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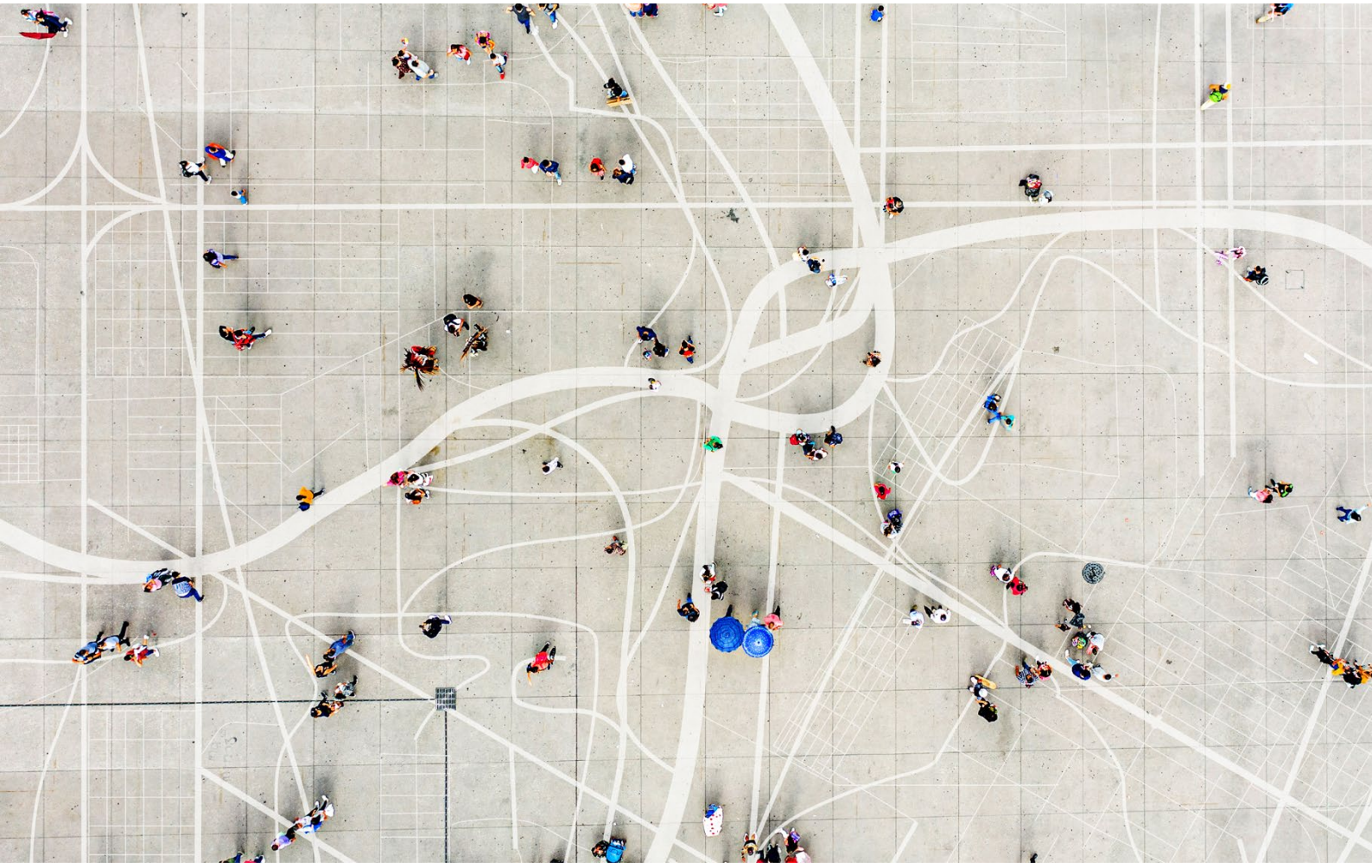

Annual Report on Migration and Asylum 2021

European
Migration Network

June 2022

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 2021 was prepared on the basis of annual National Reports on Migration and Asylum from 27 EMN NCPs (Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Poland, Slovak Republic, Slovenia, Spain, Sweden, Norway and Georgia) 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 2021 may be found in the available annual National Reports on Migration and Asylum for 2021, 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 2021. 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 Union Agency for Asylum (EUAA) 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 2021 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

KEY POINTS:

- The COVID-19 pandemic continued to impact the migration and asylum systems of EU Member States, Norway and Georgia in 2021, albeit to a lesser extent than in the previous year. Travel restrictions and health measures continued in most Member States. As the situation in relation to the pandemic gradually improved throughout the year, 2021 saw an increase in first-time asylum applications in the EU Member States and Norway of 28.2% in comparison to 2020.[1] The number of returns increased significantly, with an 80 % increase in voluntary returns and a 46 % increase in enforced returns, compared to 2020.[2]
- Political unrest in Europe and beyond, particularly due to the Belarus border crisis and the fall of Afghan government, exerted pressure on the asylum and reception systems of several Member States, which had to deal with these sudden (in)flows.
- The EU and its Member States continued to make steady progress on long-term priorities and strategic commitments on asylum and migration. In September 2021, one year on from the adoption of the New Pact on Migration and Asylum, the Commission published a report taking stock of progress achieved and key developments in the relevant policy areas.
- The protection of vulnerable groups remained a key focus of legislative and policy measures. The EU Strategy on Combating Trafficking in Human Beings (2021–2025) and the EU Action Plan Against Migrant Smuggling (2021-2025) aimed to bolster the fight against migrant smuggling and human trafficking. The EU Strategy on the Rights of the Child set out measures to promote the rights of all children, including migrant children, across six thematic areas. At national level, the EU Member States and Norway introduced new measures to reduce vulnerability, particularly of unaccompanied minors reaching adulthood, and to identify and safeguard vulnerable groups, such as asylum applicants with special reception needs.
- Migration management was improved throughout 2021, with efforts to make policies and approaches more efficient and effective. Several Member States, Norway and Georgia increased their focus on innovation, simplification of processes, and digitalisation of migration management across the different migration and asylum areas.
- Attracting and retaining highly skilled and qualified workers to meet labour market needs remained a key priority. The European Commission prepared initiatives on legal migration, which were collated in the Skills and Talents Package adopted on 27 April 2022. In addition, the revised EU Blue Card Directive (Directive (EU) 2021/1883) aimed to achieve a level playing field between national and EU systems. Member States introduced a range of legislative and policy changes and strategies to fill labour shortages and increase their attractiveness to third-country workers.

