management flow in the summer of 2020, which was implemented in November 2020. The main goal is that asylum seekers shall now receive their first decision within 21 days of lodging an application, in 70 percent of the cases. A dashboard in Qlik Sense, a data analytics platform, is under development to assist in caseload management.

Developments in the field of country of origin procedures included the establishment of a Country of Origin Information Helpdesk in Malta, the organisation of online training in Belgium and the strengthening of the Country of Origin Unit within the National Asylum Commission in Italy over the next three years. In Norway, international protection is no longer granted on a general basis to all applicants who are citizens of Syria, however, a thorough assessment of the individual’s protection needs is

<sup>158</sup> AT, CY, CZ, ES, HR, LU, SE.

<sup>159</sup> DE.

<sup>160</sup> BE, CZ, ES, FR, HR, LU.

<sup>161</sup> DE.

<sup>162</sup> NL, SE.

<sup>163</sup> BE, SI.

<sup>164</sup> CY, EE, ES, FR, LU, MT, NL, SI, NO.

<sup>165</sup> AT, BE, BG, CY, DE, ES, FR, IT, LU, MT, SI, NO.

conducted. Family tracing and maintaining family unity for adult beneficiaries of international protection.

Efforts during 2020 were made to enhance services or expand the scope of those eligible for family tracing and family unity in several countries.<sup>166</sup> In Luxembourg, a legal development took place that aims to extend the time limit available to beneficiaries of international protection to apply for family reunification from three to six months after the granting of their status in order to be able to benefit from more favourable conditions. Meanwhile, in the Netherlands, a legal development enabled case-by-case decision making on whether family life existed between an adult child and its parents, instead of assuming that the adult child has formed a family life independently when entering into a relationship or marriage. In Austria, the definition of who is considered a family member was expanded in scope: unmarried minors are now considered as the family members of the person who represents them legally but is not their parent.

### Withdrawal of international protection

Changes around applicable grounds for the withdrawal of a protection status focused on providing greater legal clarity on the circumstances under which international protection could be withdrawn. Bulgaria introduced cessation grounds based on the unequivocal refusal by the foreigner to be recognised as a beneficiary of international protection and the death of the beneficiary, and Sweden clarified that for a subsidiary protection status declaration to be revoked due to a crime, the beneficiary must have committed at least one serious crime. Luxembourg will introduce the possibility for an individual to file an appeal against a final decision to withdraw their international protection status. In terms of policy developments, Austria prioritised cases involving the withdrawal of protection status from individuals convicted of criminal offence.

### Other Developments

Institutional changes occurred in the Slovak Republic, where an amendment to the Health Insurance

Act transferred the obligation to pay for the health care provided to persons granted subsidiary protection who do not possess public health insurance, from the Ministry of Interior to the health insurance company with the biggest number of insured persons. The costs covered by the health insurance company will be reimbursed by the Ministry of Health of the Slovak Republic. In Austria, the Federal Agency for Reception and Support Services – as a company owned by the Federal Republic of Austria – is responsible for administering material reception conditions under federal care to applicants of international protection as of December 2020. In Luxembourg, the National Reception Office (ONA), under the supervision of the Ministry of Foreign and European Affairs, became operational as of 1 January 2020. It is in charge of the reception of applicants of international protection and replaces the Luxembourg Office for Reception and Integration (OLAI). In Cyprus, a law amendment shortened significantly the time limit for an appeal before the Administrative Court of International Protection, especially for manifestly unfounded cases.

In the Netherlands, the rules regarding *refugié sur place*<sup>167</sup> were clarified following jurisprudence from the Council of State, specifying which factors in the light of political views held by the applicant must be accounted for when reviewing an asylum application.<sup>168</sup>

### Relocation

Relocation during 2020 took place under national schemes; however, the fire which occurred and destroyed the Moria camp in Lesbos, Greece in September 2020 led to its permanent closure, which resulted in pledges from Member States to relocate people specifically from the camp.

Relocation of persons from Italy, Greece and Malta to other Member States organised under national schemes was reported by eight countries.<sup>169</sup>

An overview of the number of voluntary relocation pledges from Greece provided by the European Commission can be found in Table 2.

**Table 2: Pledges for voluntary relocations of persons from Greece up to end 2020**

(Member) State	Pledges			
	Total	Unaccompanied minors	Families/AS	Beneficiaries of international protection
BE	180	30	150	n/a
BG	70	70	n/a	n/a
DE <sup>170</sup>	ca. 2 750	203	ca.1 000	1 553
FI	111	111	n/a	n/a
FR	1 000	500	400	100
HR	12	12	n/a	n/a

<sup>166</sup> AT, LT, LU, NL.

<sup>167</sup> *Refugié sur place*: in the EU context, a person granted refugee status based on international protection needs which arose *sur place*, i.e. on account of events which took place after they left their country of origin (EMN Glossary, Version 7.0).

<sup>168</sup> The rules clarify that reservation cannot be expected of an applicant when it comes to fundamental political beliefs (i.e. where the applicant wishes to express political views or to carry out activities related to these fundamental views); whether certain actions or expressions are particularly important for the preservation of the applicants' identity or moral integrity have to be taken into account.

<sup>169</sup> BE, CY, FR, IT, LU, MT, NL, PT.

<sup>170</sup> Data on DE has been provided by the German National Contact Point. Germany pledged to relocate 243 children with severe medical conditions including their core family members (ca. 1000 persons).

(Member State)	Pledges			
	Total	Unaccompanied minors	Families/AS	Beneficiaries of international protection
IE	86	36	n/a	50
IT	300	30	270	n/a
LT	5	5	n/a	n/a
LU	20	16	n/a	4
NL	100	2	n/a	98
PT <sup>171</sup>	600	500	20	80
SI	4	4	n/a	n/a
NO	50	n/a	50	n/a

Source: DG Migration and Home Affairs, European Commission, May 2021

Several Member States<sup>172</sup> pledged to relocate people specifically from the Moria camp in Greece; Belgium, Luxembourg and France, for example, pledged to relocate 150, 15 and 1 000 asylum seekers respectively, whilst in Germany, the first 291 of 1 553 persons in total were admitted from Moria and other camps on the Aegean islands through a national humanitarian admission programme. Ireland pledged to relocate up to 50 people in family groups, who had already been granted an international protection status. However, due to the COVID-19 pandemic, not all pledges could be fulfilled. France reported that 406 people had been relocated by the end of 2020, whilst Luxembourg relocated two families (four adults and five children) during the year (please refer also to section 4.2).

## Resettlement and Humanitarian Admission

Member States<sup>173</sup> reported on their quotas under European resettlement programmes and a few countries<sup>174</sup> under the EU-Turkey Statement. In the case of Croatia, the resettlement programme was temporarily suspended in March 2020 due to the earthquakes that affected the country and the COVID-19 situation.

Portugal and Norway implemented national resettlement programmes in 2020, with both resettling individuals of Syrian origin. National Humanitarian Admission Programmes were implemented by Germany and Ireland.<sup>175</sup> In 2020, Germany admitted 1 178 persons through its humanitarian admission programme for Syrians from Turkey. Additionally, 200 persons were resettled from Ethiopia and Lebanon.

Belgium, the Netherlands and Sweden resumed resettlements in the second half of 2020 after a suspension due to the lack of reception places (Belgium) and the COVID-19 situation (the Netherlands and Sweden). Ireland also noted that COVID-19 had an impact on their resettlement programme – however, a selection mission was conducted to Beirut in March 2020. Croatia and Sweden improved information provision around resettlement by developing a mobile application containing information on

the resettlement process (Croatia), and the development of a pre-departure orientation course (Sweden). In the case of Croatia, the mobile application will be available in Croatian, English, Arabic and Kurdish (Kurmanji) and is intended for persons in selection missions who are seeking to familiarise themselves with the resettlement programme, the integration process and the way of life in Croatia.

A clear trend in resettlement identified during the year was for the actions to support the implementation of private or community sponsorship programmes or schemes.<sup>176</sup> Germany resettled 16 people under a private sponsorship programme, however no entries were recorded between March and August due to the COVID-19 pandemic; six people arrived in Ireland under Community Sponsorship.<sup>177</sup> Finland conducted a study on the legal and practical applicability of the community sponsorship model in Finland, and how it might complement official actions in the promotion of the integration of quota refugees in the country. In Belgium, three families with children (14 people in total) were accommodated through a new community sponsorship project in Belgium. This project was a pilot in which the refugees were accommodated and accompanied in Belgium by a group of citizens, instead of the traditional reception actors.

### Community sponsorship-based resettlement program for refugees (“Nest”) - Germany

In Germany, a “community sponsorship” model for resettlement refugees was operationally implemented by the Federal Office for Migration and Refugees (BAMF). The programme’s main objectives are to increase reception capacity within resettlement, and to involve society in the reception of resettled refugees. The programme is run in cooperation by the government and faith-based organisations and includes groups of at least five volunteers serving as “mentors” who commit to covering refugees’ rent in the beginning and improving their overall conditions for integration.

171 PT has pledged for 100 persons under a bilateral agreement with EL. This agreement concerns the relocation of 80 beneficiaries of international protection and 20 asylum seekers.

172 BE, DE, FR, IE, LU, NL.

173 BE, BG, FI, FR (including EU-Turkey statement), HR, IE, IT, LT, LU, MT, NL, PT, SE.

174 DE, NL, SE.

175 Irish Refugee Protection Programme Humanitarian Admission Programme

176 BE, DE, FI, FR (humanitarian corridors from Lebanon and asylum visa provisions aimed at specific nationalities: Syrian and Iraqi nationals), IE, IT.

177 This is part of the overall total of 195 people resettled in 2020.

**Table 3: Resettlements carried out in 2020**

Member State	Programme	Quota / pledge for 2020	Number of admissions in 2020	Country resettled from	Top 3 countries of origin of persons resettled
BE	European resettlement programme	758	176	Lebanon, Turkey	Syria
BG	European resettlement programme	25	0		
DE	European resettlement programme (incl. EU-Turkey Statement)	5 500 (overall EU pledge, incl. Turkey)	1 178 + 200	Lebanon, Jordan, Ethiopia	Syria, Somalia
	National Humanitarian Admission Programme	1 553	291	Greece	Afghanistan, Syria, Palestinian territories
	Private/community Sponsorship programme/scheme	400	16	Jordan, Ethiopia, Lebanon, Greece	Syria, Somalia, DR the Congo
FI	European resettlement programme	850	661	Afghanistan, Botswana, India, Iraq, Iran, Israel, Jordan, Cameroon, Kenya, China (PRC), DR Congo, Lebanon, Madagascar, Malawi, Malaysia, Mauritania, Niger, Papua New-Guinea, Zambia, Sri Lanka, Tanzania, Turkey, Uzbekistan, Russian Federation, Syria, DR Congo, Eritrea	Syria, DR Congo, Eritrea
FR	European resettlement programme	~1 000	116	Lebanon, Turkey, Jordan, Niger, Chad, Egypt, Rwanda	Syria, Sudan, DR Congo
	Private/community Sponsorship programme/scheme	target of 500 agreements since March 2017	520	Lebanon	
	Ad-hoc special programmes	No quotas	15 690	Syria, Iraq	Turkey, Lebanon, Iraq, Jordan
HR	European resettlement programme	100	0	Turkey	Syria
IE	European resettlement programme	650	195	Lebanon, Jordan	Syria
	Community Sponsorship		6 included in overall total of 195		
IT	European resettlement programme	700 (2020/2021 pledge)	21	Sudan, Libya	Eritrea, Syria
	Private/community Sponsorship programme/scheme		331	Lebanon, Niger, Ethiopia	Syria, Eritrea, Sudan
LT	European resettlement programme	18	5	Jordan	Syria
LU	European resettlement programme	200	14	Niger (evacuated from Libya).	Somalia, Eritrea
MT	European resettlement programme	20	0		
NL	European resettlement programme	500	296	Lebanon, Egypt, South-Sudan, Tunisia, Yemen, Surinam, Uganda, Turkey	
	EU-Turkey Statement	1 000 (overall EU pledge)	128	Turkey	
NO	National resettlement programme	3015	2 407	Lebanon, Jordan, Iraq, Uganda, Rwanda, Libya, Ethiopia, Kenya	Syria, DR Congo, Eritrea
PT	European resettlement programme	1 010	222	Turkey, Egypt	Syria, Iraq, South Sudan
	National resettlement programme		222	Turkey, Egypt	Syria, Iraq, Sudan
SE	European resettlement programme	5 000	3 599	Lebanon, Egypt, Turkey, Uganda, Niger, Rwanda, Libya, Kenya, Sudan, Yemen, Ethiopia, Iran, Somalia, South Africa	Syria, Eritrea, DR Congo
	EU-Turkey Statement	259 (overall EU pledge)			

# 4. MINORS AND OTHER VULNERABLE GROUPS



## 4.1. EU DEVELOPMENTS

In addition to the new Pact on Migration and Asylum, which emphasises the need to protect vulnerable groups, three other significant developments took place.

First, the European Commission adopted the EU Strategy for a more effective fight against child sexual abuse<sup>178</sup> on 24 July 2020, which sets out a comprehensive multi-stakeholder approach to safeguarding all children, including the most vulnerable, from these crimes, both in their online and offline forms, by using all available tools at EU level, including legislation, funding and cooperation efforts. As the first initiative following from the strategy, the Commission presented a Regulation on a temporary derogation from certain provisions of Directive 2002/58/EC as regards the use of technologies by number-independent interpersonal communications service providers

for the processing of personal and other data for the purpose of combatting child sexual abuse online.

The second important development concerned the Commission's adoption of an Action Plan on Integration and Inclusion<sup>179</sup> in November 2020 (see also section 4.1), with education, training and the integration of migrant children and their families as key aspects.

Finally, the new EU Strategy on the Rights of the Child (2021-24)<sup>180</sup> provides, for the first time, a framework for EU action to promote and protect children's rights. It outlines a set of measures to address the rights of the most vulnerable children, children's rights in the digital age, prevention of and fight against violence, and promotion of child-friendly justice.<sup>181</sup>



## 4.2. NATIONAL DEVELOPMENTS

### Minors

Many Member States introduced legislative or policy changes in relation to third-country national minors, both accompanied and unaccompanied, covering different aspects ranging from identification and registration, to guardianship, reception, education and detention.<sup>182</sup> There were overarching developments as well. For example, in Sweden, the Convention on the Rights of the Child (CRC), previously ratified, entered into force as a Swedish law in January 2020, which is likely to have indirect impacts on future policy-making and jurisprudence regarding minors in migration.

### Identification and registration

Of the Member States that reported developments in the field of identification and registration,<sup>183</sup> measures predominantly concerned the introduction of new, revised and strengthened procedures for identifying minors, including temporary guidelines for staff to minimise the spread of COVID-19 during identification/ registration or at reception centres.<sup>184</sup> A few States introduced new measures for age assessment into the identification process.<sup>185</sup> In the Netherlands, the driver for this change was to reduce the risk of placing adults who claim to be minors but who do not apply for asylum in facilities reserved for minors. Other Member States issued protocols/ recommendations on the age assessment procedure as a whole.<sup>186</sup>

178 Communication on the EU strategy for a more effective fight against child sexual abuse, COM(2020) 607 final [https://ec.europa.eu/home-affairs/sites/default/files/what-we-do/policies/european-agenda-security/20200724\\_com-2020-607-commission-communication\\_en.pdf](https://ec.europa.eu/home-affairs/sites/default/files/what-we-do/policies/european-agenda-security/20200724_com-2020-607-commission-communication_en.pdf)

179 Communication on the Action plan on integration and inclusion 2021-2027, COM(2020) 758 final ([https://ec.europa.eu/home-affairs/sites/default/files/pdf/action\\_plan\\_on\\_integration\\_and\\_inclusion\\_2021-2027.pdf](https://ec.europa.eu/home-affairs/sites/default/files/pdf/action_plan_on_integration_and_inclusion_2021-2027.pdf))

180 The EU Strategy on the Rights of the Child and the European Child Guarantee, [https://ec.europa.eu/info/policies/justice-and-fundamental-rights/rights-child/eu-strategy-rights-child-and-european-child-guarantee\\_en](https://ec.europa.eu/info/policies/justice-and-fundamental-rights/rights-child/eu-strategy-rights-child-and-european-child-guarantee_en)

181 EU strategy on the rights of the child (2021-24), <https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12454-EU-strategy-on-the-rights-of-the-child-2021-24->

182 AT, BE, BG, EE, ES, FI, FR, HR, IE, LT, LU, LV, MT, NL, PT, SE, SK, NO.

183 BE, BG, CY, FR, HR, NO.

184 BE, CY, CZ, FR, HR, IT.

185 BE (unaccompanied minors), BG (accompanied and unaccompanied minors), NL.

186 DE, IT.

## Guardianship and procedural safeguards

To strengthen guardianship and representation of children, some Member States<sup>187</sup> introduced new legislation, for example, by further clarifying the distribution of powers between the family court judge and the guardianship judge;<sup>188</sup> and to expand the definition of family members.<sup>189</sup> Bulgaria introduced a major development, regulating the obligations of the representative to assist a child in the international protection procedure. Latvia increased the guardian's allowance for the maintenance of a child under guardianship.<sup>190</sup>

For minors in the asylum procedure,<sup>191</sup> a few countries strengthened their procedural safeguards, for example by introducing new child-friendly information materials or apps explaining the procedure for unaccompanied minors;<sup>192</sup> or by reviewing procedural guarantees and establishing new and permanent forms of cooperation between relevant authorities, to ensure that the best interests of the child are sufficiently taken into consideration.<sup>193</sup> For example, in Bulgaria, under the legislation outlined above, a representative is now required to possess the necessary knowledge to assist the child in the asylum process, such as to inform them of the meaning and possible consequences of the personal interview.

