



EURODEFENSE OBSERVATORY ON MIGRATION POLICY.

REPORT BY THE CHAIRMAN TO THE PARIS COUNCIL OF PRESIDENTS

SUMMARY

The Russian war of aggression against Ukraine has had a huge impact on the EU's migration policies, although there has been little progress in the negotiations on the "New Pact on Migration and Asylum" as presented by the European Commission in September 2020 (see the Observatory Reports to the Lisbon and the Vienna Council of Presidents, May, and October 2021). Whereas member states continued to be divided over many aspects of the Pact, including the reform of the Dublin asylum system, the massive inflow of refugees from Ukraine since the war began on February 24, 2022, made it necessary to provide a rapid and effective response. So far, the Union has been able to respond quickly and without much friction among member states.

Geopolitics is accelerating reform of the EU's immigration and asylum régime

Negotiations on the New Pact on Migration and Asylum, as presented by the EU Commission in September 2020, had been moving at a snail's pace during most of 2021. Still, skillful Portuguese diplomacy during Portugal's Presidency of the Union, saw the EU pass its first migration-related legislation since 2016, in the form of revised rules to attract highly skilled workers to Europe (see our Report to the Vienna Council of Presidents).

While the situation caused by irregular migratory pressures improved in the eastern and central Mediterranean areas, this was not the case in the western part of the Sea and the Canary Islands, with thousands arriving by sea and land, sometimes using violence to overcome border controls. But the biggest crisis was caused in November 2021 by Belarus' leader, Alexander Lukashenko, who purposely brought over 20,000 asylum seekers from Iraq, Syria, Africa, and other countries (Afghanistan, Iran, Indians and even Cubans) as a retaliation for sanctions imposed by the EU on his régime. He rushed these people towards the frontiers with Lithuania first and Poland after, hoping that the Europeans would cave into pressure to open the borders. He expected to get some monetary profits from fees charged to immigrants and relief from EU economic sanctions, imposed on him after he manipulated elections to remain in power. He was wrong. In November 2021, Polish authorities completed effective fences at border crossings with Belarus, causing a build-up on the other side of the frontier.

Simultaneously, the EU mobilized its diplomacy to obtain cooperation from non-European air lines and countries of origin and transit into closing the air routes to Belarus. The Union announced it would blacklist any transport company that, implicitly or explicitly, would allow people smugglers to operate on their routes. Lukashenko's gamble backfired badly as the EU, in response to these actions, activated a fifth round of sanctions against the régime in early December. And Belarus had to return forcefully to their countries of origin many of the migrants brought for Lukashenko's spurious objectives.



Still, the fact that the EU has been unable to establish a solid migration and asylum policy and that foreign dictators know that migration is a very sensitive political issue in many EU member states, especially after the 2015-2017 migration crisis, makes the Union susceptible to this kind of “blackmails” by authoritarian régimes. The “weaponization” of irregular migration is happening not only in the Eastern borders but also in other parts of the EU’s neighborhood, such as in the Spanish cities of Ceuta and Melilla and the Canary Islands.

At the beginning of December, the Commission proposed new arrangements allowing authorities in a crisis to halt irregular arrivals at the border whilst asylum claims are examined, and to return home those with inadmissible applications, with minimum legal obstacles. New proposals, such as reforming the EU’s passport-free area further develop this trend by strengthening the right to refuse entry to migrants clearly channeled to the border by outside actors, or increase returns when massive irregular crossings take place, especially when irregulars use force against border officials. Tougher border controls must be combined with more agile asylum application procedures and new emphasis on legal pathways for immigration.

The Ukrainian refugee challenge

The war in Ukraine has created the largest movement of population in Europe since World War II. By mid-April 2022, more than 7.1 million Ukrainians had been forced to move within their country and almost 5 million fled from it since the Russian aggression began. Many refugees were women and children. The pressure was enormous on Poland, Moldova, Hungary, Romania, and Slovakia, some of which had been amongst the most reluctant to receive asylum seekers¹ in the negotiations on the New Pact. The challenge was enormous as it was necessary to provide to this big number of people temporary accommodation, food, clothing, health care, schooling and eventually access to the labor markets.

The Commission proposed on 2 March 2022 to activate the Temporary Protection Directive, a mechanism created after the wars in former Yugoslavia, but which had not been used previously. It was activated on March 4, guaranteeing Ukrainian nationals and their family members displaced by the conflict the right of residence in the EU, access to labor markets, adequate housing, social and medical assistance and means of subsistence. It also provided for the creation of protection status with reduced formalities, valid for one year and renewable twice for six-months periods, making the procedures much simpler and easy for member states to handle. On the same date, the Commission presented its guidelines on the relaxation of border controls, allowing third country nationals to enter the EU on humanitarian grounds, even if they don’t meet all conditions. Europol and Frontex are providing front-line countries with technical and operational assistance.

Moreover, the Commission has adopted a proposal giving member states greater flexibility in the use of EU funds (including part of the NextGeneration EU recovery plan) to support Ukrainians and encourage

¹ According to the UN HCR, Poland is hosting 2,645,277 Ukrainian refugees, Romania 701,741, Moldova 413,374 (15.3% of its population), Hungary 428,954 and Slovakia 320,246. Free movement within the Schengen area, which applies to Ukrainian refugees, makes it difficult to identify the final destinations. It will be necessary to see residence permits and asylum applications.



investment in housing, education, and social inclusion of these refugees. On 6 April a recommendation was issued on the recognition of academic and professional qualifications and a portal has been opened (“European research area for Ukraine”), to help find housing and employment for refugees. On 12 April, the EU Council released 3.5 billion € of aid to member states under the React-EU plan for this purpose.

The impact of this unprecedented movement of people is difficult to estimate, as there are many unknowns, mainly the duration of the war and the physical damage suffered by Ukraine by it. Some member states, like Poland, are reaching their limit and will need the solidarity of other member states for relocation of refugees. A significant number of Ukrainian refugees have returned to their country, almost 600,000. But many will probably stay in the EU, because it is not clear how viable Ukraine will be economically and socially when the war ends, and what arrangements will be agreed in the negotiations with Russia, if any. In any case, this crisis hopefully opens the way for a much needed New Pact on Migration and Asylum.

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