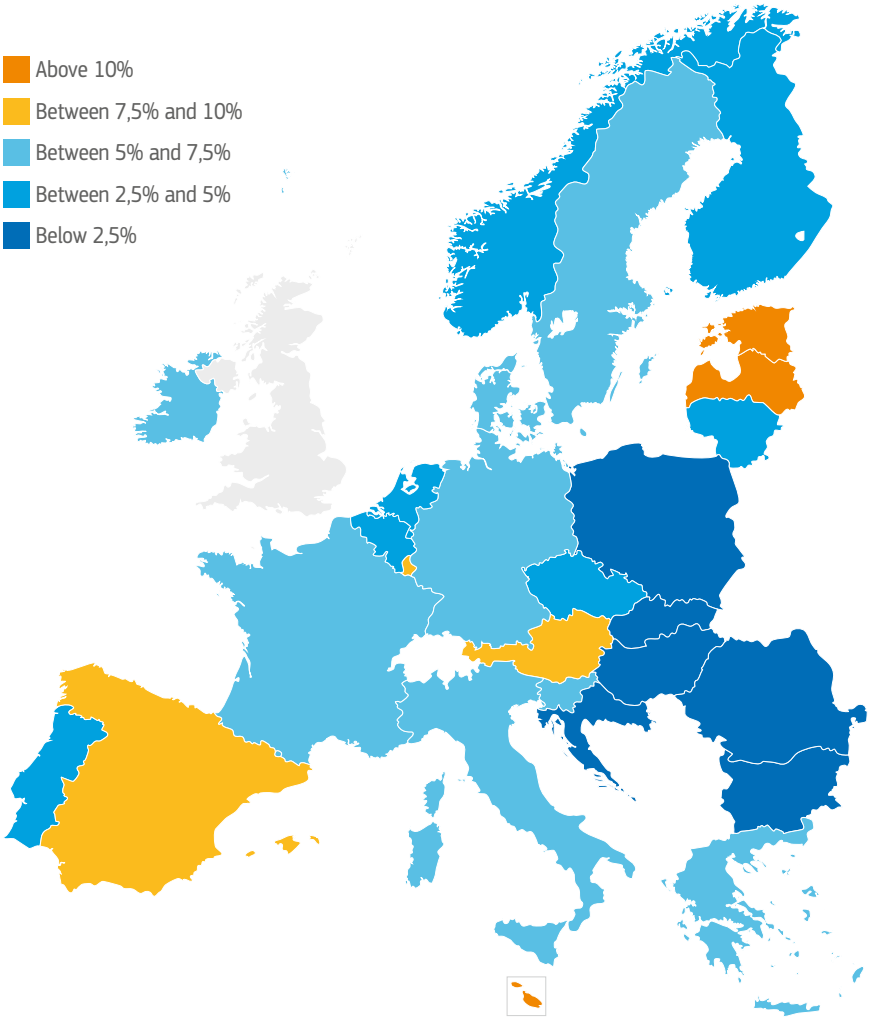
1.1. INTRODUCTION

In 2021, the COVID-19 pandemic continued to impact the migration and asylum systems of EU Member States, Norway and Georgia, albeit to a lesser extent than in the previous year, and countries continued to adapt their policies and approaches in response to the changing situation. The number of asylum applicants increased compared to 2020, as did the number of returns.

In addition to the ongoing pandemic, 2021 was marked by political unrest in other parts of Europe and beyond, which impacted the migration and asylum systems of the EU Member States. The border crisis with Belarus necessitated a response at EU and national level. The European Commission proposed the Council Decision on provisional measures for the benefit of Latvia, Lithuania and Poland.[3] At national level, Estonia, Latvia, Lithuania and Poland each adopted measures to deal with increased border crossings, ranging from the introduction of (temporary) border barriers or other border infrastructure

1 See Figures 2, 3 and 4 in Section 3 (source: Eurostat (migr_asyappctza), extracted on 20 May 2022).
2 See Figures 16, 17 and 18 in Section 10 (source: statistics provided by EMN National Contact Points (NCPs). Statistics not available or not provided for DK, RO).
3 European Commission, Proposal for a Council Decision on provisional emergency measures for the benefit of Latvia, Lithuania and Poland, COM(2021), 752 final, 2021, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2021%3A752%3AFIN&qid=1638547296962, last accessed on 2 June 2022.

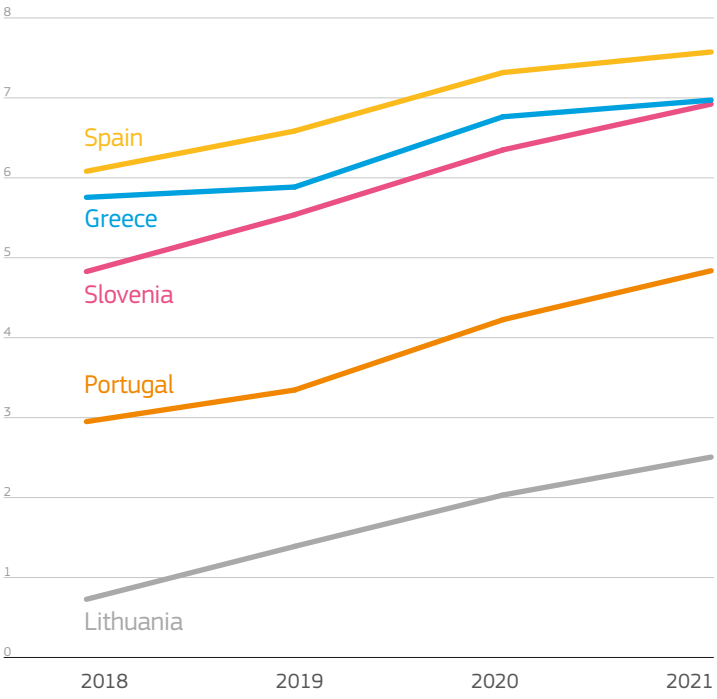
Figure 1 – Number of Third-Country Nationals (TCNs) and their share in the total population on 1 January 2021, EU and Norway



	Number of TCNs	Share in the total population
Austria	719 393	8,05%
Belgium	519 684	4,49%
Bulgaria	102 270	1,48%
Croatia	76 645	1,90%
Cyprus	69 120	7,71%
Czechia	381 902	3,57%
Denmark	314 550	5,39%
Estonia	180 112	13,54%
Finland	177 233	3,20%
France	3 735 239	5,52%
Germany	6 112 299	7,35%
Greece	752 935	7,05%
Hungary	118 400	1,22%
Ireland	299 242	5,98%
Italy	3 764 839	6,36%
Latvia*	245 962	12,99%
Lithuania	70 788	2,53%
Luxembourg	54 890	8,65%
Malta	61 000	11,82%
Netherlands	565 821	3,24%
Poland	374 236	0,99%
Portugal	503 477	4,89%
Romania	83 783	0,44%
Slovakia	20 468	0,37%
Slovenia	147 531	7,00%
Spain	3 633 059	7,66%
Sweden	578 657	5,58%
Norway	239 292	4,44%