## Reception and care (including after-care of unaccompanied minors)

Many Member States sought to improve the care of unaccompanied minors,<sup>194</sup> including through the opening of new reception facilities, as well as adapting or expanding existing facilities to better meet the needs of unaccompanied children.<sup>195</sup> In Belgium, for example, a policy change aims to ensure the presence of the Guardianship Service in the Arrival Centre for applicants. Others reviewed the minimum standards for their accommodation and care or focussed on developing specific care approaches for certain age groups.<sup>196</sup> Belgium, on top of increasing its overall reception capacity due to a considerable rise in the number of arrivals of unaccompanied minors, created additional places specifically for non-vulnerable unaccompanied boys who declared to be at least 17 years old and who met the minimum criteria for autonomy. In Hungary, unaccompanied minors aged 14 to 18 years who sought asylum were accommodated in a child protection facility, following a judgment from the EU court of Justice (CJEU) in May 2020;<sup>197</sup> previously, only unaccompanied minors under the age of 14 could be accommodated in a child protection facility.

Due to the COVID-19 pandemic, Member States introduced new temporary measures to support

unaccompanied minors in response to COVID-19 related challenges.<sup>198</sup> Belgium for example, to reduce the occupancy rate in reception centres to respect rules on social distancing, and to increase isolation capacity within the reception centres, provided certain unaccompanied minors with meal vouchers upon their voluntary departure from reception facilities. France, to prevent the end of child welfare measures for young adults or individuals who became adults during the state of emergency, suspended their transfer to facilities for adults.<sup>199</sup> Italy activated monitoring systems in order to verify and control the effective protection status of unaccompanied minors in the first reception facilities.

Member States also introduced a host of measures to ease the transition to adulthood for unaccompanied minors.<sup>200</sup> Notably, from July 2020, young people in Finland who entered the country as unaccompanied minors and were granted a residence permit became entitled to after-care until the age of 25 years (previously 21 years). Other new measures included new semi-independent housing for unaccompanied children over 16 years;<sup>201</sup> providing financial and in-kind benefits to those becoming adults;<sup>202</sup> and allowing foreign minors to access employment from the age of 16 years.<sup>203</sup>

## Early examination of the right to stay for foreign minors turning 18 - France

Order INTV2012657J of 21 September 2020 on the early examination of requests for residence permits by foreign minors entrusted to the departmental child welfare services (ASE) aims to generalise the early examination of the right to stay for foreign minors in ASE's care, in order to avoid a break in rights when they become adults, if they are committed to a vocational training path. The UAM's right to stay will only be assessed, in principle, when they transition to adulthood, which may terminate their vocational training paths if this right is refused. It is in the minor's interest to begin the formalities that are required on becoming adults several months before the date in order to clarify the issue of the right to stay as quickly as possible. The circular aims to systematise the practise of partnerships with the child welfare services in the *département*.

## Integration and education

Although there were no new major national developments in regard to access to services/rights for migrant children as a whole, a few Member States introduced measures

187 AT, BG, LU, LV, MT, PL.

188 LU, by replacing the term "guardianship judge" with "family affairs judge."

189 AT: "unmarried minors seeking asylum or subsidiary protection are considered family members of the person who represents them legally, provided that the legal representation already existed before entry."

190 For a child under the age of seven: increased to € 107.50 per month; for a child from the age of seven: increased to € 129. per month.

191 BG, ES, FI, FR, HR, MT, NL, SE. In ES, following a recommendation of the Spanish Ombudsman in 2018, an application for international protection can be made by unaccompanied foreign minors, even if they don't have a legal representative yet (Art. 7 of Directive 2013/32/EU of June 26; Art. 34 of Law 39/2015).

192 FI, FR, SE.

193 BG, HR, NL.

194 BE, BG, CY, DE, EE, FI, FR, HU, IT, LV, SK, NO.

195 BE, BG, CY, IT.

196 HU, NO.

197 Before the judgement only unaccompanied minors under the age of 14 years were accommodated in a child protection facility in HU.

198 AT, BE, FR, SK.

199 FR.

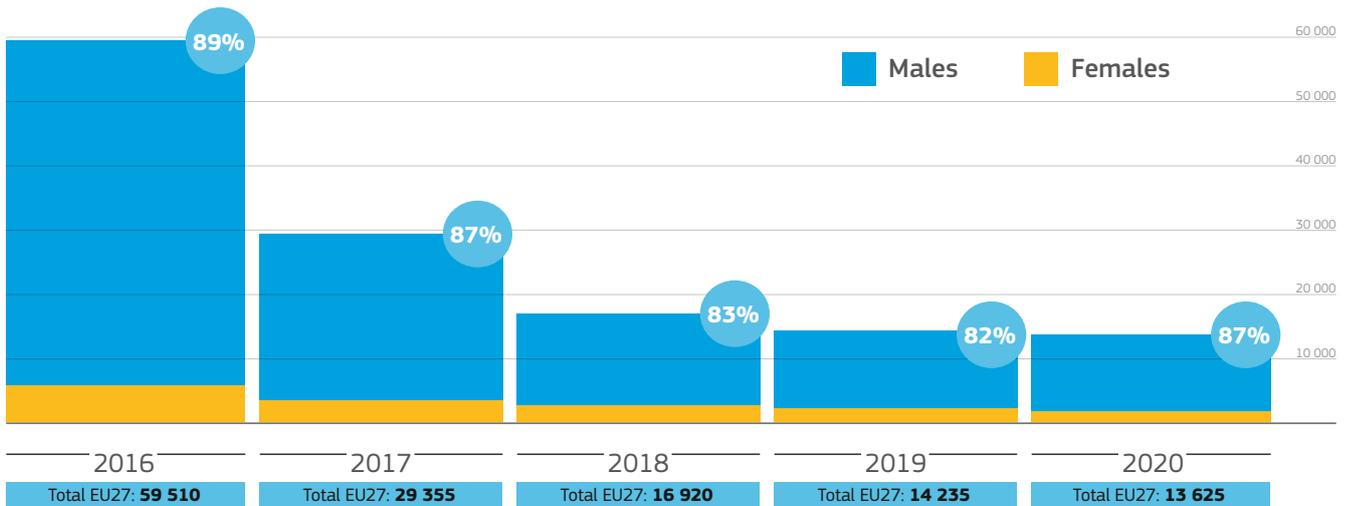
200 CY, ES, FI, FR, IT, LV.

201 CY.

202 LV.

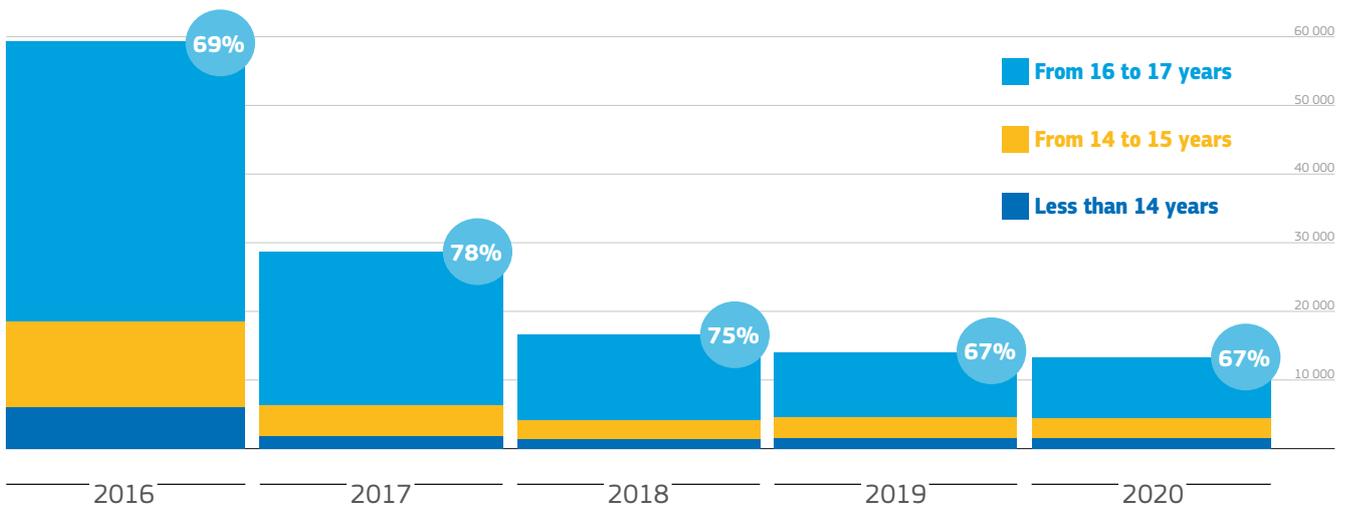
203 ES (This initiative is addressed to the Non-Accompanied Minors who had an authorisation to reside since the moment that he/she is under the Service of protection for Minors, but that authorisation did not allow automatically to work.

**Figure 5 – Number of unaccompanied minors seeking asylum in Member States and Norway by sex, 2016–2020**



Source: Eurostat (migr\_asyunaa), extracted on 27 May 2021.

**Figure 6 – Number of unaccompanied minors seeking asylum in Member States and Norway by age, 2016–2020**



Source: Eurostat (migr\_asyunaa), extracted 27 May 2021

to strengthen the integration pathway of minor asylum seekers.<sup>204</sup> For example, Italy ensured that the provision of information and immediate support, legal guidance, cultural mediation and psycho-social support started from the earliest stage of their arrival; while in Luxembourg, the procedure for taking care of newly arrived pupils was reviewed to guarantee that (migrant) children arriving in the middle of their education will be supported during their educational and social integration path.

2020 created an unprecedented situation for teachers, parents and pupils / students, as a result of the COVID-19 pandemic. Many Member States temporarily held

online classes,<sup>205</sup> including language classes for migrant children,<sup>206</sup> study support classes and/or on-call school support hours for newly arrived pupils.<sup>207</sup> The Dutch government provided funds for vulnerable children such as asylum-seeking minors to follow education remotely and schools received additional financing to mitigate any extra school lags for newcomers. Finland and Germany introduced respectively continued programmes for early development and education,<sup>208</sup> to make education more inclusive for newly arrived (migrant) children and provide them and their families with tailored support, with the ultimate goal to level out inequalities in society.

204 IT, HR, LU, SE, SI.

205 AT, BE, BG, CZ, EE, FI, HR, LU, PL, NL, SI, SK, NO.

206 AT, CZ, HR, LU.

207 AT, BG, LU.

208 The Federal Government programmes *Sprach-Kitas* and *Kita-Einstieg* in DE and the *Oikeus oppia* (Right to Learn) programme in FI.

## The Right to Learn programme - Finland

In Finland, the *Oikeus oppia* (Right to Learn) programme (2020-22) aims to secure an equal start for learning by improving quality and equality in early childhood education and care and offering comprehensive school education. The purpose of the programme is to reduce and prevent learning differences arising from children's socio-economic background, immigrant background or gender, to strengthen and develop learning support, and to improve literacy. The *Oikeus Osata* (Right to Skills) programme (2020-22) was also launched for equality and quality in vocational education and training.

### Return and detention

Member States introduced changes to the detention of minors, such as suspending detention,<sup>209</sup> expanding the possibilities for detention for certain minors with the purpose of return<sup>210</sup> or revising the procedure for accommodating minors who arrived with an adult asylum seeker who was detained.<sup>211</sup> For example, in Belgium, irregularly staying families with children could no longer be detained in the closed family units while awaiting repatriation. At the same time, the Netherlands increased the duration of detention of unaccompanied minors from two to four weeks, to allow more time to identify the minor. This aim of the policy change was to prevent unaccompanied minors' absconding and potentially, consequently, becoming victims of exploitation.

In Belgium, due to COVID-19, minors wishing to return voluntarily were provided support in the form of a 'quarantine package,' i.e. if a quarantine period was requested by the country of return, returnees were offered a one-time cash premium of €250 for accommodation and €50 for food. Unaccompanied minors unable to leave Belgium for reasons of *force majeure* (quarantine, flight cancellations, border closures, etc.) could also request an authorisation to extend their stay.

In Luxembourg, a Consultative Commission on the best interests of unaccompanied minors in return decisions was established in November 2020. An ad hoc administrator, appointed to represent the unaccompanied minor, is invited to bring their point of view to the Commission. An unaccompanied minor has the right to be heard by the Commission and any person who can contribute to a better understanding of the case may be invited by the Commission in an advisory capacity. France also strengthened the consideration of the best interests of the child in voluntary return decisions, while other Member States introduced more thorough (family) assessments in the return procedure.<sup>212</sup>

### Relocation

In 2020, the relocation of unaccompanied minors and/or families with children was mainly driven by the

humanitarian situation of up to 42 000 persons at the peak in March 2020 on the Aegean islands and the fire that destroyed the Moria reception camp on the Greek island of Lesbos in September 2020. As a result, many Member States assisted the Greek government by accepting the relocation of migrants from Moria and other camps in Greece (see section 3.2).<sup>213</sup>

### Minor victims of human trafficking and stateless minors

New developments with regard to minors who are (potential) victims of trafficking mostly consisted of legislative or policy measures to assist the early identification and referral of these children.<sup>214</sup> These developments were all prompted by the need for 'clear' and 'uniform' criteria for the identification of victims of trafficking, and in the case of Cyprus, also by the increasing number of unaccompanied minors. They also included the introduction of new strategies for combating trafficking in human beings overall<sup>215</sup> or embedding measures specifically aimed at minors in their wider strategies and policies.<sup>216</sup> Member States also introduced new legislation and recommendations on the provision of support and protection of victims and on their identification;<sup>217</sup> as well as capacity-building measures such as guidelines<sup>218</sup> and training<sup>219</sup> of staff, to improve frontline identification of victims by youth welfare and/or police officers.

### Measures to targeting trafficking of minors – Czech Republic

The Czech Republic adopted its 'National Strategy for Combating Trafficking in Human Beings' for the period 2020-2023 which foresees two measures focused on the trafficking of minors:

A study of trafficking in children in the Czech Republic

Preparation of educational material for early identification and provision of assistance to child victims of trafficking in human beings for persons working with children.

Other developments concerned clarifying the status of victims of trafficking. In Hungary, as of July 2020, persons in prostitution below the age of majority are treated as victims (not perpetrators) by law and placed in children's homes. In Norway, a legislative amendment allows victims of trafficking to stay in the country, on the condition that they provided evidence in relation to their trafficking case in criminal proceedings.

Finally, eligibility criteria for stateless minors to become citizens were extended in some Member States.<sup>220</sup>

209 BE.

210 NL.

211 LV.

212 BE, EE (a separate return decision will be issued to each family member (including to the children).

213 BE, BG, DE, FI, HR, IE, LT, LU, NL.

214 CY, CZ, DE, ES, HU, LT, SK, NO.

215 CZ.

216 SK.

217 LT, SK.

218 CY, CZ, ES (accompanied minors arriving at Madrid Barajas airport who apply for international protection).

219 DE.

220 EE, LT.

## Vulnerable groups in and outside of the asylum procedure

To better accommodate the needs of vulnerable groups in the asylum procedure, Luxembourg created temporary dedicated accommodation for those suffering from mental health disorders, and in Spain, a new facility was opened for the care of LGBTQI people, with the involvement of a specialist NGO. For vulnerable migrants not entitled to international protection, Italy provided a residence permit for special protection for those who – if returned to the country of origin – would run the risk to be subjected to torture or inhumane and degrading treatment or severe fundamental rights violation, also including the violation of right to privacy, family unit, and identity.

Member States also introduced new identification procedures or assessments to better identify vulnerable asylum seekers and understand their special needs.<sup>221</sup>

In Ireland, a new vulnerability assessment to determine the special reception and/or procedural needs of asylum applicants, to be completed within 30 days of lodging an application, was introduced on a pilot basis at the end of 2020. In relation to applicable procedural safeguards, a few Member States adapted their procedures for LGBTQI persons,<sup>222</sup> with Belgium providing guidelines and training on the sexual orientation and gender identity of asylum applicants, and the Netherlands adding LGBTQI persons from Brazil as an exception group, given the increasing number of asylum applications from people identifying as LGBTQI.<sup>223</sup>

Most of the developments concerning vulnerable groups outside of the asylum procedure were a result of the COVID-19 pandemic, such as encouraging undocumented migrants and other irregularly staying migrants to come forward and access healthcare and social services during the crisis.<sup>224</sup> In Luxembourg, irregularly staying migrants were also granted access to social grocery shops and emergency shelters.

<sup>221</sup> BG, EE, IE, LU.

<sup>222</sup> BE, NL.

<sup>223</sup> This meant that their asylum applications would undergo a detailed individual assessment rather than being treated through an accelerated procedure (when cases are assumed to be manifestly unfounded).

<sup>224</sup> BE, IE, LU.

# 5. INTEGRATION



## 5.1. EU DEVELOPMENTS

At the EU level, key developments during the year were the European Commission's adoption of an Action plan on integration and inclusion 2021-2027;<sup>225</sup> the renewal of the European Partnerships for Integration; the creation of a new informal expert group on the views of migrants; plus a range of measures in the context of the COVID-19 pandemic. Funding was awarded to sixteen EU action projects supporting key priorities in integration, and several high-level events were held, including with third countries.

