

# ANNUAL REPORT ON MIGRATION AND ASYLUM 2020

EMN INFORM

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This EMN Inform offers a concise overview of the main topics covered in the EMN Annual Report on Migration and Asylum 2020. This includes developments in the fields of legal migration, international protection; minors and vulnerable groups; integration; citizenship and statelessness; borders, visa and Schengen governance; irregular migration including smuggling; return and readmission; trafficking in human beings; and migration and development cooperation.



## 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.

<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)



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>10</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>11</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>12</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>13</sup> Similarly, the effective provision of integration services was maintained via temporary online classes, including language classes for migrant children and adults.<sup>14</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>15</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>16</sup> and their health was protected through the organisation of distance learning.<sup>17</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>18</sup>

10 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.

11 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)

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

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

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

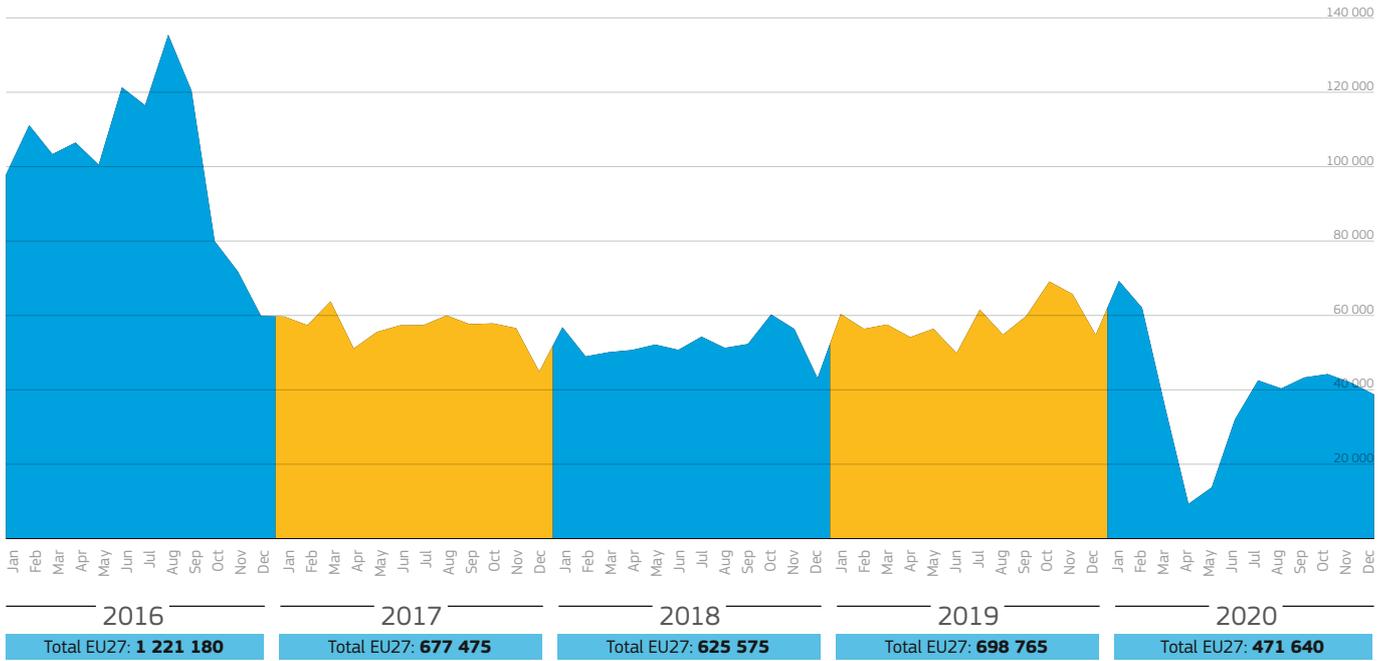
15 In Belgium, asylum applicants were allowed and encouraged to work as seasonal workers without the waiting time of four months. In Spain, for asylum applicants between 18-21 years old.