Change of % of TCNs in total population in 2018-2021

Top 5 countries by variation



	2018	2019	2020	2021	2018-2021 variation
Austria	7,79	7,82	7,87	8,05	0,26%
Belgium	4,18	4,31	4,46	4,49	0,31%
Bulgaria	1,08	1,22	1,37	1,48	0,40%
Croatia	0,88	1,20	1,67	1,90	1,02%
Cyprus				7,71	
Czechia	2,83	3,10	3,27	3,57	0,74%
Denmark	5,19	5,34	5,43	5,39	0,20%
Estonia	13,46	13,47	13,51	13,54	0,08%
Finland	2,76	2,89	3,04	3,20	0,44%
France	5,21	5,22	5,44	5,52	0,31%
Germany	6,68	6,96	7,23	7,35	0,67%
Greece	5,82	5,95	6,84	7,05	1,23%
Hungary	0,89	1,12	1,25	1,22	0,33%
Ireland	5,05	5,49	5,94	5,98	0,93%
Italy	6,09	5,95	6,02	6,36	0,26%
Latvia*	14,07	13,75	13,41	12,99	-1,08%
Lithuania	0,73	1,40	2,05	2,53	1,80%
Luxembourg	7,78	8,00	8,43	8,65	0,87%
Malta				11,82	
Netherlands	2,85	3,06	3,31	3,24	0,39%
Poland	0,56	0,69	0,86	0,99	0,43%
Portugal	2,98	3,38	4,27	4,89	1,91%
Romania	0,31	0,33	0,41	0,44	0,13%
Slovakia	0,32	0,34	0,36	0,37	0,06%
Slovenia	4,88	5,60	6,42	7,00	2,12%
Spain	6,15	6,66	7,40	7,66	1,51%
Sweden	5,43	5,76	5,82	5,58	0,14%
Norway	4,22	4,41	4,58	4,44	0,22%

Source: Eurostat (migr_pop1ctz)

* This number includes also recognized non-citizens

and deterrence measures, to the declaration of a state of emergency in the affected areas.

The fall of the Afghan government necessitated a similarly urgent response, with the EU and its Member States seeking to evacuate EU citizens and Afghan nationals and their families. The Justice and Home Affairs Council of 31 August 2021[4] concluded that EU Member States could provide support in the form of resettlement on a voluntary basis, while prioritising vulnerable people, such as women and children. According to the European Commission, the EU and its Member States moved swiftly, with a total of 22 000 Afghans evacuated from the country in August.[5]

Despite these challenges, the EU and its Member States continued to make steady progress on long-term priorities and strategic commitments in migration and asylum policy. In September 2021, one year on from the adoption of the proposal for a New Pact on Migration and Asylum, the Commission published a report[6] to take stock of progress achieved and review key developments in migration and asylum. Strategies and action plans were adopted at EU and national level, setting the groundwork for further legislative and policy actions in the coming years.

The protection of migrants and asylum seekers, including minors and other vulnerable groups, remained a priority in 2021. The European Commission adopted the EU Strategy on the Rights of the Child[7] on 21 March 2021, including protection of migrant children. Member States took several measures to identify and safeguard vulnerable groups, such as victims of violence, particularly gender-based violence.

The EU Member States, Norway and Georgia continued their efforts to improve the efficiency, effectiveness and quality of migration management systems and related policies, including managing irregular migration and return. A continuous and accelerating trend is the focus on innovation, simplification of processes, and digitalisation for migration management.

Figure 1 presents an overview of the total number of third-country nationals currently residing in the EU and Norway, and their share of the total population on 1 January 2021. It also shows the variation in share of third-country nationals of the overall population from 2018 to 2021. In most Member States and Norway, the share of third-country nationals of the total population has remained relatively stable. As of 1 January 2021, third-country nationals represent 5.3 % of the total population in the EU Member States and Norway, on average.

1.2. AIMS AND STRUCTURE OF THE ANNUAL REPORT

This annual report summarises the most important legal and policy developments in the areas of migration and asylum in the EU Member States, Norway and Georgia in 2021. It focuses on new legislative and policy measures introduced in 2021, reported by the European Migration Network (EMN) National Contact Points (NCPs) via their national reports (which are available on the EMN website).

Section 1 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.

Section 2 comprises 10 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. Unaccompanied minors and other vulnerable groups.
4. Integration and inclusion.
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.

1.3. MANAGING MIGRATION IN THE CONTEXT OF OLD AND NEW CHALLENGES

2021 saw several developments, challenges and opportunities in the areas of migration and asylum for EU Member States, Norway and Georgia. As the situation with the COVID-19 pandemic improved - to varying degrees - throughout the year, 2021 saw an increase in the numbers of both short and long-stay visas issued by the Member States and Norway.

The number of first-time asylum applications rose to 535 000 in the EU Member States and Norway, representing an increase of 28.3 % on 2020, and bringing the total back to 2014 levels (before the large influxes in 2015 and 2016). The number of first-instance decisions (523 000) more than doubled from 2020 (212 970), of

4 See: https://www.consilium.europa.eu/en/meetings/jha/2021/08/31/, last accessed on 2 June 2022.
5 European Parliament Briefing, 2021, https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/698776/EPRS_BRI(2021)698776_EN.pdf, last accessed on 2 June 2022.
6 European Commission, 'Report on Migration and Asylum', COM(2021) 590 final, 2021, https://ec.europa.eu/info/sites/default/files/report-migration-asylum.pdf, last accessed on 2 June 2022.
7 European Commission, 'EU Strategy on the Rights of the Child', 2021, https://ec.europa.eu/info/policies/justice-and-fundamental-rights/rights-child/eu-strategy-rights-child-and-european-child-guarantee_en, last accessed on 18 May 2022.

which 38.6 % were positive (i.e. applicant granted refugee status, subsidiarity protection, or humanitarian status).[8]

An 80 % increase in voluntary returns was observed compared to 2020, with a 46 % increase in enforced returns and an overall significant increase in assisted voluntary returns.[9] Germany, France and Greece reported particularly significant increases in the number of returns.

Continued impact of the COVID-19 pandemic on migration management

Similar to 2020, EU Member States, Norway and Georgia extended or implemented various travel restrictions and quarantine measures to limit the spread of COVID-19. For example, some Member States[10] temporarily introduced an obligatory passenger locator form to prevent the spread of COVID-19.

Member States reported efforts to prevent the spread of COVID-19 among asylum applicants living in reception centres, through the use of quarantine measures and other measures, such as the provision of separate accommodation for applicants,[11] and requiring a negative COVID-19 test before accessing reception accommodation.[12] Portugal prioritised applicants for international protection living in reception centres as a group to receive COVID-19 vaccination.

In light of COVID-19, Member States[13] amended aspects of the Dublin Regulation procedure, with some reducing[14] and suspending[15] transfers due to the closure of Schengen borders in response to the pandemic.

Some Member States[16] adopted specific measures to address the impact of COVID-19 on the labour market and integration of third-country nationals. Ireland adjusted its employment permit eligibility for certain occupations in the agriculture, hospitality and transport/logistics sectors to address labour shortages. Portugal increased unemployment and other benefits to improve the social protection of all workers affected by the pandemic, including third-country nationals. Sweden increased resources for subsidised introductory jobs for newly arrived immigrants to support labour market activation post-COVID-19.

Conflict and geopolitical instability

2021 saw large increases in first-time applicants for protection from Syria (98 895 applications, constituting a 54 % increase compared to 2020), Afghans (83 760, a 89 % increase) and Iraqis (25 995, 59 % increase). Conflicts and political unrest in Europe and other regions (primarily the Belarus border crisis and the fall of Afghanistan's government) likely had an impact on the numbers of individuals seeking protection in the EU and Norway. Syria and Afghanistan remained the top two applicant nationalities since 2018, Iraq was in the top five during that period, and there was a large increase in overall numbers of applicants compared to 2020.