The new EU Action plan on integration and inclusion 2021-2027 brings forward more than fifty actions and a framework to promote integration and inclusion and its scope covers both migrants and EU citizens with a migrant background. The action plan has a strong focus on the integration of migrant women and on the use of new technologies for integration. It builds on the lessons from the evaluation of the 2016 Action Plan on the integration of third-country nationals, and was informed by a public consultation as well as targeted consultations conducted between June and October 2020 with Member States, local and regional authorities, social and economic partners, employers, civil society organisations, foundations, international organisations, migrants and refugees.<sup>226</sup>

The Commission renewed the European Partnership for Integration with economic and social partners, offering opportunities for refugees to integrate in the European labour market; this reaffirms the importance of a multi-stakeholder approach for early integration into the labour market, benefitting both refugees and the economy and society at large.<sup>227</sup>

Funding was awarded via Union Actions supporting specific transnational or particularly innovative initiatives, to sixteen Union Action projects to support the integration of migrants, with a focus on three priorities: fostering the integration of persons in need of protection through private sponsorship schemes, facilitating the social orientation of migrants through the involvement of local communities and supporting the social and economic integration of migrant women.<sup>228</sup>

The Commission created an informal expert group on the views of migrants to provide advice and expertise on the design and implementation of initiatives in the field of migration, asylum and integration of migrants.<sup>229</sup> The better regulation agenda stresses the importance to make policy and law-making more open and inclusive, including by listening more to the people it affects. Actively involving migrants, including asylum applicants and refugees, in the design and implementation of policies in this field is essential to make them more effective and better tailored to the needs on the ground.

In the context of the COVID-19 pandemic, the Joint Research Centre of the European Commission published an analysis on the contribution of migrant workers to the coronavirus response highlighting the role of migrants in keeping essential functions, especially during the period of forced closure.<sup>230</sup> A communication campaign on migrants as “essential workers” was launched based on this analysis.<sup>231</sup> A second report assessed the vulnerabilities faced by migrant workers.<sup>232</sup> They are more likely to be in temporary employment, earn lower wages and have jobs that are less amenable to teleworking than the average worker. A page of the European website on integration was dedicated to the impact of COVID-19 on migrant

225 Communication on an Action Plan on integration and inclusion 2021-2024, COM(2020) 758 final, <https://ec.europa.eu/migrant-integration/news/the-ec-presents-its-eu-action-plan-on-integration-and-inclusion-2021-2027>, last accessed on 28 May 2021.

226 Commission Report on the consultation on the integration and inclusion of migrants and people with a migrant background Final report, November 2020, [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/summary/summary\\_of\\_consultations\\_in\\_view\\_of\\_the\\_action\\_plan\\_on\\_integration\\_and\\_inclusion.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/summary/summary_of_consultations_in_view_of_the_action_plan_on_integration_and_inclusion.pdf), last accessed on 28 May 2021.

227 Joint statement by the European Commission and Economic and Social Partners Renewal of the European Partnership for Integration, offering opportunities for refugees to integrate in the European labour market, <https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/legal-migration-policy/joint-statement-commission-economic-social-partners-renewal-european-partnership-integration.pdf>, last accessed on 28 May 2021.

228 Commission, Union actions grants under the Asylum, Migration and Integration Fund (AMIF), 16 February 2021,

<https://ec.europa.eu/migrant-integration/librarydoc/union-actions-grants-under-the-asylum-migration-and-integration-fund-amif>, last accessed on 28 May 2021.

229 Expert group on the views of migrants in the field of migration, asylum and integration (E03734), 17 July 2020, <https://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetail&groupID=3734>, last accessed on 28 May 2021.

230 Commission (2020), Immigrant Key Workers: Their Contribution to Europe's COVID-19 Response, 13 May 2020, <https://ec.europa.eu/jrc/en/news/crucial-contribution-migrant-workers-europes-coronavirus-response>, last accessed on 28 May 2021.

231 <https://twitter.com/YlvaJohansson/status/1255833251593191424?s=20>

232 Fasani, F., Mazza, J., A Vulnerable Workforce: Migrant Workers in the COVID-19 Pandemic, Publications Office of the European Union, Luxembourg, 2020, <https://publications.jrc.ec.europa.eu/repository/bitstream/JRC1.20730/online.pdf>, last accessed on 28 May 2021.

communities and the responses implemented by Member States and local and regional authorities.<sup>233</sup>

The EU supported a number of high-level events during 2020. A policy dialogue with Canada on the integration of migrant women took place, as part of the EU-Canada Migration Platform. A series of policy debates were held, including a high-level event with the participation of the Canadian Immigration Minister and Commissioner Johansson, to foster the exchange of experiences and identification of promising practices to address all critical issues that impact the lives of migrant women across the

EU and Canada.<sup>234</sup> All resources are available on the European website for integration. The European Commission together with the Committee of the Regions organised an interactive webinar focusing on fighting disinformation in the context of integration of migrants and refugees addressed to members of the local and regional authorities: *Thinking like a troll. Fighting disinformation campaigns in the context of integration of migrants.*<sup>235</sup> Finally, the German Council Presidency invited the Commission and Member States to an informal exchange on integration and social cohesion.

## 5.2. NATIONAL DEVELOPMENTS

### National integration strategy

During 2020, many Member States placed emphasis on new developments or reviews of their national or regional integration policy and legislation,<sup>236</sup> which in some countries was based on migrants' achievements and mandatory integration programmes.<sup>237</sup> Some focussed specifically on the integration of women as key integration drivers.<sup>238</sup> Countries also revised their guidelines for integration programmes, processes and measures as part of the national integration strategy.<sup>239</sup> Furthermore, integration services available to asylum applicants or recognised refugees were expanded<sup>240</sup> and funding of national integration programmes was increased.<sup>241</sup> For example, Italy introduced a new reception and integration system, extending the previous system by including additionally applicants for international protection (in addition to holders of international protection and unaccompanied minors who were already included in the previous national reception system). Lithuania introduced individual Integration Plans for persons granted asylum, tailored to individual needs. Ireland's new Programme for Government includes a commitment to developing and implementing a new Migrant Integration Strategy.

The distribution of responsibilities for integration policy between national, regional and local authorities was also changed.<sup>242</sup> For example, Austria decided to centralise the organisation of language courses to ensure unified processing and quality assurance. Additionally, competences for integration matters were transferred in several Member States from the national to the regional level or an increase in the role of municipalities or counties, whose active role is being viewed as a crucial element of a successful integration policies.<sup>243</sup>

### Education of adults

Several countries<sup>244</sup> sought to enhance language proficiency in adults.<sup>245</sup> For example, in Sweden the government launched a new language training initiative for non-working parents with small children, including persons on parental leave, targeting primarily newly arrived beneficiaries of international protection and their family members. Specifically addressing third-country national students, Finland introduced a new higher education policy, with a focus on language acquisition, plus career services and networking activities. In Italy, an initiative to grant scholarships to students with an international protection status was renewed in 2020 and in Austria, a similar scholarship targeting third-country national students in Austria was granted. Additional changes in language programmes were driven by the COVID-19 pandemic in several countries,<sup>246</sup> such as plans to implement online language training as a supplement for regular courses.

### Labour market and skills

The labour market integration of third-country nationals was targeted through the implementation of new strategies and programmes, specifically to promote diversity in the labour market or support for vulnerable groups such as refugees.<sup>247</sup> Other developments focussed on placement across regions to ensure a better distribution according to labour market's needs, as reported for example by Austria specifically for persons granted asylum; or strengthening local cooperation in employment matters in Sweden.

Various training programmes were implemented for jobseekers, including migrants,<sup>248</sup> and in some cases, specific groups, such as those granted asylum or subsidiary

233 Commission, COVID-19's impact on migrant communities, 24 June 2020, <https://ec.europa.eu/migrant-integration/news/covid-19s-impact-on-migrant-communities>, last accessed on 28 May 2021.

234 All resources are available on the European website for integration: <https://ec.europa.eu/migrant-integration/news/canada-eu-migration-platform-exploring-innovative-approaches-to-promote-the-integration-of-migrant-women>, last accessed on 28 May 2021.

235 Committee of the Regions, Webinar: Thinking like a troll. Fighting disinformation campaigns in the context of integration of migrants, 20 May 2020, <https://cor.europa.eu/en/events/Pages/fighting-disinformation.aspx>, last accessed on 28 May 2021.

236 AT, BE, CZ, EE, FI, FR, HR, IE, IT, LT, LU, NL, SE, NO.

237 AT, BE, CZ, FR, NL, NO.

238 AT, FR.

239 DE, LU, SE.

240 IT, LT.

241 AT, CZ, LU.

242 AT, FR, IE, LT, LU, NO.

243 LT, LU, NO.

244 AT, BE, FI, FR, IT, LT, LU, NL, PT, SE, NO.

245 In LU, this was a policy priority marked by a call for projects aimed at promoting integration through practical language learning activities.

246 AT, BE, CZ, DE, HR, IT, LU, NO.

247 FI, IT, SE, NO.

248 CZ, SE

protection,<sup>249</sup> women,<sup>250</sup> or newly arrived immigrants.<sup>251</sup> Several legislative changes<sup>252</sup> aimed at faster recognition of qualifications and easier access to the labour market for certain professions, such as health and nursing in Austria, or for newly arrived third-country nationals as was reported by France.

In Spain, as a result of the COVID-19 pandemic, migrants between the age of 18 and 21 in a regular situation but without authorisation to work, were authorised to work in the agricultural sector, without the need for any migration procedure. A residence and work permit of two years, renewable for two more, was granted to them, with the possibility to apply for a long-term residence permit after this period.

### Ratification of the Global Convention on the Recognition of Qualifications - Norway

Norway ratified UNESCO's Global Convention on the Recognition of Qualifications concerning Higher Education in spring 2020.<sup>253</sup> The Convention aims to put in place universal principles to improving the recognition of higher education qualifications and to foster inter-regional academic mobility. By signing the Convention, Norway has become the first State party to the Global Convention worldwide.

The COVID-19 pandemic led to some further changes in labour market integration and skills validation.<sup>254</sup> For example, Norway changed legislation to introduce a temporary scheme until July 2020 enabling the possibility to combine training and education with unemployment benefits. Due to the lack of workers in some sectors as a result of border closures, Belgium enabled (in certain circumstances) the employment of asylum applicants, as did Spain. Sweden extended the maximum period for state-subsidised labour market programmes for new arrivals for an additional 12 months. The possibility of extension was temporary and available until the end of December 2020.

### Basic services

A few Member States aimed to facilitate the integration of third-country nationals through changes in access to basic services, including housing<sup>255</sup> and social security.<sup>256</sup> For example, Norway amended the Social Services Act to help third-country nationals achieve higher skills levels in Norwegian language by setting completed language training as a condition for receiving financial assistance. In Portugal, co-payments in public health facilities were eliminated with the aim to provide free access to healthcare for all residents, including third-country nationals.

Member State also made efforts to facilitate access to basic services in view of the COVID-19 pandemic,<sup>257</sup> including sharing information in different languages.<sup>258</sup> For example, France adopted programmes to promote access to digital technologies for newly arrived third-country nationals, and Austria introduced a poverty prevention strategy, focussing on, amongst other groups, third-country nationals, as the impacts of the pandemic resulted in job losses in sectors where third-country nationals were employed.

### Active participation

Member States<sup>259</sup> sought to enhance integration also through encouraging the active participation of third-country nationals, for example, in local democratic structures,<sup>260</sup> and organising civic orientation programmes,<sup>261</sup> or introducing such programmes on-line.<sup>262</sup> Sweden prepared the introduction of mandatory civic orientation programmes for asylum seekers; while France rather focused on enhancing the effectiveness of such programmes by providing support for educators, trainers and other support actors involved in programme delivery.

The local level was also targeted,<sup>263</sup> as reported by Austria, where the International Centre for the Promotion of Human Rights at the Local and Regional Levels was established with UNESCO; the aim was to achieve the development goal of making cities and human settlements inclusive, safe, resilient and sustainable. In the Slovak Republic, the Bratislava Self-Governing Region implemented a new social inclusion concept which included for the first time in strategic documents foreigners (EU citizens and third-country nationals) as a target group at the local level.

### Concept of Social Inclusion for the Bratislava Self-Governing Region 2020 – 2030 – Slovak Republic

The concept addresses social inclusion of vulnerable groups including foreigners. The main priorities are creating a positive integration environment, improving access to information and assistance for foreigners, and removing language barriers. To realise these priorities, several actions are envisaged, including the promotion of diversity, tolerance, solidarity and security; making (pre-arrival) information available; increasing Slovak language competences; incorporating integration matters into strategic documents of cities and towns; and educating employees of city administrations in the area of migrant integration.

Additionally, changes to move to on-line provision were implemented as a response to the COVID-19 pandemic. In

249 AT

250 FR, SE

251 FR, SE.

252 AT, FR, IE, NO.

253 UNESCO, 2019, 'What is the Global Convention on Higher Education?', 7 November 2019, <https://en.unesco.org/news/what-global-convention-higher-education>, last accessed on 28 May 2021.

254 AT, BE, IT, LU, SE, SK, NO.

255 BE, IT.

256 PT, NO.

257 AT, BE, FR.

258 AT, BE, CZ, FR.

259 AT, BE, FR, HR, IT, LU, NL, SE, SK.

260 LU.

261 FR, IT, NL, SE.

262 LU.

263 AT, HR, LU, SK.

Luxembourg, civic classes were provided digitally due to the pandemic. This approach has opened up a new way of working which will continue after the COVID-19 pandemic to complement the former ways of working.

## Fighting racism and discrimination

The fight against racism and discrimination was taken forward by many Member States<sup>264</sup> *inter alia* via the implementation of action plans and programmes.<sup>265</sup> Croatia drafted its 2021-2027 national plan for the protection of human rights and combatting discrimination, joining for the first time the need to protect human rights and combat discrimination in one policy document. Belgium fostered a regional approach to tackle discrimination, where the main Inter-federal Equal Opportunities Centre (Unia) implemented several contact points across the regions to accelerate the response to local developments. Muslims were a particular target group for actions, with Norway launching an action plan against discrimination and hatred towards Muslims, including more funding for civil society organisations. Austria established a new Austrian Fund for the Documentation of Religiously Motivated Political Extremism (Documentation Centre for Political Islam) with the aim to investigate religiously motivated political extremism and social segregation. In Ireland, the findings of the public consultation on hate speech and hate crime, *Legislating for Hate Speech and Hate Crime in Ireland* were published in December 2020, and it was announced that new legislation to combat incitement to hatred and hate crime in Ireland, would be brought forward in 2021.<sup>266</sup> Germany and Luxembourg reported enhanced measures and resources to fight, respectively, discrimination and racism. In Luxembourg, the topic was a political priority for the Integration Department of the Ministry of Family Affairs, Integration and the Greater Region, which was reflected in their 2021 call for projects.

## Pre-departure/arrival programmes

New developments on pre-departure / arrival programmes in 2020<sup>267</sup> focussed particularly on preparatory measures for specific target groups,<sup>268</sup> and mandatory participation in such programmes.<sup>269</sup> To improve the integration of Turkish newcomers, the Netherlands reinstated mandatory participation in pre-departure/ arrival civic integration programmes for this group, who must now

pass the Integration Exam Abroad. Those granted asylum and their family members are exempt from taking the Integration Exam Abroad but are obliged to do so upon arrival in the Netherlands. The Belgian Reception Agency, Fedasil, organised, at the request of the Belgian Development Agency, a specific pre-departure training aimed at ICT specialists in Morocco, whilst Sweden reported on new preparatory measures for refugees awaiting resettlement to Sweden.

### New preparatory measures for refugees who await resettlement - Sweden

In 2020, the Swedish Migration Agency developed new preparatory measures for refugees who await resettlement to Sweden to facilitate their integration in society. Jointly with the International Organization for Migration (IOM), the Agency carried out a pilot programme in Kampala (Uganda), which will be evaluated and used as a base for other programmes in 2021.

## Involvement of non-government stakeholders

The involvement of non-governmental stakeholders in promoting integration of third-country nationals was *inter alia* enhanced through organisational and infrastructure changes<sup>270</sup> and new funding.<sup>271</sup> Luxembourg opened an inter-ministerial committee on integration to civil society to explore synergies between different actors in the area of integration, and Finland appointed a new advisory board for ethnic relations. With the aim to provide funding for small community-based organisations carrying out integration projects, Ireland continued the Communities Integration Fund. Croatia and the Czech Republic strengthened the involvement of NGOs in the development of integration provisions for migrants. In the Czech Republic, a migrant-run NGO (which had already experience in organising integration courses) participated in the development of integration courses for migrants. Similarly, in Croatia a new AMIF-funded project aimed to support beneficiaries of international protection in their integration by an individualised integration approach supported by the NGO 'Centre for the Culture of Dialogue'.

264 AT, BE, DE, HR, IE, LU, PT, SK, NO.

265 AT, BE, DE, HR, IE, SK, NO.

266 Department of Justice, 2020, *Legislating for Hate Speech and Hate Crime in Ireland Report on the Public Consultation 2020*, [http://www.justice.ie/en/JELR/Pages/Legislating\\_for\\_Hate\\_Speech\\_and\\_Hate\\_Crime\\_in\\_Ireland\\_Report](http://www.justice.ie/en/JELR/Pages/Legislating_for_Hate_Speech_and_Hate_Crime_in_Ireland_Report), last accessed on 28 May 2021.