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

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

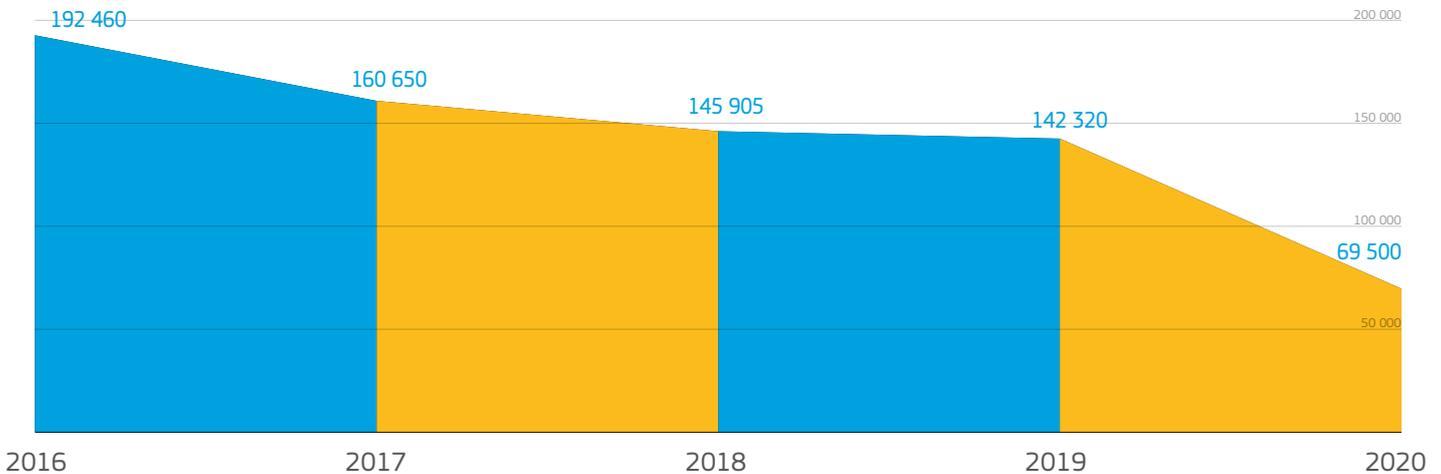
18 Standard criteria allow students to work 40 hours per week during holiday periods (June, July, August and September and 15 December to 15 January inclusive) and 20 hours per week at all other times.

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



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

**Figure 2: Third-country nationals returned to a third country following an order to leave – EU 27 (2016-2020).**



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

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>19</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.

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



### 3. 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>20</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>21</sup>

To increase efficiency and effective cooperation in the field of asylum, one trend identified was the development of new reception facilities<sup>22</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>23</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>24</sup> with Germany introducing a legal amendment enabling the creation 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.



### 4. 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

20 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), last accessed on 28 May 2021.

21 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>.

22 DE, LU, NO.

23 BG, FI, HR, LV, NL.

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

the EU, as well as being part of the EU's toolbox for engaging partner countries strategically on migration.<sup>25</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>26</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>27</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>28</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>29</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>30</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>31</sup> 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>32</sup> Action plans and programmes also targeted the fight against racism and discrimination.<sup>33</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>34</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 Members States. In

25 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.

26 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-2021-2024>, last accessed on 28 May 2021.

27 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.

28 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.

29 FI, HR, IT.

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

31 FI, IE, IT, SE, NO.

32 LT, LU, NO.

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

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

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>35</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.



## 5. 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>36</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 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>37</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.

<sup>35</sup> AT, BE, CZ, DE, EE, ES, FI, FR, NL, PL, SE, SK, NO.

<sup>36</sup> 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.

<sup>37</sup> FI, FR, SE.



## 6. 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>38</sup> as well as adapting or expanding existing facilities to better meet their needs.<sup>39</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>40</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 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.



## 7. MEMBER STATES' RESPONSES TO THE DEPARTURE OF THE UNITED KINGDOM 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. To address this, during 2020, the majority of Member States<sup>41</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

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

39 BE, BG, CY, IT.

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

41 AT, BE, CY, CZ, DE, EE, ES, FR, HR, IE, LU, LT, NL, SE, SI, SK.

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.

## FULL STUDY PUBLICATION

More detailed information can be found in the EMN Annual Report on Migration and Asylum 2020. The Annual Report 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.

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 EMN Annual Report.

The most important developments and statistics per Member State can be found in the Country Factsheets produced by the EMN.

About the report: [https://ec.europa.eu/home-affairs/content/emn-annual-report-2020-explores-trends-migration-and-asylum-eu-and-norway\\_en](https://ec.europa.eu/home-affairs/content/emn-annual-report-2020-explores-trends-migration-and-asylum-eu-and-norway_en)

About the national reports: [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)

About the EMN: <http://www.ec.europa.eu/emn>

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## Keeping in touch with the EMN

EMN website [www.ec.europa.eu/emn](http://www.ec.europa.eu/emn)

EMN LinkedIn page <https://www.linkedin.com/company/european-migration-network/>

EMN Twitter <https://twitter.com/EMNMigration>

## 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.emnnetherlands.nl](http://www.emnnetherlands.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)