Following political turbulence in Belarus, the EU adopted restrictive measures in respect of the Belarusian financial sector. In response, in June 2021, Belarus began to organise flights and internal travel to facilitate the transit of migrants, primarily Iraqi, Afghan and Syrian nationals, towards Latvia, Lithuania and Poland,[17] leading to an increase in the flow of irregular migrants at the EU's eastern external borders. Lithuania reported the arrival of over 4 000 irregular migrants at its external borders in the second half of 2021, compared to 81 in the whole of 2020. A state of emergency was declared across the three Member States and measures were taken to strengthen border surveillance, including physical infrastructure. Poland adopted a new act on building a border dam equipped with optoelectronic devices for monitoring the EU's external border in order to enhance security and border control. Latvia passed a law aimed at ensuring rapid and efficient construction of infrastructure at the external borders, driven by the increase in illegal crossings. In July 2021, the Lithuanian Parliament passed a resolution declaring that the mass influx of migrants constituted a hybrid aggression[18] and asked the government to use the Lithuanian military to help to protect the state borders.

When the Islamic Emirate of Afghanistan under the Taliban was reinstalled in August 2021, most Member States evacuated/offered protection to Afghans.[19] Several[20] admitted Afghan nationals who worked for or cooperated with Member States' governments, the EU, the United Nations (UN) and the North Atlantic Treaty Organisation (NATO), as well as any person particularly at risk, such as human rights activists and their immediate families. Member States adopted different approaches and measures to facilitate admission and protection of Afghan nationals. France put in place specific conditions for examining the visa applications of at-risk Afghan nationals who had fled their country, including applications for asylum and family reunification purposes, to rapidly respond to their protection needs. The Swedish Government removed the requirement that a person of concern must be in a third country before they could be resettled to Sweden. This meant that Afghans could be evacuated directly from Afghanistan, with the resettlement process finalised on their arrival in Sweden. Ireland approved the Afghan Admission Programme, offering temporary Irish residence to people whose freedom or safety was at risk, whether resident in Afghanistan or in certain neighbouring countries having fled from Afghanistan since 1 August 2021, and with close family members in Ireland.

8 See Figures 2, 3 and 4 in Section 3 (source: Eurostat (migr_asyappctza), extracted on 20 May 2022).
9 See Figures 16, 17 and 18 in Section 10 (source: statistics provided by EMN NCPs. Statistics not available or not provided for DK, RO).
10 For example, AT (pre-travel clearance), CY, CZ, DE, EE, LV, PL.
11 CZ, DE.
12 CZ, HR, PT, SI.
13 BE, DE, HR, NL.
14 BE.
15 DE, HR.
16 AT, IE, IT, SE.
17 See: https://www.consilium.europa.eu/en/policies/eastern-partnership/belarus/, last accessed 1 May 2022.
18 'Hybrid threats' describe the mix of conventional and unconventional, military and non-military, overt and covert actions that can be used in a coordinated manner by state or non-state actors to achieve specific objectives while remaining below the threshold of formally declared warfare (see: https://ec.europa.eu/commission/presscorner/detail/it/MEMO_16_1250 , last accessed 13 April 2022).
19 BE, BG, DE, EE, EL, ES, FR HR, IE, IT, LT, LU, LV, MT, NL, PL, PT, SE SK.
20 BE, DE, EE ES, FI, FR, IE, LT, LU, LV.

Asylum system and reception challenges

These developments, combined with a general increase in the number of people seeking protection and specific events such as the severe floods in Belgium, all posed challenges to national asylum systems, particularly in relation to reception. As highlighted above, the number of first-time asylum applications to EU Member States and Norway increased by 28.2 % compared to 2020. Cyprus reported that its national asylum system was overburdened by the sharp increase in arrivals by sea and by land.[21] The Netherlands experienced a shortage of reception capacity due to the high influx of asylum seekers and the limited outflow of beneficiaries of international protection to regular housing. Belgium faced an unprecedented reception crisis, dealing simultaneously with an increase in applicants for international protection, the longer duration of asylum procedures, evacuations from Afghanistan, and the consequences of the severe floods in Wallonia. Croatia began the complete renovation of the reception centres for asylum applicants in Zagreb and Kutina that were destroyed in the 2020 earthquakes. Overall, these challenges necessitated new,[22] or emergency reception facilities,[23] and the adaptation of existing facilities by increasing the number of beds available[24] or renovating reception centres.[25]

1.4. NEW STRATEGIC DEVELOPMENTS IN MIGRATION AND ASYLUM

2021 was the first year of the implementation of the New Pact on Migration and Asylum. The European Commission published its Report on Migration and Asylum,[26] highlighting progress made and setting the groundwork for legislative and policy actions in the coming years.

As announced in the Pact, the European Commission prepared legal migration initiatives that were presented in the Skills and Talents Package,[27] which was adopted on 27 April 2022. In addition, the revised EU Blue Card Directive (Directive (EU) 2021/1883) was adopted. The revised Directive allows Member States to retain their national schemes, while at the same time ensuring EU added value and a level playing field between national and EU systems. As noted above, the European Asylum Support Office became a fully-fledged European Union Asylum Agency (EUAA).[28]

The EU Action Plan on Integration and Inclusion[29] that was adopted in November 2020 began to be implemented in 2021. In addition, protection of vulnerable groups and fight against trafficking and exploitation received a strategic boost with the adoption of the EU Action Plan Against Migrant Smuggling, the EU Strategy on Combating Trafficking in Human Beings (2021–2025), Communication on the Sanctions Directive, and the EU Strategy on the Rights of the Child.

2021 saw several Member States[30] draft or adopt new migration strategies. In Finland, the Ministry of the Interior initiated a project to define the long-term objectives of its comprehensive migration policy. In the context of increased migration flows, the project aimed to map social expectations of migration, identify areas of development, and prepare a policy framework to serve as a foundation for political debate and decision-making. The Slovak Government approved the 'Migration Policy of the Slovak Republic: Perspective until 2025', which defines strategic priorities in all main migration areas.

Several Member States and Georgia[31] adopted strategies on the internationalisation of higher education. Georgia, for example, adopted the 'Study in Georgia' programme to facilitate the admission of international students to Georgian universities.

1.5. INCREASING THE EFFICIENCY AND EFFECTIVENESS OF MIGRATION MANAGEMENT

The EU Member States, Norway and Georgia 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.