267 BE, CZ, IT, NL, SE.

268 BE, SE.

269 CZ, NL.

270 FI, LU, and NO.

271 IE, IT, SE.

# 6. CITIZENSHIP AND STATELESSNESS



## 6.1. EU DEVELOPMENTS

The EMN Inform on Statelessness in the EU was updated and published in January 2020.<sup>272</sup> During 2020, the EMN Platform on Statelessness continued to raise awareness on the topic, seeking solutions to some of the main problems confronting stateless persons in the EU: access to citizenship for stateless children; creation of a link between recognition of statelessness and residence permits; difficulties arising from the burden of proof; creation of a specific determination procedure for minors;

and raising awareness of the real cases of statelessness in contrast to their misuse.

Due to the COVID-19 pandemic, the Platform could not organise any planned events. However, it was able to organise a panel on access to nationality for stateless children during the EMN Luxembourg Annual National Conference “Citizenship as a value” on 1 October 2020.<sup>273</sup> Despite the focus on the COVID-19 crisis, there were new developments in some Member States (see below).



## 6.2. NATIONAL DEVELOPMENTS

### Acquisition of citizenship

New developments in relation to the acquisition of citizenship (prerequisites and conditions) for legally residing third-country nationals predominantly focused on new legislative measures addressing the conditions and requirements for gaining citizenship. Amongst others, legislative amendments led, for example, to easier acquisition of citizenship for certain groups;<sup>274</sup> procedural changes regarding the necessary documents and data that need to be submitted,<sup>275</sup> or re-imburement of certain costs associated with the application procedure;<sup>276</sup> and changes in prerequisites and requirements (e.g. including the need to show a higher level of language knowledge).<sup>277</sup>

In Norway, amendments to the Nationality Act to allow dual citizenship took effect from January 2020. Conversely, the Netherlands<sup>278</sup> changed its legislation regarding the loss of previously acquired citizenship to prevent dual citizenship.

Latvia and Portugal sought to facilitate access to citizenship for children from third countries, with Latvia enabling automatic citizenship for children of non-citizens born in

Latvia, unless the child was granted another citizenship through the parents, and Portugal allowing children of non-Portuguese citizenship born in the country to gain Portuguese nationality at birth, if their parents had Portuguese residence of at least one year. In Norway, the possibility of dual citizenship was introduced in January 2020.

Both Cyprus and Malta abolished their national investor citizenship schemes. In the case of Cyprus, this was due to long-term weaknesses of the scheme as well as reported misuse of the provision.

The Ministry of Education and Research in Norway amended the regulations on the acquisition and loss of Norwegian citizenship and lengthened the disqualification period when an applicant has been convicted or fined.

The COVID-19 pandemic led to mainly temporary changes, including the possibility to replace citizenship ceremonies (and the obligatory oath) by providing documents in writing,<sup>279</sup> or procedural changes regarding the applications process or issuance of decisions.<sup>280</sup> Further, France facilitated and accelerated the processing of citizenship applications of those persons who were particularly

272 EMN, 2020, Statelessness in the European Union. Brussels, European Migration Network, [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/00\\_eu\\_inform\\_statelessness\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/00_eu_inform_statelessness_en.pdf), last accessed on 28 May 2021.

273 The event can be watched online on the following link: <https://www.youtube.com/watch?v=tDNly39nEIE&feature=youtu.be> (see from 5:25 onwards), last accessed on 28 May 2021.

274 AT, EE, HR, LV, LT, MT, NL, PT.

275 BE, HU.

276 LU.

277 FR, IT, LU, NL, SE, NO (In Norway, the Government has proposed to raise the requirement for skills in oral Norwegian from level A2 to B1 to become naturalised).

278 Only for Dominican Republic.

279 AT, IE (this temporary measure to sign an affidavit of loyalty to the State was announced in October 2020 and commenced from January 2021).

280 BE, LU.

exposed to the virus through their work during the pandemic, e.g. those in so-called “essential” jobs.

## Statelessness

With the aim to eradicate statelessness and enhance the rights of stateless persons, some countries reported new developments.<sup>281</sup> The Czech Republic simplified the issuance of a residence permit for recognised stateless persons, allowing those without a residence permit to be granted tolerated stay. In Belgium, the new federal government announced that it would search for a solution for certain stateless persons who could not return to their country for reasons beyond their control. The

Netherlands reported on a new bill that will establish a procedure allowing judges to determine statelessness.

The rights granted to recognised stateless persons were enhanced in the Czech Republic by granting access *inter alia* to the labour market, education, health care, social aid. Sweden launched a government-led inquiry on nationality looking (among other issues) into limiting statelessness and providing the possibility for certain children born stateless in the country to automatically acquire nationality at birth.

At the same time, Bulgaria specified further grounds on which stateless persons could be refused residence (for example, when they were subject to a return decision).

<sup>281</sup> BE, CZ, NL, SE.

# 7. BORDERS, VISA AND SCHENGEN



## 7.1. EU DEVELOPMENTS

The main developments in 2020 concerned the revision of the Visa Information System (VIS) Regulation (2008/767),<sup>282</sup> and the revision of the Visa Code.<sup>283</sup> The revised Visa Code started applying on 2 February 2020, and the accompanying Handbooks were revised accordingly. In addition, implementing decisions for the harmonised application of the Visa Code in particular locations were adopted. Regarding the VIS regulation, negotiations between the European Parliament and the Council on the proposal to revise the Visa Information System Regulation were completed in December 2020, with a political agreement between the Parliament and the Council.

The negotiations on a new visa facilitation agreement with Cabo Verde were initiated in January and successfully finalised in December. The visa facilitation agreement with Belarus came into force on 1 July. Two

Communications on progress made towards achieving full visa reciprocity with the United States were adopted in March<sup>284</sup> and December 2020.<sup>285</sup>

As announced in the new Pact on Asylum and Migration, preparatory work on a proposal concerning the digitalisation of the visa procedure was launched (feasibility study, engagement of eu-LISA).

Finally, in response to the travel disruptions caused by the COVID-19 restrictive measures, three guidance communications were adopted between March and July 2020, concerning the processing of visa applications during the pandemic and the co-ordinated resumption of visa operations after the lifting of the travel restrictions (see section 2.1).



## 7.2. NATIONAL DEVELOPMENTS

### Enhanced border management at the external borders

#### Border control measures/management

New developments related to border control measures and management were mostly driven by the COVID-19 pandemic, which had a strong impact on mobility across the EU and on migration from and into the EU. Nearly all Member States<sup>286</sup> at some point during the pandemic introduced restrictions related to movement across/ into their national territories, limiting border crossings to essential movements only.<sup>287</sup> In addition, measures implemented at the borders to counteract the spread

of COVID-19 included the use of thermal cameras for body temperature measurements of passengers,<sup>288</sup> the introduction of a public health passenger locator form<sup>289</sup> and the permanent presence of healthcare personnel at border control posts.<sup>290</sup>

In Estonia, the Governmental order on the Involvement of the Defence League in Protecting Public Order During Emergency Situation came into force, supporting the PBGB mainly on the southern border of Estonia in the temporary closure of the border areas and to assist police officers at border crossings. Similarly, in Latvia, a legislative amendment allowed the State Armed Force and the State Police to provide support to the State Border Guards in the context of the pandemic.

282 Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation) <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32008R0767>, last accessed on 28 May 2021.

283 Regulation (EU) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation (EC) No 810/2009 establishing a Community Code on Visas (Visa Code) [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L.\\_2019.188.01.0025.01.ENG](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L._2019.188.01.0025.01.ENG), last accessed on 28 May 2021.

284 Communication on the State of play as regards the situation of non-reciprocity in the area of visa policy. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52016DC0221>, last accessed on 28 May 2021.

285 Communication on Defining the position of the Commission following the European Parliament resolution of 22 October 2020 on obligations of the Commission in the field of visa reciprocity and reporting on the state of play. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020DC0851>, last accessed on 28 May 2021.

286 AT, BE, BG, CY, CZ, HR, EE, ES, FI, FR, HU, IE, IT, LT, LV, NL, PL, PT, SE, SK.

287 For more information related to the impact of COVID-19 on border controls, please consult the EMN OECD Inform on The impact of COVID-19 in the migration area. [https://ec.europa.eu/home-affairs/sites/default/files/00\\_eu\\_inform3\\_labour\\_migration\\_2020\\_en.pdf](https://ec.europa.eu/home-affairs/sites/default/files/00_eu_inform3_labour_migration_2020_en.pdf)

288 BG, CZ.

289 CZ, IE.

290 BG, CZ.

Many Member States and Norway reported on progress towards the implementation of the European Travel Information and Authorisation System (ETIAS)<sup>291</sup> and the Entry/Exit System (EES).<sup>292</sup> For example, some Member States<sup>293</sup> appointed national units responsible for ETIAS, whilst others referred to preparatory activities to implement both systems, including the establishment of working groups,<sup>294</sup> analyses of development needs and feasibility studies,<sup>295</sup> consultation with national organisations and entities,<sup>296</sup> the launching of procurement procedures for IT systems and equipment,<sup>297</sup> training of staff,<sup>298</sup> and the preparation of legislative amendments.<sup>299</sup> Two Member States<sup>300</sup> progressed on the first and second level border control modules of the EES System, as well as their mobile border technology.

Member States<sup>301</sup> also made progress on the Integrated Border Management (IBM) strategy, to streamline the management of external borders at national level, and to further harmonise national integrated border management strategies with EU provisions. For instance, Bulgaria's new 'National Strategy for Integrated Border Management' follows the European integrated border management's four-steps model for access control. Other main developments included the adoption of new national strategies,<sup>302</sup> the introduction of quality control mechanisms,<sup>303</sup> and the creation of an integration of a team to implement the IBM strategy.<sup>304</sup>

### Reinforced cooperation with third countries in the area of border management

To strengthen their operational capacity to control external borders, some Member States<sup>305</sup> set up cooperation initiatives with third countries. Partly as a consequence of Brexit, a new agreement was signed between Belgium, France, the Netherlands and the United Kingdom, setting out modalities for border controls.

## Visa Policy

In response to the COVID-19 pandemic, countries all over the world took additional measures to manage and control migratory movements to contain the virus. Some Member States<sup>306</sup> decided to temporarily suspend accepting visa applications, except for certain priority/emergency categories. Due to the COVID-19 pandemic, public office hours at the Austrian representation

authorities worldwide that are responsible for visa and residence matters were temporarily discontinued. To assist third-country nationals already staying in the EU whose short or long-term visas were expiring without them being able to return, several Member States<sup>307</sup> allowed them to stay during the COVID-19 crisis via tolerated stays or by extending residence permissions.<sup>308</sup>

Bulgaria was granted 'passive' access to the Visa Information System (VIS) of the EU, which was expected to have a positive impact on security, as national authorities are now able to check Schengen visas in the EU system. Croatia is also preparing to join the system. Several Member States reported on developments related to the revision of the EU Visa Code,<sup>309</sup> including amendments to the national legislation and/or representation agreements,<sup>310</sup> increases of fees for short-stay visas,<sup>311</sup> training,<sup>312</sup> and work on the first phase of the visa-register.<sup>313</sup>

Other developments included the introduction of a long-stay visa in Croatia for up to 30 days if a third-country national has been granted temporary residence/stay and work permit and needs a visa to enter the country. There were plans for introducing this type of visa also in Finland to facilitate the entry of specialists and start-up entrepreneurs into the country and, simultaneously, boost labour migration.

Estonia amended the Aliens Act<sup>314</sup> stipulating a new legal ground for the premature termination of the period of stay if the visa was issued for the purpose of work and the third-country national was no longer gainfully employed (for instance, if the employment contract had expired) or otherwise contracted, and no longer had a legal basis to stay in a country.

In Luxembourg, an amendment to the Immigration Law was proposed to specify that the sponsor, of Luxembourgish citizenship, must reside in the Grand Duchy of Luxembourg, that the duration of the sponsorship cannot exceed 90 days (in the case of a stay of up to 90 days) and one year (in the case of a stay of more than three months). The proposed change would also clarify the fact that a person who is dependent on social assistance provided by the State in terms of resources, cannot be a sponsor.

The high number of Yemen nationals applying for asylum at Schiphol airport while in transit pushed the Netherlands

291 AT, BE, HR, CZ, DE, EE, LT, LU, NL, PT, SE, SI.

292 CY, CZ, DE, EE, ES, HR, LT, LU, NL, PL, SE, SI, NO.

293 BE, BG, HR, LT, NL, PT, SI.

294 CZ, DE, EE, ES, SI.

295 CZ, EE, HR, LT, LU.

296 CZ, LU.

297 CZ, LU.

298 CZ, ES.

299 CZ, NO.

300 DE, EE.

301 AT, BG, CY, CZ, EE, LT, LU, PT, SI.

302 BG, CY, CZ, LT, SI.

303 PT.

304 PL.

305 AT (Memorandum of Understanding between the Federal Ministry of the Interior of the Republic of Austria and the Ministry of the Interior of the Republic of Serbia), BE, CY, ES, HU, LV, PL, SK (18 officers were sent to Northern Macedonia within common operations based on the bilateral agreements).

306 AT (representation authorities), BE, CY, CZ, FI, FR, HR, IE, LV, LU (this also applied to the issuance of visas), NL, PT, SK.

307 CZ, ES, FI, FR, HR, IE, LU, LV, PL, PT.

308 For more information related to the impact of COVID-19, please consult the relevant EMN OECD Informs: [https://ec.europa.eu/home-affairs/sites/default/files/00\\_eu\\_inform3\\_labour\\_migration\\_2020\\_en.pdf](https://ec.europa.eu/home-affairs/sites/default/files/00_eu_inform3_labour_migration_2020_en.pdf), [https://ec.europa.eu/home-affairs/sites/default/files/00\\_eu\\_inform1\\_residence\\_permits\\_and\\_unemployment\\_en\\_updated\\_final.pdf](https://ec.europa.eu/home-affairs/sites/default/files/00_eu_inform1_residence_permits_and_unemployment_en_updated_final.pdf) and [https://ec.europa.eu/home-affairs/sites/default/files/docs/pages/00\\_eu\\_emn\\_covid19\\_umbrella\\_inform\\_en.pdf](https://ec.europa.eu/home-affairs/sites/default/files/docs/pages/00_eu_emn_covid19_umbrella_inform_en.pdf)

309 AT, BE, BG, CZ, DE, EE, FR, LV, NL, SE, SK.

310 BG, LV, NL.

311 NL.

312 SE.

313 EE.

314 Aliens Act § 52 p 1 (9)

to introduce an Airport Transit Visa requirement for Yemen nationals travelling through the Netherlands. Conversely, in three Member States<sup>315</sup> agreements with third countries on visa exemptions for holders of diplomatic and special passports,<sup>316</sup> as well as for specific categories of citizens entered into force.

## Schengen governance

In many Member States and Norway<sup>317</sup> internal border controls were temporarily reintroduced as a measure to contain the spread of the Covid-19 pandemic.

Schengen evaluation missions were carried out in a few Member States on (external) borders,<sup>318</sup> return policy,<sup>319</sup>

SIS/ Sirene,<sup>320</sup> police cooperation<sup>321</sup> and data privacy.<sup>322</sup> In a few other Member States,<sup>323</sup> action plans following up on past Schengen evaluation missions were closed, as the recommendations had been successfully implemented. In a few Member States some of the missions scheduled for 2020 were postponed due to the COVID-19 pandemic.<sup>324</sup> Developments in Member States that are not currently part of Schengen included a targeted follow-up visit of the Schengen evaluation team to review the management of the external land borders in Croatia and a field visit for the evaluation of returns in Cyprus. These were important visits, in view of these Member States' possible future accession to the Schengen area.

<sup>315</sup> HR (with Government of the State of Qatar on, and the Government of Fiji), CZ (with the Republic of Ecuador), EE (with the Government of Tajikistan).

<sup>316</sup> HR.

<sup>317</sup> AT, BE, CZ, DE, EE, ES, FI, FR, HU, LT, PL, PT, SE, SI, SK, NO.

<sup>318</sup> AT, BE.

<sup>319</sup> AT, BE, CY.

<sup>320</sup> AT.

<sup>321</sup> AT.

<sup>322</sup> AT, BE.

<sup>323</sup> EE, FR, LV.

<sup>324</sup> AT, BE, LT, NL.

# 8. IRREGULAR MIGRATION INCLUDING MIGRANT SMUGGLING



## 8.1. EU DEVELOPMENTS

The main developments during the year included preparatory work on the 2021-2025 EU action plan against migrant smuggling, the development of the 2021-2022 work programme of the European network of immigration liaison officers and the launch of three new Common Operational Partnerships with third countries. Six new information projects on the risks of irregular migration were launched, and the Commission issued guidance on the implementation of EU rules on definition and prevention of the facilitation of unauthorised entry, transit and residence. Finally, a Ministerial Conference between the EU and African partners on migrant smuggling was held.

As announced in the new Pact on Migration and Asylum, preparatory works have started on a new 2021-2025 EU action plan against migrant smuggling. It will strengthen further operational cooperation and exchange of information among Member States and EU law enforcement agencies to investigate and prosecute migrant smuggling networks and will seek strengthened cooperation through partnerships to counter migrant smuggling with non-EU countries along the migratory routes towards the EU.

One of the instruments included in the Pact was the “Migration Preparedness and Crisis Blueprint”, to build resilience and preparedness to organise a coordinated response to a migration crisis. Following the adoption of the Commission Recommendation on the Migration Preparedness and Crisis Blueprint, the Commission proceeded with the operationalisation of the Blueprint. With the nomination of Points of Contact by the Agencies, the EEAS and 26 Member States, the first meeting of the Blueprint Network took place on 27 November 2020.