Most Member States and Georgia introduced or proposed overarching changes to their migration system,[32] organisational changes,[33] and/or legislative changes.[34] These changes sought to simplify administration, enhance

21 Through the Green Line, which refers to the demarcation line between the Turkish and Greek parts of Cyprus.
22 BE, EL, CY, LU, MT, NL.
23 FR, LU, NL.
24 BE, FR, HR, IT, MT.
25 HR.
26 European Commission, 'Report on Migration and Asylum', COM(2021) 590 final, 2021, https://ec.europa.eu/info/sites/default/files/report-migration-asylum.pdf, last accessed on 29 April 2022.
27 European Commission, 'Communication on attracting skills and talent to the EU', COM/2022/657 final, 2022, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2022%3A657%3AFIN&qid=1651223944578, last accessed on 7 June 2022.
28 Regulation 2021/2303 on the European Union Agency for Asylum entered into force on 19 January 2022, transforming EASO into the EUAA, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32021R2303, last accessed on 29 April 2022.
29 Action Plan on Integration and Inclusion, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020DC0758&qid=1632299185798, last accessed on 25 May 2022.
30 BG, CY, EE, FI, IE (part of Department of Justice Statement of Strategy 2021-2023), IT, MT, SK.
31 CZ, FR, SK and GE.
32 AT, BE, CY, CZ, EL, FI, HR, IE, LT, NL, PT, PL, SE, SK and GE.
33 For example, AT, EL, FR, MT and GE.
34 BE, HR, MT, LU, PL, SE.

cooperation between relevant actors, and strengthen operational capability.

In Belgium, the State Secretary and the asylum and migration services at federal level reviewed the functioning of the migration system. A commission was appointed to establish a new Migration Code, and additional funding was granted to the migration sector to recruit staff for the asylum and migration authorities. France presented a new impact roadmap to foster the attractiveness of talent and support for higher education and research institutions in the context of strong international competition. In Sweden, a number of major changes to the Swedish Aliens Act entered into force, including modifications to the conditions for granting temporary residence permits, conditions for converting a temporary residence permit into a permanent residence permit, rules for family reunification and family formation, and rules for granting residence permits on humanitarian grounds.

Some Member States simplified their application procedures for visas and/or residence permits.[35] Poland, for example, established a streamlined procedure for granting temporary residence permits, with shorter processing timelines.

1.6. INNOVATION AND DIGITALISATION

As part of their efforts to improve effectiveness and efficiency, throughout 2021, Member States, Norway and Georgia accelerated their efforts to further digitalise migration management. Several Member States[36] planned or established new online platforms for legal migration, including digitalising the processing and issuance of residence permits. Croatia introduced an online application system for certain categories of permits to simplify and speed-up the process for issuing residence and work permits.

Many Member States reported using digital technologies to improve operational aspects of the asylum procedure,[37] with a clear trend towards the creation and updating of the digital systems used to process applications.[38] Other operational changes included the introduction of new electronic registration systems[39] and new remote procedures.[40]

In border management, Member States reported ongoing implementation of large-scale EU information technology (IT) systems, the EES and the ETIAS.[41] Several Member States prepared or implemented legislative amendments or introduced new laws for the EES[42] and/or the ETIAS,[43] or launched procurement procedures for IT systems and equipment for the Entry/Exit System (EES)[44] and/or the European Travel Authorisation System (ETIAS).[45] They also organised or established national units/entities responsible for the EES[46] and/or the ETIAS,[47] or participated in relevant working groups.[48]

1.7. PROTECTION OF VULNERABLE ADULTS AND CHILDREN

The protection of migrants and asylum seekers, including minors and other vulnerable groups, remained an important area of legislative and policy developments at EU and national level. The number of unaccompanied minors applying for asylum increased by 72 % in 2021 and represented 4.4 % of total asylum applications.

The European Commission adopted the EU Strategy on the Rights of the Child[49] on 21 March 2021 to enhance the protection of children, including migrant children. The Strategy sets out measures in six thematic areas to address the rights of the most vulnerable children, including highlighting that migrant children should enjoy the same rights and level of protection as EU children.

At national level, some Member States and Norway introduced arrangements for unaccompanied minors approaching/reaching adulthood.[50] These new measures aimed to reduce the vulnerability of these young adults and to ensure that they were adequately supported by the relevant authorities. Member States also introduced different vulnerability assessment tools and procedures to determine whether an asylum applicant has special reception needs, the nature of those needs and the support required.[51]

Finally, Member States took several measures to identify or safeguard vulnerable groups, such as victims of violence, particularly gender-based violence. Some introduced new accommodation centres for lesbian, gay, bisexual, transgender, queer and intersex (LGBTQI+) applicants for international protection, as well as for other vulnerable groups.

35 FI, FR, PL.
36 BE, EL, ES, FI, FR.
37 AT, BE, DE, FR, HR, IE, LT, LU, LV, NL, SE.
38 BE, CY, DE, HR, IE, LT.
39 BE.
40 FR, DE, SE.
41 AT, BE, CZ, DE, EE, ES, FI, HU, LT, LU, MT, NL, SE, SI and BE, CY, CZ, DE, EE, ES FI, FR, LT, LU, LV, MT, NL, SE, SI, respectively.
42 AT, EE, FI, HU, MT, NL.
43 ES, FI, NL, SE.
44 EE, HR, LT, MT, SE, SI.
45 BE, ES, HR, LT, LU, PL.
46 LT, LV.
47 BE, CY, DE, EE, FR, LU, LV, PL, SE, SI.
48 HR, LU, SI (EES) and CY, LU (ETIAS).
49 European Commission, 'EU Strategy on the Rights of the Child,' https://ec.europa.eu/info/policies/justice-and-fundamental-rights/rights-child/eu-strategy-rights-child-and-european-child-guarantee_en, last accessed on 18 May 2022.
50 EL, ES, FR, IE, IT, NL and NO.
51 CY, DE, IE, HR, LU, MT, SK.

2. LEGAL MIGRATION

Key developments in legal migration in the Member States, Norway and Georgia in 2021 had three main objectives. Firstly, attracting and retaining highly skilled and qualified workers in response to labour market needs remained a key focus of legislative and policy measures. Secondly, digitalisation and simplification of application processes were key policy drivers, with most Member States introducing or upgrading digital platforms and tools for processing and tracking of visa and residence permit applications. Thirdly, measures to regulate entry and residence of third-country nationals were widely reported.

2.1. EU DEVELOPMENTS

In 2021, the revised EU Blue Card Directive (Directive (EU) 2021/1883) was adopted. The European Commission unblocked the interinstitutional negotiations that were stalled since 2018 by proposing to accept that Member States keep their national schemes, while ensuring that the reform brings EU added value and ensures a level playing field between national and EU systems. The negotiations were finalised on 17 May 2021, with a political agreement reached between the European Parliament and the Council. The Directive was adopted on 20 October 2021, and from then Member States have two years to fully transpose it into national legislation.

As announced in the new Pact on Migration, in 2021, the European Commission also started preparing a number of initiatives on legal migration to be presented in a Skills and Talents Package. In particular, the Commission carried out impact assessments for the revision of the Long-term Residents Directive (2003/109/EC) and the Single Permit Directive (2011/98/EU), and a study in cooperation with the OECD to set out options for the development of an EU Talent Pool. The Skills and Talents Package, which includes a Commission Communication setting out the next steps on the EU legal migration policy in the medium and longer term, was adopted on 27 April 2022.

2.2. NATIONAL DEVELOPMENTS

2.2.1. Overarching strategic policy changes in legal migration

About half of the Member States reported overarching legislative and policy changes in legal migration in 2021.[52] The key objectives of these changes were: (i) to increase the attractiveness of immigration policies to foreign workers to fill labour shortages; (ii) digitalisation and simplification of application processes; and (iii) to regulate entry and residence of third-country nationals.

Attracting third-country workers in response to labour market needs

Some Member States introduced legislative and policy changes to address labour shortages and increase the attractiveness of their country to third-country workers.[53] For example, Croatia abolished the old quota system and introduced a new system of labour migration, based on a labour market test performed by the Croatian Employment Service. The Slovak Republic's 'Recovery and Resilience Plan' included a separate chapter on satisfying labour market needs with highly-qualified workers, especially in healthcare, education and information and communications technology (ICT). Finland adopted a roadmap for education/work-based immigration until 2035.

Box 1: Roadmap for education/work-based immigration in Finland

In September 2021, Finland adopted a long-term action plan to attract specialists, entrepreneurs, researchers and students. The roadmap sets quantitative targets for the first time, aiming to double work-based immigration by 2030 and to triple the number of new foreign students to 15 000 students, with 75 % staying in Finland for work after graduation. The roadmap also outlines measures to promote immigration of skilled labour driven by the needs of Finnish companies and research, development and innovation (RDI) activities in leading growth sectors, as well as sectors suffering from labour shortages.

52 AT, BE, CY, CZ, EE, EL, ES, FI, FR, HR, LT, NL, PL, PT, SI, SK.
53 EL, ES, HR, FI, FR, SK.

Digitalisation and simplification of application processes

Digitalisation and simplification of application processes were a key policy objective for several Member States.[54] In Belgium, as part of the 'one stop shop' mechanism of the Single Permit Directive (2011/98/EU), a new platform 'Working in Belgium' was set up in May 2021. This digital platform allows employers to launch an application for a single permit and to check the application status. Croatia introduced an online application system for issuing certain categories of permits in order to simplify and speed up the process of issuing residence and work permits. In the Netherlands, with more than 10 000 cases per year on paper, digital litigation in legal migration was introduced in March 2021 to alleviate the administrative burden on legal professionals and the Immigration and Naturalisation Service (IND). Spain allocated additional financial resources to improve and expand digital tools in migration management. The Slovak Republic set out its priorities in the 'Migration policy of the Slovak Republic: Perspective until 2025', which included the linking of information systems and ensuring cooperation among relevant stakeholders, as well as streamlining and digitalising the issuance of residence permits.

Several Member States reported simplifying their application procedures.[55] In France, the list of documents to be provided by third-country nationals to apply for a single permit was simplified, such as rules of request for work permits and new assessment criteria. In Poland, a streamlined procedure for granting temporary residence permits was established, with shorter processing timelines. Several simplifications entered into force regulating the residence and employment of nationals of six countries (Armenia, Belarus, Georgia, Moldova, Russia and Ukraine). For example, the period of stay for employment on the basis of an employer declaration was extended from 6 to 24 months.

Regulating entry and residence of third-country nationals

Several Member States and Georgia adopted legislative changes to better regulate entry and residence of third-country nationals.[56] Austria, Estonia, Ireland and Italy all adjusted their annual quotas for certain residence and work permits for third-country nationals. In Sweden, major changes to the Swedish Aliens Act entered into force in July 2021, affecting both legal migration and international protection. These concerned the granting of temporary residence permits, requirements for converting a temporary residence permit into a permanent residence permit, and rules for family reunification and family formation, among others. Spain approved a procedure for authorisation of temporary residence for work reasons for third-country nationals in irregular situations. The authorisation granted for exceptional circumstances is valid for one year, accompanied by an authorisation to work, and, at the end of the year, the third-country national can apply for a residence and work permit. In Georgia, the maximum validity term of a temporary residence permit was extended from 6 to 12 years, while the length of a temporary residence permit (required for eligibility to apply for a permanent residence permit) was increased from 6 to 10 years.

2.2.2. Work-related migration

Highly skilled/qualified workers

The migration of highly skilled and qualified workers remained a priority across the EU, with some Member States[57] introducing a wide range of legal and policy measures to attract and retain highly skilled workers. In Croatia and Cyprus, highly skilled workers were exempt from the labour market test, provided they met the salary threshold. In Belgium, highly skilled workers were allowed to perform additional activities as an international lecturer in the Flemish region. Estonia developed the action plan for the 'Work in Estonia' programme 2021-2025. Priorities included attracting highly-skilled migrants, alleviating the shortage of skilled labour in the ICT sector and natural sciences, and supporting employers to hire foreign specialists. The 'Poland Business Harbour' (PAIH) programme – which enables foreign ICT specialists to enter and transfer their business in Poland – was extended to Georgia, Russia, Ukraine, Moldova and Armenia. Ireland introduced measures to simplify access to employment permit renewals for non-consultant hospital doctors, removing the need for them to renew their general employment permit every time they move hospital post in the public health system over a 2-year period.

Austria and Lithuania set up specific venues to provide information and services to skilled workers. In Austria, the City of Vienna opened a Business Immigration Office as a service centre for qualified migrant workers. Similarly, Lithuania set up International House Vilnius to ensure high-quality services within a one-stop-shop, providing centralised migration and integration services in English and Russian to highly skilled workers. International House Vilnius issues residence permits to the target group and provides information on social benefits, insurance, starting a business, employment, and registering with education and health institutions.

Entrepreneurs, start-ups, and investors

Attracting entrepreneurs, innovative start-ups and investors was a significant area for Member States seeking to boost the knowledge economy and develop human capital.[58]

Several Member States[59] and Norway reported legal or policy measures to attract entrepreneurs. Bulgaria introduced a 'start-up' visa for third-country nationals developing high-tech and/or innovative projects, with simplified admission conditions. Belgium (Flanders) introduced a simplified digital application, processing, and appeal procedure for entrepreneurial talent, which takes effect in 2022. Finland launched a project to streamline the residence permit application process for entrepreneurs, start-ups and investors. In a bid to attract entrepreneurs in 'green transition' industries, Norway changed the requirement for temporary residence permits for

54 BE, EL, ES, FI, FR, IE.
55 BE, FI, FR, PL.
56 BG, CZ, ES FI, HR, LT, SE, SI and GE.
57 AT, BE, BG, CY, EE, EL, HR, FI, IE, LT, LU, NL, PL, SK.
58 BE, BG, EL, FI, FR, IE, LV, LT, NL, PT and NO.
59 BE, FI, FR, HR, LT, NL and NO.

foreign entrepreneurs moving to the country to establish a business.

Croatia and Greece introduced a 'digital nomad' visa for third-country nationals employed or engaging in ICT work from Croatia for a foreign company. The visa offers tax exemptions and aims to attract digital nomads to live in Croatia.