The 2021-2022 work programme of the European network of immigration liaison officers<sup>325</sup> identified three

focus areas to optimise the utilisation of the network: (1) gathering, sharing, and analysing information for use at strategic or operational level, (2) targeted provision of capacity-building activities to authorities and other stakeholders in third countries, and (3) rendering assistance to authorities of Member States in implementing EU migration and visa policy.

To support stronger operational cooperation with third countries, the Internal Security Fund – Police funded the launch of three new Common Operational Partnerships<sup>326</sup> respectively with Gambia; with the Western Balkans and Turkey; and a project setting up a network of existing Common Operational Partnerships in West and Central Africa. Additionally, the EU Emergency Trust Fund for Africa supported a new Common Operational Partnership with Mali.

To prevent irregular migration and in particular migrant smuggling, six new projects were awarded by the Commission under the Asylum, Migration and Integration Fund (AMIF), with the main goal being to provide trusted, factual, balanced information on the risks of irregular migration. The geographical scope covered North Africa, West Africa, Western Balkans and South Asia<sup>327</sup>

The Commission issued guidance on the implementation of EU rules on definition and prevention of the facilitation of unauthorised entry, transit and residence,<sup>328</sup> also referred to as the ‘Facilitators Package’.<sup>329</sup> The Guidance recommends a legislative interpretation that does not allow for the criminalisation of humanitarian assistance, including in the context of search and rescue operations at sea conducted by non-governmental organisation or other actors.

Finally, the Ministerial Conference between the EU and African partners on migrant smuggling took place on 13

<sup>325</sup> Regulation (EU) 2019/1240 of the European Parliament and of the Council of 20 June 2019 on the creation of a European network of immigration liaison officers <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32019R1240>, last accessed on 28 May 2021.

<sup>326</sup> A Common Operational Partnership is a flexible cooperation framework consisting of one or more Member States working alongside law enforcement, judiciary and other relevant authorities of a partner third country, to enhance joint efforts to fight against organised crime groups engaged in migrant smuggling and trafficking in human beings.

<sup>327</sup> AMIF-2019-AG-CALL-04, <https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/opportunities/topic-details/amif-2019-ag-call-04>, last accessed on 28 May 2021.

<sup>328</sup> Communication on Guidance on the implementation of EU rules on definition and prevention of the facilitation of unauthorised entry, transit and residence, C(2020) 6470 final <https://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX%3A52020XC1001%2801%29>, last accessed on 28 May 2021.

<sup>329</sup> Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32002L0090> and Council Framework Decision 2002/946/JHA of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence, <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32002F0946>, last accessed on 28 May 2021. This legal framework defines the offence of facilitation of unauthorised entry, transit or residence in the EU and setting out related criminal sanctions aimed at combating irregular migration and organised smuggling networks that endanger migrants’ lives.

July 2020, bringing together Ministers of the Interior of Algeria, Libya, Mauritania, Morocco and Tunisia with their counterparts from Italy (chair), France, Germany (participating as the Council Presidency), Malta and Spain, as

well as the Commission. The Conference confirmed the mutual determination to fight against migrant smuggling as a common challenge through international cooperation, coordination as well as effective border management.



## 8.2. NATIONAL DEVELOPMENTS

### Preventing and tackling of misuse of legal migration channels

#### Irregular migration as result of legal migration channels

Changes to prevent and tackle the misuse of legal migration channels mostly focused on enhancing controls and clarifying rules and criteria for legal entry.<sup>330</sup> Some Member States focused their efforts on combatting labour exploitation and abuse of benefits. For example, through new forms of collaboration between migration and labour authorities, including joint inspections in the workplace, Member States sought to improve the detection of irregularities by third-country workers and their employers,<sup>331</sup> as well as detect irregularities specifically linked to the COVID-19 pandemic.<sup>332</sup> Notably, in Belgium, some non-EU workers were found to use false documentation to claim unemployment benefits for which they were not eligible; therefore, the government instructed municipalities to reinforce controls in such cases.

While most Member States targeted migrant workers as part of their detection efforts, Belgium also strengthened controls to reduce the misuse of the family reunification procedure: the government mapped, with the support of municipalities, possible marriages of convenience, in order to subsequently develop approaches tailored to the local situation. In Cyprus, all third-country nationals residing on the island are now obligated, before the marriage, to obtain a non-impediment certificate issued by the national authority.

Besides reinforcing controls, Member States also aimed to prevent and discourage the misuse of legal migration channels, by introducing or plan for new requirements, and by clarifying criteria and procedures for legal entry.<sup>333</sup> This included, for example, introducing quota and defining verifiable criteria to allow for the entry of students<sup>334</sup> and workers.<sup>335</sup> Latvia launched a needs assessment to consider possible changes to the legal framework for the admission of students, and further action may be taken in 2021. A legislative proposal submitted by the Swedish Government introducing the safe-country-of origin concept is expected, *inter alia* to have a deterrent effect on the misuse of the visa free regime and the asylum system for work purposes, by increasing the predictability of return in case of unfounded asylum claims.

#### False travel documents

The continued use of forged identity documents to enter the EU led some Member States and Norway to introduce improvements to the security features of documents.<sup>336</sup> This included a variety of changes, such as the implementation of new passport-like security features on identity cards,<sup>337</sup> and the adoption of uniform formats for residence cards for third-country nationals and EU citizens.<sup>338</sup>

Other Member States focused instead on strengthening their operational capabilities to detect fake travel documents,<sup>339</sup> for example by purchasing new equipment and adopting new technologies,<sup>340</sup> or through new training and guidance for border guard.<sup>341</sup>

#### The 'Seamless Flow' programme - the Netherlands

A new project was started in 2020 in the Netherlands to create a seamless journey for passengers who will pass a series of obligatory checks at the airport, all using biometric system (facial recognition) including at boarding. The project was piloted in 2020.

#### Innovation to detect false documents - France

The JOT DOC FRAUD project, created in 2018 to develop a secure web-based database to store false documents and their profiling, became fully operational in 2020. The project includes the participation of 16 countries, with Belgium and France as joint leaders, and benefits from the support of Europol, Frontex and Cepol.

### The fight against facilitation of irregular migration ('smuggling') and prevention of irregular stay

#### Combatting facilitation of irregular migration (smuggling)

The main drivers behind changes in 2020 concerned the need to deter irregular migration and dismantle smuggling networks.<sup>342</sup> Several Member States stepped up their engagement in cross-border operational collaboration to improve detection and management of

330 BE, EE, LT, LV, PL, SK, SE.

331 LT, EE, SE.

332 BE.

333 CY, EE, LT, LV, SE.

334 CY.

335 LT.

336 BG, ES, NO.

337 NO.

338 ES.

339 BG, FI, HR, LV, NL.

340 BG, FI, HR, NL.

341 BG, LV, SI.

342 AT, BE, CY, CZ, FR, ES, IT, HU, NL, SI.

irregular migration.<sup>343</sup> Frontex operations were started in Cyprus and in Spain, with the latter specifically focussing on managing the increased influx of migrants arriving in the Canary Islands. Cross-border collaboration also continued through new deployments of liaison officers in other Member States and in third countries, including in the framework of EU -sponsored cooperation and Frontex deployment.<sup>344</sup>

To prevent unauthorised entry, a few Member States intensified patrolling and surveillance efforts,<sup>345</sup> including the purchase of technical equipment such as cameras, drones and rangefinders.<sup>346</sup> Others intensified controls of lorries and vans to detect hidden migrants,<sup>347</sup> or established new separated border guard units to detect to detect irregular migration.<sup>348</sup>

### Creation of a French-British Operational Research Unit against migrant smuggling - France

A joint unit of French and British police was established to collect and analyse intelligence on smugglers' locations and operational methods, to inform criminal investigations. The French-British unit brings together, under single leadership, agents of the operational services for the fight against migrant trafficking at central and local levels in both countries. To perform its task, the unit can operate freely in both France and the United Kingdom territories and may take part in debriefings sessions organised when migrants arrive on British or on French soil.

In a few countries, important changes were introduced or planned to the legal framework, to reinforce investigation and prosecution of smuggling networks.<sup>349</sup> These either aimed to transpose EU legislation and international protocols on smuggling and transnational crime in national law,<sup>350</sup> or reinforced provisions in the national penal code to launch investigations into human smuggling.<sup>351</sup>

Finally, Italy provided a new formulation of the regulation on limitations to the transit of ships in territorial waters. Indeed, vessels working in rescue operations at sea are now excluded from the restriction measures if they are in line with the instructions, if they respect international law and the relevant authorities, and if they communicate the situation in real-time. Conversely, severe sanctions are implemented against vessels that are suspected of trafficking migrants.

### Prevention of irregular migration

Where Member States introduced changes in their policies and approaches to prevent irregular migration, these resulted mainly from the need to increase their

overall preparedness and prevention capacity.<sup>352</sup> Austria for example conducted a study to map the reasons why migrants decide to travel irregularly to the Member State, to inform more targeted national policies and actions. In addition, acknowledging the need for more coordination and cooperation among different actors involved in preventing irregular migration, international terrorism and organised crime, the Joint Coordination Platform was set-up in Vienna with a focus on counteracting irregular migration along the eastern Mediterranean route.

New information and awareness raising campaigns were started to discourage irregular migration and inform people about the risks of travelling illegally.<sup>353</sup> The Netherlands instead focused on improving the effectiveness of existing campaigns through monitoring and evaluation.

### New Information and awareness raising campaigns started in 2020

- “Strengthening the delivery of information provision and counselling within the scope of Assisted Voluntary Return and Reintegration (AVRR) in the Western Balkans” (Austria) – the project focuses on encouraging voluntary return from irregular migrants in Albania and Bosnia and Herzegovina to countries of origin.
- “ARISE ALL- ‘Awareness Raising and Information for Safety and Empowerment for All” (Belgium and the Netherlands) – the project targets Albanian nationals, make them aware of local development initiatives and the possibility of regular migration.
- “Telling the Real Story” (Norway) – the project targeted potential migrants in the Horn of Africa to disseminate realistic information about the risks of migrating irregularly.

### Irregular stay

COVID-19 caused several Member States to adopt contingency measures to prevent third- country nationals, whose visa or residence permit expired during lockdown periods, from becoming irregular.<sup>354</sup> To ensure access to basic rights to irregular migrants, Netherlands and Luxembourg offered shelters to account for their increased vulnerability during the pandemic. In Luxembourg, this included healthcare, provided free of charge and without being issued a return decision or being placed in detention, and “social grocery shops”.

A few Member States focused on improving the detection of irregularly staying migrants on their territory, and to start procedures to solve their migration status.<sup>355</sup> For instance, Cyprus intensified randomised controls to detect irregularly staying migrants, while in Finland the police

343 AT, CY, DE, ES, FR, SI.

344 AT, CY, DE, EE, PT.

345 AT, CZ, EE, HR, NL, SI.

346 AT, EE, HR, SI.

347 CZ, HR, SI.

348 EE.

349 IT, IE, SI.

350 IE.

351 SI.

352 AT, BG, CY, FI.

353 AT, BE, FI, NO.

354 BE, CY, CZ, EE, ES, HR, IE, LV, LU, NL, PL, SI, SK. For more information related to the impact of COVID-19, please consult the relevant EMN OECD Informs: [https://ec.europa.eu/home-affairs/sites/default/files/00\\_eu\\_inform3\\_labour\\_migration\\_2020\\_en.pdf](https://ec.europa.eu/home-affairs/sites/default/files/00_eu_inform3_labour_migration_2020_en.pdf), [https://ec.europa.eu/home-affairs/sites/default/files/00\\_eu\\_inform1\\_residence\\_permits\\_and\\_unemployment\\_en\\_updated\\_final.pdf](https://ec.europa.eu/home-affairs/sites/default/files/00_eu_inform1_residence_permits_and_unemployment_en_updated_final.pdf) and [https://ec.europa.eu/home-affairs/sites/default/files/docs/pages/00\\_eu\\_emn\\_covid19\\_umbrella\\_inform\\_en.pdf](https://ec.europa.eu/home-affairs/sites/default/files/docs/pages/00_eu_emn_covid19_umbrella_inform_en.pdf)

355 HR, CY, FI.

shifted its long-term priorities to include increased surveillance of foreign nationals.

### Cooperation with third countries to prevent irregular migration

New cooperation activities with third countries for the prevention of irregular migration<sup>356</sup> were mostly aimed at strengthening the institutional capacity of third countries and to reinforce operational cooperation to combat irregular migration. New partnerships in 2020 were established mainly with Western and Southern Mediterranean countries (i.e. Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Mauritania, Morocco, Palestine, Syria and Tunisia).<sup>357</sup> The majority of the cooperation activities aimed to strengthen the capacity of the authorities in this region to prevent irregular migration.<sup>358</sup> For example, Spain provided capacity building to security forces and joint patrolling teams (both at land and at sea) in Mauritania and Morocco.

### V4-German project to tackle irregular migration from Morocco

Germany, with the Czech Republic, Hungary, Poland, and the Slovak Republic, started a joint project with Morocco that aimed at reducing irregular migratory inflow from Africa towards Europe.

The project has two main pillars:

- The first aims to improve the Moroccan border protection capabilities (e.g. through the acquisition of new technical equipment for border protection).
- The second includes economic development projects that aim to address the root causes of irregular migration from Morocco (i.e. through the provision of training, improvement of access to the labour market and support of medium-size enterprises).

In a few cases, cooperation activities with Western and Southern Mediterranean countries also included the reinforcement of existing operational partnerships to combat irregular migration.<sup>359</sup> For example, to address the recent increase in the flow of irregular migrants from Libya to Malta, in May 2020 the two countries signed a specific Memorandum of understanding to reinforce cooperation in preventing irregular migration.

### PROMIS- programme - The Netherlands

In 2020 the Netherlands is funding the PROMIS programme, set up by the United Nations Office on Drugs and Crime (UNODC) and the Office of the High Commissioner for Human Rights (OHCHR), with the aim of strengthening local laws and policies on human trafficking and migrant smuggling in the Gambia, Ivory Coast, Mali, Niger and Senegal. Due to this support, draft legislation against human trafficking and human smuggling has been drawn up in the Gambia, Mali and Senegal, while in Ivory Coast a new law has actually been adopted.

The PROMIS programme has been extended to include Burkina Faso and Chad, with the aim of strengthening legislation and building the capacity of investigation units (term 2020-2024, UNODC).

### ISF-Police funded project COP-North Africa against migrant smuggling and human trafficking

In 2020 Austria, Germany, France, Italy and the Netherlands — in cooperation with Interpol — took part in the project “COP-North Africa against migrant smuggling and human trafficking” funded by ISF-Police which aims to establish operational partnerships and increase cooperation with competent national authorities along African migratory routes to the EU to prevent migrant smuggling and human trafficking.

In 2020, Member States also established new partnerships and cooperation activities with several Western Balkan countries (i.e. Albania, Bosnia and Herzegovina, Kosovo, Macedonia, Montenegro and Serbia).<sup>360</sup> Most new cooperation activities in the African Atlantic coast (e.g. Democratic Republic of Congo, Gambia, Ghana, Ivory Coast, Nigeria, etc.)<sup>361</sup> aimed at building the capacity of national authorities.<sup>362</sup> For instance, France provided support to Guinean and Ivory Coast authorities to reinforce border controls, develop their capabilities to detect fraudulent documents, and reinforce their judicial investigations related to irregular migration. In addition, France also participated to a Joint Operational Partnership with these two countries to combat migrant smuggling and human trafficking. Spain provided capacity building support to Senegalese security forces and took part in a project to support Gambian law enforcement agencies involved in maritime border surveillance. The latter project included the donation of operational material, as well as the deployment of Spanish staff for joint patrolling. Additionally, Spain also established common operational procedures with Senegalese authorities to increase the exchange of information to prevent irregular migration.

356 AT, CZ, EE, ES, FR, HU, IT, LT, MT, NL, SK, NO.

357 AT, CZ, ES, HU, IT, LT, MT, NL, SK, NO.

358 CZ, ES, HU, IT, LT, NL.

359 AT, MT.

360 AT, CZ, FR, IT, LT, NL.

361 AT, ES, FR, IT, NL.

362 ES, FR, IT, NL.

# 9. TRAFFICKING IN HUMAN BEINGS



## 9.1. EU DEVELOPMENTS

The EU Security Union Strategy highlighted that protecting societies against organised crime, in particular trafficking in human beings, was a priority. Migrant smuggling is often intertwined with other forms of organised crime, in particular trafficking in human beings.<sup>363</sup> Several initiatives under the new Pact on Migration and Asylum<sup>364</sup> relate to trafficking, including the Action Plan on Integration and Inclusion (see section 5.1).<sup>365</sup> The EU Action Plan against migrant smuggling will contribute to disrupting traffickers' business in moving victims for exploitation to Europe, and fight smuggling networks (see section 8.1).

The Commission adopted on 14 April 2021 the EU Strategy on Combatting Trafficking in Human Beings

(2021-2025)<sup>366</sup> which is closely linked to the EU Strategy to tackle Organised Crime (2021-2025).<sup>367</sup> The anti-trafficking Strategy proposes a comprehensive response to combatting trafficking in human beings, from prevention through protection of victims to prosecution and conviction of traffickers. It identifies EU priorities and concrete actions to reduce the demand that fosters trafficked, break the criminal model to halt victims' exploitation and protect, support and empower the victims, especially women and children. The Strategy addresses the international dimension of trafficking in human beings, including in the context of migration.