Four Member States reported specific legal or policy measures for foreign investors.[60] In Cyprus, the criteria for granting a residence permit to applicants who invest in Cyprus were amended to include investments in real estate and in share capital with business activities and personnel in Cyprus. Lithuania introduced a new ground for residence permits for investors, employees, and family members of investors, based on certain minimum capital thresholds so as to facilitate the relocation of all or part of an undertaking's employees to Lithuania. In order to encourage investments in inland territories, Portugal changed the 'Golden Visa' programme, restricting the possibility of obtaining a residence permit for investment activities to the Autonomous Regions of the Azores and Madeira. It also increased the minimum value of the investments and the number of jobs to be created in an effort to overcome the significant development differences between its inland urban regions and urban coastal regions. Due to COVID-19 regulations, Latvia extended the period of validity of a renewed temporary residence permit for investors.

Low and medium-skilled workers (other than seasonal workers)

Several Member States[61] reported measures for low and medium-skilled workers. Austria, Ireland and Italy adjusted quotas for low and medium-skilled workers in certain areas of work, based on the needs of the economy. Ireland amended its quotas in certain occupations in the agriculture/agri-food, hospitality and transport/logistics sectors, reflecting the impact of COVID-19 on the labour market and the resulting shortages in these industries. Belgium updated the lists of shortage occupations in the Flemish and Walloon regions. The Netherlands encouraged participation in the international horticulture 'Floriade Expo' through a special regulation that allowed exhibitors who work for the exposition to stay temporarily.

Seasonal workers

Several Member States[62] and Norway introduced a wide range of measures for seasonal workers. Belgium facilitated recruitment of seasonal workers by lowering the salary threshold of the average monthly income in the Flemish region. Germany engaged in a placement agreement with Moldova for the employment of harvest workers in agriculture. Portugal's 'Rights for All Seasons' campaign in partnership with the European Commission, the European Employment Services Network (EURES network), the European Platform tackling undeclared work, other EU countries and social partners sought to raise awareness of seasonal workers' and employers' rights and obligations. This campaign consisted of 53 awareness-raising actions with 1 750 seasonal workers, as well as inspection activities covering 700 employers and 9 600 workers. Spain regulated the Collective Management of Hiring in Countries of Origin (GECCO) programme for 2022, which allowed the development of circular migration projects with third countries in sectors with demand for workers.

Intra-corporate transferees

Legislative changes for intra-corporate transferees during the year primarily aimed to clarify and transpose certain provisions of the Intra-Corporate Transfer Directive (2014/66/EU) for this group of workers.[63] Belgium transposed and implemented the Directive into legislation in November 2021, introducing intra-corporate transfer permits with a shorter processing time than the standard single permit. Luxembourg introduced a more favourable timeframe of a minimum of three months of prior service across all categories of intra-corporate transfers. From October 2021, the Netherlands requires more documents of proof from new intra-corporate transfer sponsors following reports of misuse, in order to better examine whether the conditions for an intra-corporate transfer are met and whether the Dutch branch performs economic activities.

Trainees, au pairs and volunteers

Belgium and Slovenia opted not to transpose the optional provisions of the Students and Researchers Directive (2016/801/EU) for au pairs. The Netherlands further refined the conditions for residence permits for au pairs. According to the new rules, an au pair must be unmarried, must not have any (foster) children, and cannot be older than 25 years.

Luxembourg introduced a simplified procedure for the hosting and stay of trainees. A government proposal in Finland sought to broaden the scope of traineeships and volunteering by expanding the rights of holders of relevant residence permits.

Satisfying labour market needs

Some Member States reported updates to their lists of shortage occupations (or equivalent lists) to reflect the changing demand for labour.[64] In Austria, the number of occupations listed for 2022 increased significantly, due to the increasing shortages of skilled workers in technical occupations and in the health and tourism sectors particularly. Ireland amended its Critical Skills Occupations List (CSOL) to include social workers and dieticians. It also removed several occupations from the Ineligible Occupations List (IOL) in the healthcare and construction sectors, with these occupations now eligible for a general employment permit. Spain simplified the procedure for the entry and stay of foreign professionals in the audio-visual sector, within the framework of the 'Spain Audiovisual Hub' plan.

To tackle brain drain, Germany updated the list of countries with a recognised critical shortage of healthcare workers, in accordance with the list published by the

60 CY, LT, LV, PT.
61 AT, BE, BG, CZ, EL, HR, IE, IT, LT, NL, PL.
62 AT, BE, BG, DE, EL, ES, FI, HR, IT, PT.
63 BE, BG, LT, LU, NL.
64 AT, BE, ES, FR, HR, IE, LT.

World Health Organization (WHO).[65] Only the Federal Employment Agency is permitted to recruit healthcare workers from the countries listed.

Preventing 'social dumping' and labour exploitation

Preventing social dumping[66] and labour exploitation was high on policy agendas across the EU, with the majority of Member States[67] introducing related measures. In response to the increased exploitation of migrant workers and the need for an effective response, Finland's new legislative measures introduced residence permits for victims exploited at work, as well as sanctions for employers. The Act on the legal status of foreigners picking natural products entered into force, laying down the rights of berry pickers, operators' obligations, compliance monitoring and penalties. Italy signed a new Memorandum of Understanding to prevent and combat labour exploitation and illegal hiring in agriculture ('caporalato') and adopted new National Guidelines on identification, protection and assistance of victims of labour exploitation in agriculture.

Austria, France and Lithuania all reported legislative amendments concerning the protection of posted workers and the further regulation of posting. Changes primarily focused on ensuring full alignment with the Posting of Workers Directive, amended in 2018.[68] France sought to better regulate the continued growth of posting by engaging in discussions with social partners to roll out regional action plans targeting certain occupations and labour markets.

Bilateral labour migration agreements[69]

Several Member States signed bilateral agreements to manage labour migration and facilitate the admission of third-country workers.[70] Bulgaria signed an agreement with Georgia that outlined the procedures for implementation of their bilateral agreement on labour migration. France signed a partnership agreement on migration and mobility with India to establish and develop cooperation between the two countries and facilitate mobility for professional and economic reasons, students, university academics and researchers. France also signed a bilateral agreement with Kenya to promote the exchange of young workers, teachers and researchers from both countries.

In Germany, the Federal Employment Agency concluded placement agreements with Indonesia, Mexico and the Indian state of Kerala for nursing professionals. The placement agreement with Mexico also covers professions within the hotel and catering industry. An agreement with Colombia addresses the placement of gardeners and electronics technicians. A youth mobility agreement between the Slovak Republic and Canada saw a mutual quota for applications submitted in 2021 set at 350 participants.

France signed working holiday agreements with Peru and Ecuador. The Slovak Republic temporarily suspended its working holiday agreement with New Zealand, due to COVID-19.

Box 2: 'WAFIRA' pilot project in Spain supporting circular migration for Moroccan women

Spain launched its second pilot project on legal migration with Morocco, co-financed by the EU. The WAFIRA project trains women seasonal workers coming to Spain from Morocco each year for strawberry-picking, so that on their return to Morocco they can initiate income generating activities aided by financial and technical support provided by the project. Initially, only women in the agricultural sector will be part of the project, with the second period extended to women willing to start economic activity in other sectors.