## 9.2. NATIONAL DEVELOPMENTS

In line with the EU Anti-trafficking Directive (2011/36/EU), which is the key legislative instrument in combatting trafficking in human beings, Member States have implemented a number of strategic policy or legislative changes in the course of 2020.<sup>368</sup> These mostly consisted of new national strategies and programmes, aiming to strengthen operational frameworks for combatting human trafficking, through a mix of measures such as training for law enforcement officials,<sup>369</sup> better coordination at national level<sup>370</sup> and organising awareness raising actions.<sup>371</sup> In the case of Austria and Spain, such developments took into account the recommendations of Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA). Cyprus focussed particularly on enhancing the collaboration between law enforcement agencies and financial investigators as well as banks, to allow for stronger evidence against traffickers, assist the compensation of victims and prevent the misuse of financial services by traffickers. In Luxembourg,

a new common space, "INFOTRAITE", was set up to enhance the coordination of support services and increase their accessibility and visibility, and to provide consistent care to victims. In addition, the Ministry of Equality between Women and Men set up an additional reception structure, managed by Caritas.

### New measures to combat trafficking in human beings - Ireland

The fight against trafficking in human beings in Ireland was a particularly important focus of strategic changes in 2020. The Irish Human Rights and Equality Commission (IHREC) was designated as the national rapporteur to fulfil Ireland's obligations under the EU Anti-trafficking Directive (2011/36/EU). A stakeholder forum on trafficking was also established and will examine the need to update Ireland's National Action

363 Communication on the EU Security Union Strategy, COM(2020) 605, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020DC0605>, last accessed on 28 May 2021.

364 Communication on a New Pact On Migration and Asylum, COM(2020) 609 final, <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1601287338054&uri=COM:2020:609:FIN>, last accessed on 28 May 2021.

365 Communication on an Action plan on Integration and Inclusion 2021-2027, COM(2020) 758 final, <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=COM%3A2020%3A758%3AFIN>, last accessed on 28 May 2021.

366 Communication on the EU Strategy on Combatting Trafficking in Human Beings, COM(2021) 171, <https://eur-lex.europa.eu/legal-content/FR/TXT/?uri=CELEX%3A52021DC0171&qid=1622117706505>, last accessed on 28 May 2021.

367 Communication on the EU Strategy to tackle Organised Crime 2021-2025, COM(2021) 170, [https://ec.europa.eu/home-affairs/sites/default/files/pdf/14042021\\_eu\\_strategy\\_to\\_tackle\\_organised\\_crime\\_2021-2025\\_com-2021-170-1\\_en.pdf](https://ec.europa.eu/home-affairs/sites/default/files/pdf/14042021_eu_strategy_to_tackle_organised_crime_2021-2025_com-2021-170-1_en.pdf), last accessed on 28 May 2021.

368 AT, BE, BG, CY, CZ, EE, ES, FI, FR, IE, HR, HU, LT, LU, NL, PL, SI, SK.

369 CZ, HU, LT.

370 AT, CY, CZ, HR, FI, FR, HU, IE, LT, LU, NL, PL, SI.

371 AT, BE, BG, CZ, EE, FR, HU, LT, LU, PL.

Plan to Prevent and Combat Human Trafficking and input into a review of the National Referral Mechanism. Ireland also commenced the review of Part 4 of the Criminal Law (Sexual Offences) Act 2017, which is central to its approach to combatting human trafficking for reasons of sexual exploitation. A public consultation process was launched as part of the review.

**Table 4: Total number of third-country nationals identified as victims of trafficking in human beings in 2020 ('presumed to be victims' are shown in brackets)<sup>372</sup>**

Member State	Total	Female	Male
AT	38	25	13
BE	82	40	42
CY	17 (150)	3 (69)	14 (81)
CZ	n/i (7)	n/i (5)	n/i (2)
DE	n/i	n/i	n/i
EE	5 (29)	4 (17)	1 (12)
ES	207	188	19
FI <sup>373</sup>	12 (247)	n/i (135)	n/i (112)
FR <sup>374</sup>	397	321	268
HR	15	7	8
HU	4	1	3
IE	29	n/i	n/i
LT	2	2	0
LU	5 (5)	0 (2)	5 (3)
LV	31	0	31
PL	157	n/i	n/i
SE	363	220	143
SI	26	26	0
SK <sup>375</sup>	confidential data	confidential data	confidential data

Please note: n/i – not available. Data for other Member States was not available at time of publication but will be published in the Statistical Annex of the 2020 EMN Annual Report on Migration and Asylum (forthcoming).

## Improving identification of and provision of information to third-country national victims of trafficking in human beings

### Provision of information on assistance and support to third-country national victims

The provision of information on assistance and support to third-country national victims was most often realised through training and awareness raising activities.<sup>376</sup>

Activities in this field entailed public information campaigns to raise awareness of human trafficking, including how to recognise signs and how to reach out to victims, as well as training to frontline workers, staff from national and local authorities, and members of civil society. For example, Ireland's *#Anyone* campaign, organised jointly by the Department of Justice and IOM Ireland, was launched in October 2020 with the dual aim of raising awareness both among the public and among victims, highlighting the availability of support and services and encouraging the public to recognise the signs of human trafficking in line with Government policy. Luxembourg published a new

<sup>372</sup> The European Commission's Study on Data collection on trafficking in human beings (2020), Third report on the progress made in the fight against trafficking in human beings (COM(2020) 661) and Staff Working Document (SWD(2020) 226) provide criminal justice statistics and assessment of data on victims, perpetrators and criminal justice response for the years 2017-2018, including gender and child-specific data on third country nationals.

<sup>373</sup> The number of identified victims is the number that were identified by the Assistance system. A person can be identified as a victim of human trafficking by other authorities as well such as Police, Border Guard, court or prosecutor during an investigation or a court proceeding.

<sup>374</sup> Data for FR includes available data regarding victims of labour exploitation and sexual exploitation issued by two different police authorities; they should not be considered as complete since some victims may remain unidentified by these competent authorities. Data on labour exploitation may include overlaps. In addition, the codes used to determine the nature of the offence do not allow the identification of the form of the exploitation. Consequently, these data may include victims of sexual exploitation or forced begging for example.

<sup>375</sup> Due to the low numbers and to protect the victims, data is confidential.

<sup>376</sup> AT, BE, BG, DE, EE, FR, HR, IE, IT, LV, LU, NL, PT, SK, NO.

leaflet for potential victims of trafficking, in 15 languages and with pictograms; both the police and the Inspectorate of Labour and Mines (ITM) recognised this leaflet to be valuable to their work in detecting victims of labour exploitation.

Additionally, some Member States introduced cooperation measures with national authorities in third countries,<sup>377</sup> or with other Member States.<sup>378</sup> In Portugal, the Commission for Citizenship and Gender Equality delivered training for strategic agents from Tunisia in order to implement a Referral System. As a result of this cooperation, a training plan is being developed for strategic agents. Italy - in the framework of the Regional Development and Protection for North Africa (RDPP NA) - conducts capacity building initiatives in support of national Governments, NGOs and civil society organisations with a specific focus on human rights standards, international protection and services for vulnerable migrants and refugees, included victims of trafficking in human beings. In Luxembourg, the Benelux working group “Trafficking of human beings”, discussed national referral mechanisms and best practices, as part of their wider remit to examine how each country deals with the phenomenon of trafficking and what they can learn from each other. For example, the issue of victims of human trafficking that are detected in one Member State while they were exploited in another Member State, making prosecutions difficult, was discussed.

The COVID-19 pandemic, which had a significant impact on human trafficking, in particular exacerbating the risk of labour or sexual exploitation, also impacted the way support was provided to victims. In Austria for example, an organisation caring for male victims of human trafficking, reported severe cases of exploitation in 2020, particularly in the context of harvesting work in the agricultural sector. The organisation provided support on a case-by-case basis, while at the same time establishing closer ties with other relevant actors (including trade unions, the Chamber of Labour and media representatives). Luxembourg also took several additional actions to mitigate the effects of the pandemic, such as creating a hotline for victims of domestic violence that could also be used by victims of human trafficking, Facebook posts to inform victims that they could still seek assistance, and posters around the capital’s main train station to raise awareness.

### Identification of victims of trafficking in human beings

The majority of activities to enhance the identification of victims of trafficking focused on training and awareness raising among law enforcement officials and other relevant stakeholders. In Cyprus, for example, a seminar

was organised for Social Welfare Services and other staff dealing with human trafficking victims on the legal framework, the indicators for detecting victims and the National Referral Mechanism. In Bulgaria, the National Commission for Combating Trafficking in Human Beings held 13 workshops over the year, focusing on the identification and referral of victims, involving nearly 400 professionals. France initiated discussions to set up a national identification and orientation mechanism for victims of THB.

With the aim of supporting the process of identifying victims of trafficking, several countries increased, or aim to increase their data collection efforts.<sup>379</sup> Croatia drafted a protocol on the exchange of data on identified victims of human trafficking between the concerned authorities within the country, through which Croatia will improve its database on cases of trafficking in human beings, which tracks the criminal prosecution of perpetrators of human trafficking and other related criminal offenses. Having access to better data on the phenomenon also strongly supports policymaking in this complex area. In order to better identify and protect at-risk person in the area of prostitution, Germany issued an ordinance that makes the compilation and update of federal statistics on various aspects of the Prostitute Protection Act obligatory. The ordinance specifies the sampling of statistical data drawn from official registration and permission procedures that will enable access to reliable data on legal prostitution in Germany. In Spain, the Barajas (airport) Protocol was definitively implemented to assist victims or potential victims of trafficking in human beings on arrival at the airport.

Due to the COVID-19 pandemic, training sessions could not be organised as usual and some had to take place online. In Luxembourg for example, the Monitoring Committee developed an online training course together with the National Institute for Public Administration (INAP) for governmental staff.

### Cooperation with third countries

Awareness raising activities<sup>380</sup> were the main focus of cooperation with third countries on the issue of trafficking in human beings, although other cooperation efforts also took place.<sup>381</sup> The Netherlands ran an awareness raising campaign together with IOM in Nigeria, the Nigerian government, local communities and civil society organisations to reduce the number of persons being trafficked from Nigeria. In Cyprus, the government has been negotiating a draft Agreement on Cooperation in Combating Organised Crime, including trafficking in human beings with Colombia, Oman and Saudi Arabia.

377 BG, CY, DE, IT, PT.

378 AT, FR. In LU, these were measures that strengthened the policy to cooperate with the Benelux States.

379 DE, HR, IT, LU.

380 AT, BG, CY, DE, FR, NL, PT, SI.

381 AT, FR, HU, NL, SI.

# 10. RETURN AND READMISSION



## 10.1. EU LEVEL DEVELOPMENTS

The new Pact on Migration and Asylum announced a common EU system for returns that combines stronger structures in the EU with more effective cooperation with third countries on return and readmission. While the main building block of the legal framework is the 2018 proposal to recast the Return Directive (COM/2018/634 final),<sup>382</sup> the Pact introduced several legislative amendments that would strengthen the legal framework for return, readmission and reintegration.

### Amended proposal for an Asylum Procedures Regulation

To close the loopholes between asylum and return procedures, the proposal for an Asylum Procedures Regulation (COM/2020/611 final)<sup>383</sup> establishes that a return decision is to be issued together with all negative decisions on asylum applications, and that these decisions are subject to an appeal before the same court or tribunal. This is expected to significantly increase the effectiveness of national procedures, while ensuring the respect of the rights of the persons concerned.

The proposal would also establish a return border procedure for those whose claims for international protection have been rejected in the asylum border procedure. This would reduce the risks of unauthorised movements and send a clear signal to smugglers. It would be a particularly important tool on routes where there is a large proportion of asylum applicants from countries with a low recognition rate.

### Return sponsorship

The proposed Regulation on Asylum and Migration Management (COM/2020/610 final)<sup>384</sup> includes the possibility for Member States to choose to provide their solidarity contribution in the form of return sponsorship. Under return sponsorship, a Member State commits to support another Member State under migratory pressure by carrying out the necessary activities to return individually identified illegally staying third-country nationals from the territory of the other Member State.

For this purpose, the sponsoring Member State would for instance provide counselling on return and reintegration to illegally staying third-country nationals, assist the voluntary return and reintegration of irregular migrants using their programme and resources, lead or support the policy dialogue with third countries for facilitating readmission of irregular migrants present in the benefiting Member State and ensure the delivery of a valid travel document.

### EU Strategy on Voluntary Return and Reintegration

The Pact also announced that the Commission will adopt an EU strategy on voluntary return and reintegration that aims at boosting the effectiveness and sustainability of the common EU system for return for the benefit of returnees, the EU as well as countries of origin. The strategy will support the implementation of the Pact, notably the border procedure as well as return sponsorship and will develop a more uniform and coordinated approach among Member States to exploit the full potential of voluntary return and reintegration. The Reintegration Assistance Tool on the European Migration Network Information Exchange System (EMN-IES), facilitates the management of information flows concerning individual cases on return and reintegration assistance in a secure digital environment, will play a key role in easing communication around reintegration. The amended proposal for the Eurodac Regulation will also facilitate coordination between Member States and prevent fraud by enabling Member States to record in the database whether a migrant has benefitted from AVRR support. The Strategy will be adopted in 2021.

### First assessment of readmission cooperation with partner countries under the Visa Code

2020 also saw the launching of the first-ever Commission assessment process of the partner countries' level of readmission cooperation. This factual

<sup>382</sup> Proposal for a Directive on common standards and procedures in Member States for returning illegally staying third-country nationals (recast), COM/2018/634 final, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52018PC0634>, last accessed on 28 May 2021.

<sup>383</sup> Amended proposal for a Regulation establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU, COM/2020/611 final, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2020:611:FIN>, last accessed on 28 May 2021.

<sup>384</sup> Proposal for a Regulation on asylum and migration management and amending Council Directive (EC) 2003/109 and the proposed Regulation (EU) XXX/XXX [Asylum and Migration Fund], COM/2020/610 final, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2020:610:FIN>, last accessed on 28 May 2021.

assessment is part of the new mechanism introduced by Article 25a of the Visa Code in February 2020, requiring the Commission to report to the Council, on an annual basis, on the level of cooperation on readmission by third countries and linking it with the issuance of visa. It is based on 2019 quantitative and qualitative data provided by Member States and Schengen Associated Countries. As confirmed by the new Pact, the process of regular assessments under the Visa Code not only responds to the repeated call made by the European Council to mobilise all the relevant EU policies, instruments and tools, but also provides an important tool to identify and address existing challenges to return and readmission in a more targeted manner.

## Report on the implementation of the Return Directive

On 16 December 2020, the European Parliament adopted the report on the implementation of the Return Directive (2019/2208(INI)).<sup>385</sup> The report is based on the European *Parliamentary Research Service* (EPRS) European Implementation Assessment on the Return Directive that the European Parliament published in June 2020. It identifies several gaps in the implementation of the Directive, notably the need to prioritise voluntary over forced returns and ensuring the individual assessment and the prospect of appeal.



## 10.2. UPDATES ON EMN RETURN EXPERT GROUP ACTIVITIES

In 2020, the EMN Return Expert Group (REG) continued to connect key stakeholders, including from Member States, representatives of EU funded programmes and other stakeholders on issues relating to return. Established in 2013 as a part of the EMN, the REG functions as a platform for practical cooperation and sharing of good practice and expertise on return, providing a structure for planning, follow-up and monitoring of return activities in the EU. Since 2020, the REG is chaired by the European Commission as well as an elected Co-chair from within the network. The network is divided into two constituencies, namely a practitioner and a wider group.

The group cooperated throughout the year, discussing different aspects of return and reintegration assistance, data protection, the application of *non-refoulement* and the impact of the COVID-19 measures on return. On the back of this, the REG further collaborated with EASO to draft an inform on the application of the *non-refoulement* principle in asylum and return procedures, which

will be published in the early months of 2021. The REG also contributed to the wider EMN series of informs on the COVID-19 pandemic by co-developing an inform focusing on the pandemic's impact on voluntary and forced return procedures and policies, which was published in January 2021. Additionally, building on the activities of 2019, the REG published a series of informs on the different policies and practices surrounding return counselling, which aimed to feed into the upcoming non-binding return counselling framework developed by the European Commission.

Additionally, the findings collected during plenary meetings and a series of thematic focus groups were compiled in a publication used by the European Commission DG HOME to draft a non-binding framework for Member States on developing a quality framework for implementing partners within assisted return and reintegration programmes in third countries. Finally, the REG began developing a non-binding blueprint relating to data protection through a series of workshops.



## 10.3. NATIONAL DEVELOPMENTS

According to recent Eurostat data, the number of forced and voluntary returns to third countries decreased in 2020 compared to 2019, which can be partly explained by the travel restrictions and other contingency measures implemented as a result of the COVID-19 pandemic.<sup>386</sup> The number of return decisions were impacted to a lesser extent by the pandemic, with some Member States, such as Croatia, Cyprus, Hungary and Spain even reporting an increase, or others issuing similar numbers as in 2019, as was the case in Belgium, Bulgaria, Luxembourg and Malta.<sup>387</sup> Preliminary national data depicts that as in previous years, the vast majority of returnees were male.<sup>388</sup>

### General legal and policy developments in the area of return

Throughout 2020, Member States introduced new measures to increase the effectiveness and efficiency of return procedures, to better align their legislation and practices with the EU return acquis, and to take account of the departure of the United Kingdom from the EU. As for all other areas of migration and international protection, Member States also introduced changes in response to the COVID-19 pandemic.<sup>389</sup>

<sup>385</sup> Implementation report on the Return Directive (2019/2208(INI)), available at [https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2019/2208\(INI\)&l=en](https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2019/2208(INI)&l=en), last accessed on 28 May 2021.

<sup>386</sup> Eurostat, 2021, Third country nationals returned following an order to leave - annual data (rounded) [migr\_eirtn], [https://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr\\_eirtn&lang=en](https://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_eirtn&lang=en), last accessed on 28 May 2021.

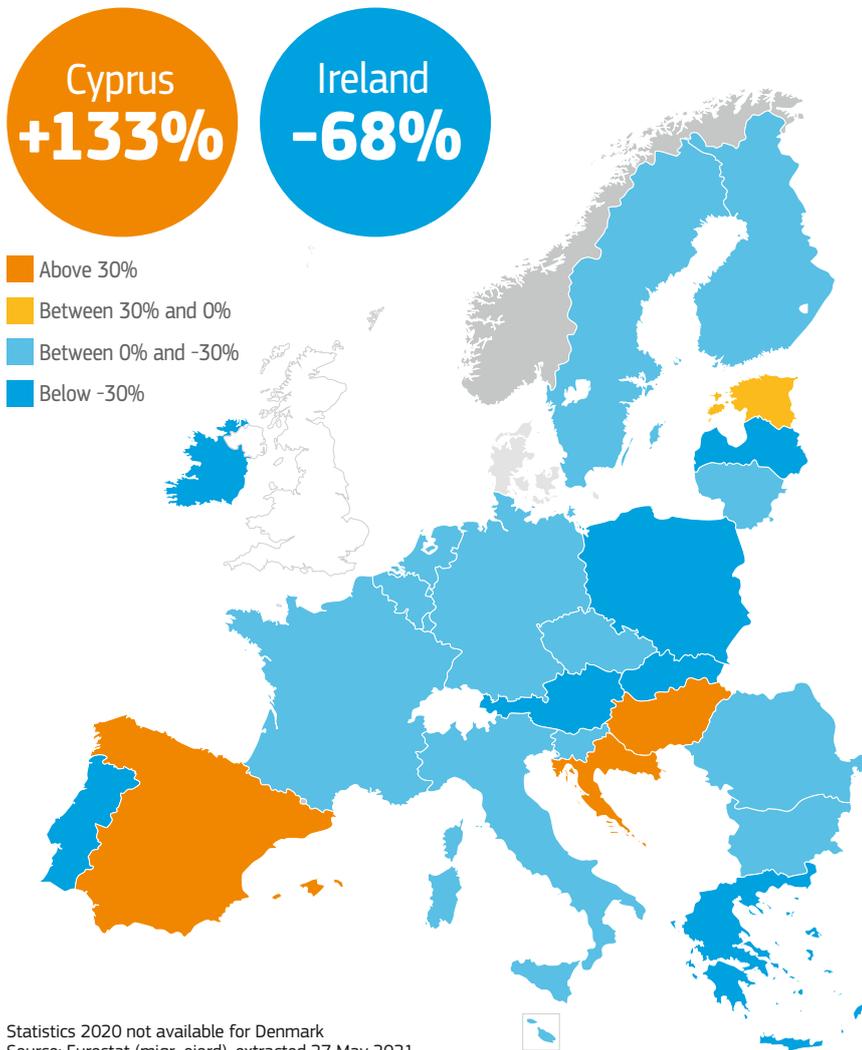
<sup>387</sup> Eurostat, 2021, Third country nationals ordered to leave - annual data (rounded) [migr\_eiord], [https://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr\\_eiord&lang=en](https://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_eiord&lang=en), last accessed on 10 May 2021.

<sup>388</sup> As official Eurostat data on the number of returns carried out by sex are not available, EMN NCPs have preliminary national data to the extent possible for the purpose of the Statistical Annex of the 2020 EMN Annual Report on Migration and Asylum (forthcoming).

<sup>389</sup> For a comprehensive overview of the impact of COVID-19 in the area of forced and voluntary return, please consult the EMN Inform published in January 2021: [https://ec.europa.eu/home-affairs/sites/default/files/00\\_eu\\_inform5\\_return\\_en.pdf](https://ec.europa.eu/home-affairs/sites/default/files/00_eu_inform5_return_en.pdf)

## Figure 7 – Third-country nationals ordered to leave in 2020

Variation of third-country nationals ordered to leave in 2020 compared to 2019

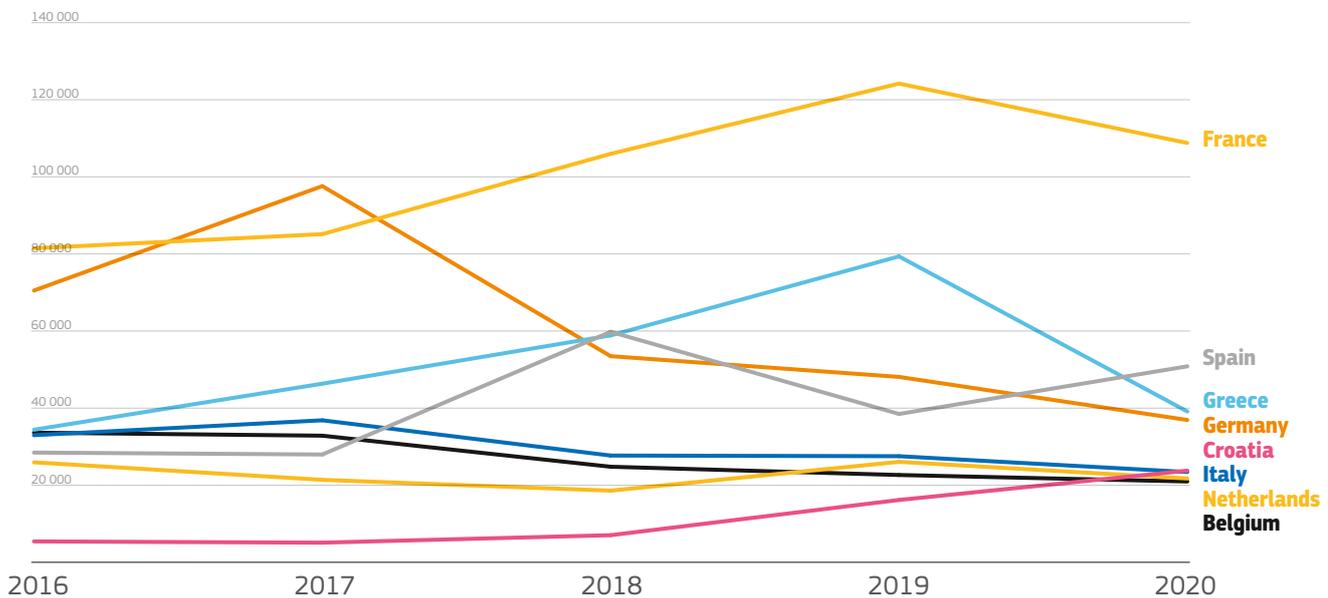


Numbers of third-country nationals ordered to leave by country

	2019	2020	Variation
Austria	13 960	9 165	-34,3%
Belgium	22 010	20 320	-7,7%
Bulgaria	1 245	1 225	-1,6%
Croatia	15 510	23 135	49,2%
Cyprus	1 300	3 030	133,1%
Czechia	8 955	7 955	-11,2%
Denmark	3 920	:	
Estonia	1 190	1 235	3,8%
Finland	7 395	5 425	-26,6%
France	123 845	108 395	-12,5%
Germany	47 530	36 330	-23,6%
Greece	78 880	38 540	-51,1%
Hungary	3 235	4 505	39,3%
Ireland	2 535	795	-68,6%
Italy	26 900	22 785	-15,3%
Latvia	1 615	1 015	-37,2%
Lithuania	2 320	1 905	-17,9%
Luxembourg	1 070	1 050	-1,9%
Malta	620	590	-4,8%
Netherlands	25 435	21 100	-17,0%
Poland	29 305	10 970	-62,6%
Portugal	5 980	3 200	-46,5%
Romania	3 325	2 415	-27,4%
Slovakia	1 905	865	-54,6%
Slovenia	2 060	1 610	-21,8%
Spain	37 890	50 285	32,7%
Sweden	21 260	16 350	-23,1%

Statistics 2020 not available for Denmark  
Source: Eurostat (migr\_eiord), extracted 27 May 2021

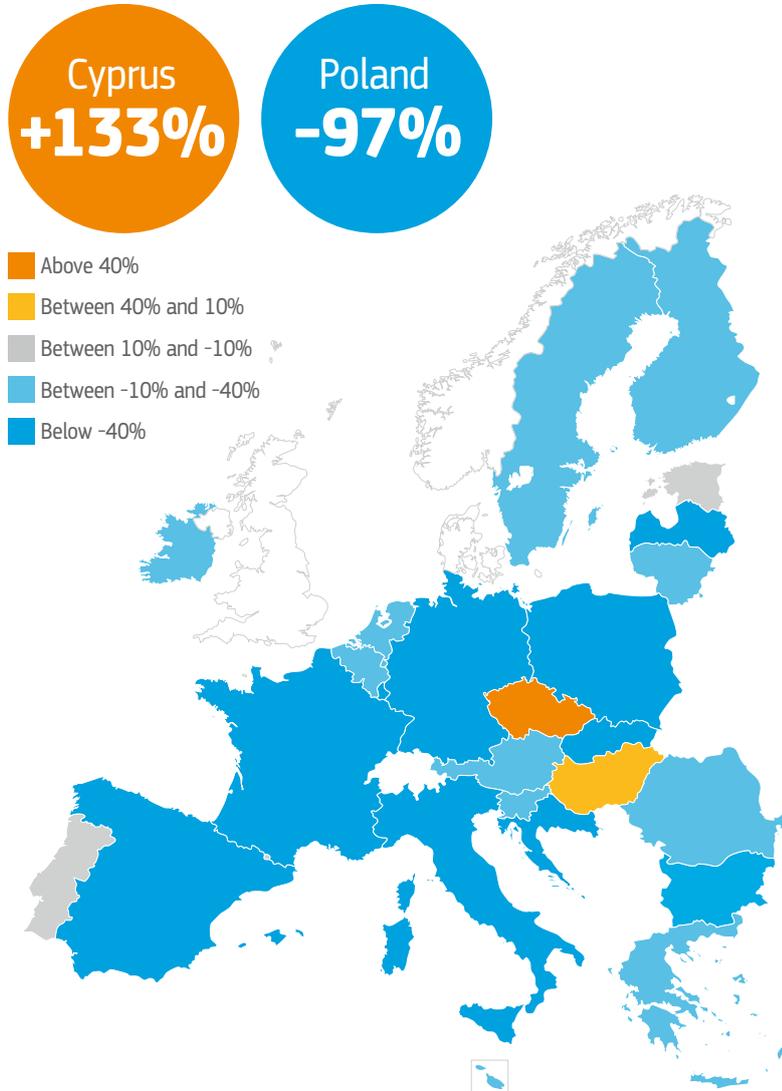
### Countries reporting the highest number of third-country nationals ordered to leave (2016-2020)



Statistics 2020 not available for Denmark  
Source: Eurostat (migr\_eiord), extracted 27 May 2021

## Figure 8 – Third-country nationals returned to a third country following an order to leave

Variation of third-country nationals returned to a third country following an order to leave in 2020 compared to 2019

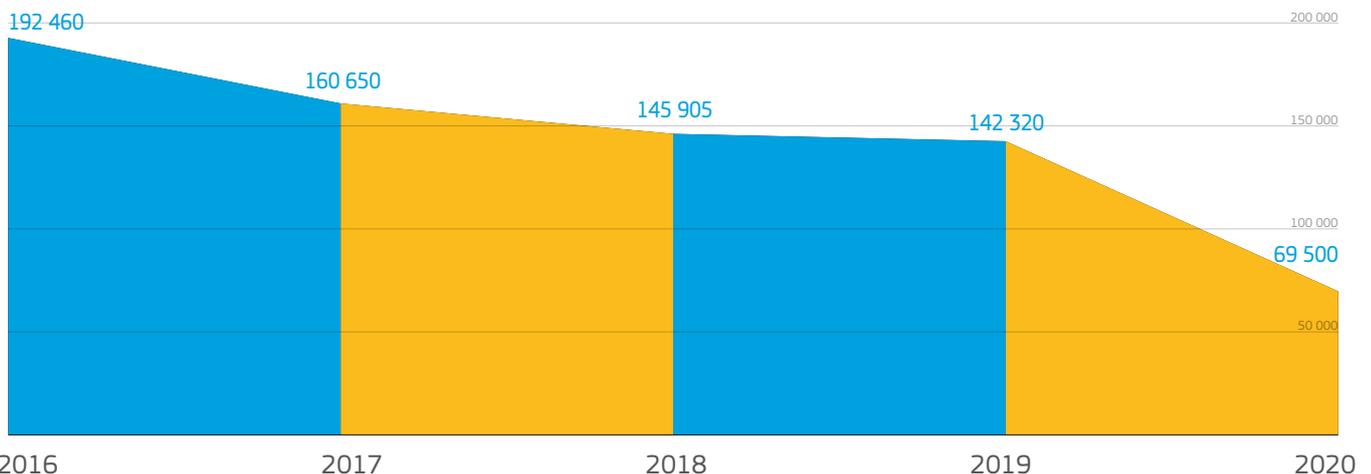


Statistics 2020 not available for Denmark  
 Source: Eurostat (migr\_eirtn), extracted 27 May 2021

Third-country nationals returned to a third country following an order to leave

	2019	2020	Variation 2019-2020
Austria	6 800	4 610	-32,2%
Belgium	3 940	2 675	-32,1%
Bulgaria	595	230	-61,3%
Croatia	2 390	1 425	-40,4%
Cyprus	455	1 060	133,0%
Czechia	580	885	52,6%
Denmark	1 460	:	:
Estonia	1 050	995	-5,2%
Finland	2 990	2 200	-26,4%
France	15 615	6 930	-55,6%
Germany	25 140	12 265	-51,2%
Greece	9 650	6 950	-28,0%
Hungary	810	995	22,8%
Ireland	470	325	-30,9%
Italy	6 470	2 815	-56,5%
Latvia	1 565	910	-41,9%
Lithuania	2 015	1 590	-21,1%
Luxembourg	270	160	-40,7%
Malta	600	380	-36,7%
Netherlands	11 055	8 715	-21,2%
Poland	25 895	870	-96,6%
Portugal	465	470	1,1%
Romania	2 355	1 725	-26,8%
Slovakia	1 580	410	-74,1%
Slovenia	155	125	-19,4%
Spain	11 525	4 855	-57,9%
Sweden	6 425	4 930	-23,3%
<b>TOTAL EU27</b>	<b>142 320</b>	<b>69 500</b>	<b>-51,2%</b>

### Third-country nationals returned to a third country following an order to leave - EU27 (2016-2020)



Statistics 2020 not available for Denmark  
 Source: Eurostat (migr\_eirtn), extracted 27 May 2021

Legislative and policy changes to increase the effectiveness and efficiency of return procedures in 2020 were introduced by over a third of Member States.<sup>390</sup> The Czech Republic, for example, strengthened cooperation with priority embassies via bilateral meetings and workshops. In Austria, a legal amendment was introduced requiring mandatory return counselling sessions to be held at an advanced stage of the procedures.<sup>391</sup> In Luxembourg, a legal amendment strengthened the decision-making process of unaccompanied minors in return decisions, whilst ensuring their best interest. Germany introduced a legal amendment enabling the creation of a centralised data collection in the field of return with a view to improving the coordination of support measures and to prevent unjustified use of funding. In Cyprus, after a relevant law amendment, a return decision can be issued by the Asylum Service simultaneously and in a single act with a negative decision on an asylum application. The Member State also introduced institutional changes during the year, by establishing a Return Office within the Civil Registry and Migration Department, responsible for return policy and the coordination of all relevant authorities.

A few Member States further aligned their legislation with the EU acquis and international agreements.<sup>392</sup> Bulgaria introduced amendments to take on board ECHR jurisprudence, which included changes to the appeal procedure in the expulsion process and forced accommodation. Estonia adopted a requirement to review and update the list of safe third countries of origin on an annual basis and transposed Article 18 of the EU Return Directive 2008/115/EC into national legislation, which allows changes to the requirements for accommodation and detention of a third-country national in a situation where an exceptionally large number of irregular immigrants arrive in the country. The Netherlands amended their Immigration Action Implementation Guidelines to specifically consider private life according to Art. 8 ECHR during the assessment of an application for lifting a pronouncement of ‘undesirability’. The Netherlands also further clarified the “no-fault” policy, for third-country nationals subject to a return decision but unable to return through no fault of their own. Italy extended the grounds for prohibition of expulsion, to include cases where third-country nationals are at risk of inhuman or degrading treatment and in cases where there was a risk of violation of their right to private and family life.

Following the departure of the United Kingdom from the EU, Ireland designated the United Kingdom as a safe third country in a legislative amendment which also impacted several phases of the return procedure, including, amongst others, the introduction of a return order in respect of inadmissible applications, and associated provisions including the application of the principle of

*non-refoulement* to the return order, measures to implement the return order including reporting requirements, providing for judicial review of a return order, and the designation of places of detention.

Finally, in response to the COVID-19 pandemic, many Member States adapted their return procedures, in some cases by adopting new legal and policy measures.<sup>393 394</sup> Changes were implemented to ensure the safety of staff and returnees throughout return proceedings and to address the challenges presented by border closures and travel bans.<sup>395</sup> Several Member States introduced measures that extended residence permits or delayed return decisions, in view of border closures.<sup>396</sup> Italy reduced the maximum length of stay in return centres.

## Assisted voluntary return and reintegration

A few Member States sought to enhance access to voluntary return programmes during the year.<sup>397</sup> For example, the Czech Republic extended the scope of voluntary return programmes to a wider group of potential beneficiaries, whilst Norway clarified the scope of access, and provided more flexibility to tailor return programmes to the needs of the returnees, such as providing special medical assistance. In Belgium, the new coalition government expressed its intention to prioritise return and promote voluntary return, for example by focusing on intensive and informative return coaching, shortening the return procedure through digitalisation and increasing the detention capacity. The Czech Republic developed new ways to reach out to irregularly staying third-country nationals and raise awareness of voluntary return programmes, through contact with facilities where their presence could be anticipated, such as shelters and health institutions.

Other Member States aimed to increase the effectiveness of their voluntary return programmes,<sup>398</sup> through the development of new methodologies or tools,<sup>399</sup> by introducing changes to policy and practices,<sup>400</sup> or by strengthening their partnership with Frontex.<sup>401</sup> Austria shifted the responsibility for return counselling and return assistance to the newly created Federal Agency for Reception and Support Services, fully operational as of 1 January 2021, hereby also placing more emphasis on return counselling, and adjusted its financial start-up assistance. Cyprus introduced measures to accelerate voluntary return procedures, especially in relation to illegally staying third-country nationals.

Ireland and Lithuania examined or amended certain legislative provisions related to voluntary return. In Ireland, the Department of Justice is examining a recommendation made in 2020 by an independent group, that the

390 AT, BE, BG, CY, CZ, DE, EE, IE, IT, LU, NL.

391 Previously, return counselling had been obligatory at an earlier stage, either once a first-instance return decision had been issued, or upon notice of the intended rejection or dismissal of an application for international protection or intended revocation of de facto protection against removal. From now on, counselling is to be administered among others only after a final or enforceable return decision has been issued against an asylum applicant or a third-country national lawfully residing in Austria.

392 BG, EE, IT and NL.

393 AT, BE, EE, ES, FR, HU, HR, IE, LT, NL, PL, SK and SE.

394 For further information, the EMN published a series of informs on the effects of the COVID-19 pandemic on various aspects of European migration, which is available online on the EMN website.

395 AT, BE, CZ, ES, FR, HR and SE.

396 CZ, BE, EE, ES, HR, IE, LU, LT, PL, SK. In BE, in the early months of the pandemic, persons who had already received a return decision could apply for a prolongation of the period to leave the Belgian/Schengen territory.

397 BE, CZ, LT, NL, NO.

398 AT, CY, CZ, DE, EE, FI, HR, SE.

399 CZ, DE, IT.

400 AT, CY, HR.

401 FI, FR, SE.

current period of five days for third-country nationals<sup>402</sup> to accept the voluntary return option should be extended to 30 days, and that children and students should be allowed to complete the school year.

Assisted Voluntary Return or Reintegration (AVRR) programmes were also introduced or renewed in 2020,<sup>403</sup> some of which were implemented by IOM.<sup>404</sup> Conversely, Slovenia reported that their collaboration with IOM on AVRR programmes ended in 2020 and they had not been able to find a new implementing partner, meaning that no AVRR programmes were being carried out as of 1 January 2021.

Changes to reintegration measures implemented during the year were in response to the COVID-19 pandemic.<sup>405</sup> For example, Belgium increased the flexibility of cash support to cover quarantine expenses and extended the duration of reintegration support upon request (up to 18 months where it had previously been provided for one year maximum). They also provided an emergency fund for reintegration activities which had been affected by the pandemic. Germany adjusted its voluntary return and reintegration programmes and added temporary special coronavirus components, e.g. increased financial support, assumption of costs for testing and quarantine measures.

## Forced Return and Detention

### Forced return

Estonia and the Netherlands clarified the modalities to carry out forced returns. In Estonia, for example, new legislation provided that when a third-country national obstructed their obligation to leave the territory by not cooperating with the Police and Border Guard Board (e.g. by refusing to submit their fingerprints, presenting a risk of absconding, etc.), this might be considered as a ground for not issuing a voluntary return deadline, or as a ground for detention.

Measures introduced in response to the COVID-19 pandemic,<sup>406</sup> were mainly regarding sanitary precautions during escorted returns, such as testing<sup>407</sup> and quarantining<sup>408</sup> and the extension of stay. For example, Belgium extended residence permits in response to a reduction in capacity to carry out forced returns due to a lack of available escorting officers, as a result of the pandemic, whilst Poland, introduced a specific piece of legislation which, among others measures, extended the legality of the stay of third-country nationals on the territory, as well as extending the deadlines by which they would have to leave. In Spain, short stay periods stopped counting for several weeks. Cyprus and Estonia extended the possibilities for voluntary return, also to avoid the use of detention, and implemented alternatives to detention wherever possible. Finland faced challenges in

carrying out forced returns, reporting a drop of 50% in escorted returns.

### Detention

Both Estonia and the Netherlands introduced changes to provisions regulating detention in their legal framework. Estonia stipulated that in the event of mass immigration, with the permission of an administrative court, an applicant for international protection may be detained for up to seven days, to perform the necessary proceedings; in addition, cooperation with EASO and Frontex in case of emergency situations, was regulated. The Netherlands introduced a legal ground for detaining an asylum seeker in the border procedure during the appeal phase, following a rejection of their asylum application; this was driven by a CJEU ruling which found that Member States must allow third-country nationals to remain on their territory when appealing a negative decision.

Other Member States introduced policy changes for (potential) detainees.<sup>409</sup> Belgium prohibited the detention of minors, while Italy introduced greater entitlements for detainees, such as introducing a possibility for third-country nationals to remain in touch with the outside world during their detention and allowing detainees to lodge complaints about their conditions. Lithuania introduced an obligation to regularly review the grounds for detention of a third-country national (at least every three months), in line with the recommendations issued by Schengen evaluators in 2018.

New organisational and infrastructure developments were introduced in Sweden, the Czech Republic and Belgium. Sweden created a new detention centre, while the Czech authorities created Return Unit offices in two detention centres.

In response to the COVID-19 pandemic, sanitary measures were implemented in detention centres,<sup>410</sup> including the (temporary) reduction of detention capacity.<sup>411</sup> For example, Croatia undertook outreach activities to inform detainees about the COVID-19 situation and extended two projects on detention in case of return, one focusing on the return procedure, and a second one on enhancing accommodation.

### Alternatives to detention

Changes were introduced to implement new or clarify the circumstances of alternatives to detention in a few Member States.<sup>412</sup> In Cyprus, for example, a new case management methodology was implemented as an alternative to detention by a local NGO (the Cyprus Refugee Council). Lithuania passed an amendment to the relevant law which stipulated that alternatives to detention may be provided only to asylum applicants whose applications had received a final decision, and who were to be returned to a foreign state. In Estonia,

402 A third-country national who had received a negative international protection decision or who was not granted leave to remain on non-protection grounds under the International Protection Act 2015.

403 AT, CY, CZ, FR, NL.

404 AT, CY, CZ.

405 BE, DE, FR.

406 AT, BE, CY, CZ, DE, EE, FI, FR, HR, LV, PL, SI, SK.

407 For example, in AT, testing for escort officers before a return operation has been foreseen, CZ.

408 CZ, DE, EE, FR, HR, LV, SI, SK.

409 BE, IT, LT.

410 CY, FR, HR, LU, SE, SI and NO.

411 BE, FI, LU, ES, SE and NO. In LU, detainees whose return was not feasible due to containment measures were released, reducing capacity so as to create a unit for newcomers to quarantine.

412 CY, EE, LT.

a new surveillance measure – appearing for counselling – was added to national legislation, with the purpose to provide to a person social or psychological counselling during the stay in Estonia.

Finally, Luxembourg took steps to minimise the risk of COVID-19 by offering alternatives to detention to third-country nationals released from the Detention Centre because of capacity reduction measures.<sup>413</sup>

## Cooperation with third countries of origin and transit and implementation of EU readmission agreements

A few Member States entered into new agreements with third countries or implementing partners or renewed already existing agreements and partnerships.<sup>414</sup> Table 5 provides an overview of these developments.

**Table 5: Progress on agreements and partnerships with third countries on return management and reintegration**

Member State	Negotiation Phase	Exploratory Missions	Review by Authorities	Formal Adoption	Implementation
BE	Turkey, India, Kyrgyzstan, Angola	Senegal, Morocco			
FR			India	Mayotte	
IT					Tunisia (IOM), Ivory Coast, Gambia, Montenegro
LT			Tajikistan		Ukraine
PL					Belarus

To improve the return procedures, Estonia put in place a registration platform for accelerated readmission applications with Georgia, Bangladesh and Sri Lanka.

Due to travel restrictions and sanitary requirements introduced in response to the COVID-19 pandemic, Member States<sup>415</sup> reported that return was often more difficult,<sup>416</sup> if not impossible.<sup>417</sup> France reported that their partnership with several third countries had not been implemented as initially planned, whereas the Czech Republic managed

to continue their cooperation with the help of remote communication tools.

### Implementation of EU Readmission Agreements

Several Member States reported on progress in relation to the different EU Readmission Agreements and related implementing protocols as presented in the table below.

**Table 6: Progress on EU Readmission Agreements in 2020**

Member State	Discussion/ negotiation phase	Access to Readmission Case Management Systems			
		Formal approval	Testing	Operational	
BE			Ukraine, Bangladesh	Sri Lanka	
BG	Serbia, Belarus	Armenia			
CY	Georgia, Ukraine	Georgia, Sri Lanka		Bangladesh	
CZ		Georgia		Georgia and Armenia	
FR		Armenia			
LV	Georgia	Georgia		Belarus <sup>418</sup>	
LT	Serbia, Armenia				
LU			Armenia, Ukraine		

<sup>413</sup> In LU, released detainees from the Detention Centre were systematically offered accommodation at the SHUK (house arrest).

<sup>414</sup> BE, CZ, FR, IT, LT, PL

<sup>415</sup> BE, CZ, EE, FR, HR, HU, LU, PL, SK.

<sup>416</sup> LU.

<sup>417</sup> BE, EE, HR, HU, PL.

<sup>418</sup> The agreement between the European Union and the Republic of Belarus on the readmission of persons residing without authorization, which entered into force on 1 July 2020, has been used in 2020 for the purpose of transit cases through Belarus when foreigners were returned to other third countries. Latvia did not have any readmission cases on Belarus, only transit through Belarus. Transit through Belarus was assisted by Latvian Immigration Liaison Officer in Belarus.

Member State	Discussion/ negotiation phase	Access to Readmission Case Management Systems	Formal approval	Testing	Operational
MT	Bangladesh, Serbia				
PL			Armenia, Belarus, Ukraine		
SK		Sri Lanka			

Norway supported the EU in improving its cooperation with Ethiopia on the European Commission Readmission procedures whereas Poland aimed to boost return and reintegration activities between the EU and Central Asian countries by deploying a Polish Border Guard as an EURLO (European Return Liaison Officer) in Tashkent, as part of the programme coordinated by Frontex.

# 11. MIGRATION AND DEVELOPMENT COOPERATION



## 11.1. NATIONAL DEVELOPMENTS

As in all other areas, the COVID-19 pandemic also impacted migration and development cooperation. Of the Member States that reported new measures in 2020,<sup>419</sup> around half noted that the pandemic had led to a re-orientation of their national strategies and programmes,<sup>420</sup> or a re-focus of policies and projects implemented in third countries to support the fight against the pandemic.<sup>421</sup> For example, Spain adopted the “Spanish Cooperation Strategy in Response to the COVID-19 crisis” to boost its cooperation with the most vulnerable countries and offer a global response to the pandemic, with a particular focus on the Sahel region, Central America and the countries receiving Venezuelan migrants. .

In an effort to mitigate the harsh consequences of the COVID-19-pandemic in partner countries, Germany’s Federal Ministry for Economic Cooperation and Development (BMZ) set up an Emergency COVID-19 Support Programme, reallocating more than € 1 billion of its budget in 2020 alone. Furthermore, BMZ received an additional € 3 billion from the German federal budget for further development-oriented COVID-19 response measures in 2020 and 2021. Austria made available additional funding for humanitarian aid and development cooperation to mitigate the impact of COVID-19 in third countries, *inter alia* by improving sanitary conditions in refugee camps. Similarly, Belgium, the Czech Republic and Sweden re-directed (parts of) their support to health services especially in African countries and the Middle East during 2020.

In March 2020, the Netherlands became the Chair of the Khartoum Process. As a result of the COVID-19 pandemic, the scheduled in-person thematic meeting had to be postponed while webinars were organised on the impact of COVID-19 on migration in the Horn of Africa.

A few countries adopted new strategies or updated existing ones independent of the COVID-19 pandemic,<sup>422</sup> *inter alia* driven by the inauguration of a new government. This was the case in Austria, where the new 2020-2024 Government Programme placed a strong focus on migration and effective local assistance in countries of origin, also aiming to create incentives for businesses to invest in third countries to improve local opportunities for

livelihoods and thus to mitigate the causes of forced and irregular migration. Driven by the adoption of a comprehensive strategy for engaging with Africa for 2020-2030 and an action plan for 2021-2025, the Estonian Ministry of Foreign Affairs set its strategic focus on African countries in terms of its development cooperation and updated its programme to reflect migration-related priority areas such as supporting good governance, transforming the economy, improving education, and raising awareness.

While not yet finalised, Belgium and Poland initiated important discussions in relation to the external dimension of migration management, which are expected to impact their national policies in the upcoming years. In Belgium, these discussions were heavily influenced by the Commission’s new Pact on Migration and Asylum. Poland developed the document “Polish migration policy - diagnosis of the set point” which will enable the creation of a new migration policy in Poland, including the external dimension. The German Federal Government established an Expert Commission on the Causes of Forced Displacement, in October 2019. Consisting of 24 experts from science and practice, the commission has been developing recommendations on how to better understand and mitigate the root causes of forced displacement and irregular migration throughout 2020. The final report is expected to be finalised in spring 2021. Spain put forward a proposal for a “Team Europe Initiative on Migration and Development in West Africa”, to develop a toolbox for a comprehensive migration approach for West Africa and Atlantic Rim countries of origin, transit and destination. The proposed focus of activities was *inter alia* on the fight against irregular migration, support to the local private sector, and providing the necessary skills to youth for jobs in the green economy.

France and Sweden both indicated the increased involvement of the diaspora in their reported activities, although in different ways. Through its position as the Chair of the Rabat Process in 2019-2020, France sought to promote diaspora commitment to development in countries of origin, particularly via money transfers, while the Swedish Migration Agency changed its policy by placing a stronger focus on supporting and involving diaspora organisations

419 AT, BE, CZ, DE, EE, ES, FI, FR, NL, PL, SE, SK, NO.

420 CZ, DE, ES, NL.

421 AT, BE, NL, SE.

422 AT, EE, NO.

in the voluntary repatriation and support for voluntary returnees. In Italy, the regulation governing cooperation for development (Law 125/2014) - together with the triennial policy programme document - give to the diaspora an operational role for cooperation policies with countries of origin. The area of forced and voluntary return was also an element of the developments reported, as well as reintegration and reinforced capabilities in countries of origin

in the fight against migrants and human beings trafficking.<sup>423</sup> In the case of Norway, for example, new strategies adopted for partner countries Ethiopia and Somalia saw migration and return integrated into the overall relations with these countries, *inter alia* aiming to assist them in handling return and reintegration of migrants and aiming at returning persons who are not entitled to protection.

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423 FR, NO.



## Keeping in touch with the EMN

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## EMN National Contact Points

Austria [www.emn.at](http://www.emn.at)

Belgium [www.emnbelgium.be](http://www.emnbelgium.be)

Bulgaria [www.emn-bg.com](http://www.emn-bg.com)

Croatia [www.emn.hr](http://www.emn.hr)

Cyprus [www.moi.gov.cy](http://www.moi.gov.cy)

Czech Republic [www.emncz.eu](http://www.emncz.eu)

Denmark [https://ec.europa.eu/home-affairs/what-we-do/networks/european\\_migration\\_network/authorities/denmark\\_en](https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/authorities/denmark_en)

Estonia [www.emn.ee](http://www.emn.ee)

Finland [www.emn.fi](http://www.emn.fi)

France <https://www.immigration.interieur.gouv.fr/Europe-et-International/Le-reseau-europeen-des-migrations-REM3/Le-reseau-europeen-des-migrations-REM>

Germany [www.emn-germany.de](http://www.emn-germany.de)

Greece <http://emn.immigration.gov.gr>

Hungary [www.emnhungary.hu](http://www.emnhungary.hu)

Ireland [www.emn.ie](http://www.emn.ie)

Italy [www.emnitalyncp.it](http://www.emnitalyncp.it)

Latvia [www.emn.lv](http://www.emn.lv)

Lithuania [www.emn.lt](http://www.emn.lt)

Luxembourg [www.emnluxembourg.lu](http://www.emnluxembourg.lu)

Malta <https://homeaffairs.gov.mt/en/mhas-information/emn/pages/european-migration-network.aspx>

Netherlands [www.emnetherlands.nl](http://www.emnetherlands.nl)

Poland [www.emn.gov.pl](http://www.emn.gov.pl)

Portugal <http://rem.sef.pt>

Romania [www.mai.gov.ro](http://www.mai.gov.ro)

Slovak Republic [www.emn.sk](http://www.emn.sk)

Slovenia [www.emm.si](http://www.emm.si)

Spain <http://extranjeros.empleo.gob.es/en/redeuropeamigracion>

Sweden [www.emnsweden.se](http://www.emnsweden.se)

Georgia [www.migration.commission.ge](http://www.migration.commission.ge)

Moldova [www.bma.gov.md/en](http://www.bma.gov.md/en)

Norway [www.emnnorway.no](http://www.emnnorway.no)