2.2.3. Students and researchers

Several Member States and Georgia reported measures to attract and retain international students,[71] including the adoption of national strategies on the internationalisation of higher education,[72] simplification of entry and residence procedures,[73] and retention of international students following graduation,[74] including special arrangements due to the COVID-19 pandemic.[75]

The internationalisation of higher education was a key priority for some Member States and Georgia, and this was reflected in the adoption of relevant national strategies.[76] The Slovak Republic adopted the 'Strategy for the Internationalisation of Higher Education until 2030', including a range of measures to promote study opportunities and modernise the admission procedure. Georgia adopted the 'Study in Georgia' programme to facilitate the admission of international students to Georgian universities. The programme includes the creation of a user-friendly website[77] to provide up-to-date information on educational programmes and admission procedures. France presented strategic priorities to attract talent and support higher

65 WHO, Health Workforce Support and Safeguards List, 2020, https://cdn.who.int/media/docs/default-source/health-workforce/hwf-support-and-safeguards-list8jan.pdf?sfvrsn=1a16bc6f_5#:~:text=The%202020%20Health%20Workforce%20Support,the%20World%20Health%20Assembly%20every, last accessed 11 March 2022.
66 There is no definition of the concept of 'social dumping' in EU law but 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
67 AT, CY, CZ, EE, ES, FI, FR, HR, IT, LT, PL and GE.
68 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 (text with EEA relevance), PE18/1/18/REV/1.
69 According to the International Organization for Migration (IOM), bilateral labour migration agreements are "formal mechanisms concluded between States, which agreements 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 organisations, etc." (https://publications.iom.int/books/international-migration-law-ndeg34-glossary-migration).
70 BE, DE, FR, PL, PT, SK.
71 BE, BG, CZ, DE, FI, FR, IE, FR, LT, MT, PL, PT, SI, SK and GE.
72 CZ, FR, SK and GE.
73 BE, BG, FR, LT, MT, SI.
74 EL, FI, LT.
75 IE, LT.
76 CZ, SK and GE.
77 See http://www.studyingeorgia.ge/, last accessed 1 May 2022.

education institutions, within the context of strong international competition and the COVID-19 pandemic. Among its objectives are the improvement of accommodation conditions for foreign students and the development of French foreign campuses in Africa, the Mediterranean and Indo-Pacific regions.

In Belgium, legislative changes transposing the Students and Researchers Directive (2016/801/EU) introduced a 12-month job search permit, allowing foreign students graduating from universities in Belgium to seek employment or pursue self-employment with no restrictions on their employer, salary level or position. Similarly Finland's retention strategy for international students saw a legislative proposal drafted to allow a job-seeking permit for two years following graduation. The permit would not need to be used immediately and could be applied for within five years of expiration of the previous permit for studies or research. France simplified the application process and reduced processing times by allowing international students to send digital copies of their application documents through the 'France-Visas' portal. In March 2021, Ireland announced special once-off arrangements to allow students studying remotely outside Ireland during the COVID-19 pandemic to apply for the Third-Level Graduate Programme. In addition, it was announced in September 2021 that people holding an immigration permission on the Third-Level Graduate Programme but who were unable to get a job due to the pandemic could apply for a 12-month extension to that permission.

Several Member States reported measures for foreign researchers.[78] France introduced a new permit, the 'research stay', to attract third-country doctoral students and researchers and thereby enhance the scientific community and its economic potential.

2.2.4. Family reunification including family formation

Several Member States and Georgia adopted measures to enhance access to family reunification (under the Family Reunification Directive (2003/86/EC)) for third-country nationals[79] and/or to regulate the right to family reunification.[80]

Croatia facilitated family reunification by shortening the waiting period (from two years to one year) for a sponsor to have stayed lawfully in the Member State before family members can join them. Conversely, in Slovenia this period was increased from one year to two years, to reduce the burden on the social benefit system. Estonia's Supreme Court ruled that it would be unconstitutional not to grant a third-country national a temporary residence permit for settling with a registered same-sex partner with a valid residence permit.

Due to COVID-19 and a backlog of cases, the Netherlands signed a cooperation agreement with the IOM to temporarily collect DNA samples on an individual case basis from family members in Greece, Turkey and Sudan who applied for family reunification with asylum seekers who had been admitted in the Netherlands.

2.2.5. Information on routes and conditions of legal migration

Several Member States, Norway and Georgia implemented new measures to provide information on pathways into legal migration and the conditions for admission.[81] The Czech Republic established a 'client centre' and increased capacity to provide information on immigration matters, including visa and residence permit requirements, via email and phone to third-country nationals. In Latvia, the Office of Citizenship and Migration Affairs of Latvia (OCMA) participated in a series of podcasts on Latvian media on various issues related to migration, and regularly published information on visa and residence permit issues on social networks.

Some Member States developed information and dissemination activities targeting specific categories of migrants. Georgia organised an annual meeting with representatives of the universities most popular among foreign students in order to provide updates on the latest legislative amendments concerning the admission of international students. Croatia prepared and published a new information package on the Ministry of the Interior's website, explaining the introduction of temporary stay for digital nomads. Finland published a new booklet and provided telephone advisory service to combat abuse of seasonal workers.

2.2.6. Other measures in legal migration

Some Member States implemented legislative measures regulating the legal status of nationals from the United Kingdom (UK) and their family members, in accordance with the EU/UK withdrawal agreement.[82] France, Ireland, Luxembourg and the Netherlands extended the period for application for residence documents under the Withdrawal Agreement. In France, the period from which UK nationals were required to obtain a residence permit was changed from 1 October 2021 to 1 January 2022. In Luxembourg, it was extended from 30 June 2021 to 31 December 2021. In the Netherlands, it was extended from 1 July 2021 to 1 October 2021.

78 BE, ES, FI, FR, LU, LT, SE, SI, SK.
79 EE, EL, FI, HR, LU, NL, PL, SE.
80 EL, LT, MT, SI and GE.
81 BE, BG, CZ, FI, FR, HR, LV, PL and NO, GE.
82 AT, CZ, FR, HR, LU, NL, SI.

3. INTERNATIONAL PROTECTION

In 2021, most Member States, Norway and Georgia introduced policy, legislative, institutional and operational changes in the area of international protection. Most of the reported developments comprised actions to enhance access to asylum procedures and to improve the reception and integration of applicants. However, driven by national security concerns, several also reported measures that temporarily and proportionally restricted the rights of asylum applicants. As in the previous year, the COVID-19 pandemic was one of the main drivers of those developments, together with the need to increase the effectiveness and efficiency of the asylum procedure.

3.1. EU DEVELOPMENTS

Negotiations on the Pact on Migration and Asylum continued at technical level in the Council and in the European Parliament, on the Asylum and Migration Management Regulation,[83] the Asylum Procedures Regulation[84] and the European Asylum Dactyloscopy database (Eurodac) Regulation.[85] A political agreement on the enhanced mandate of the European Asylum Support Office (EASO) was reached during the Portuguese Presidency. The new Regulation entered into force on 19 January 2022 and created a fully-fledged European Union Asylum Agency (EUAA).[86] It aims to provide a solid legal, operational and practical framework that equips the Agency with increased means to assist Member States and to help them to reinforce their asylum and reception systems. Additional operational agreements[87] were signed with Belgium, Latvia and Lithuania (in addition to Cyprus, Greece, Italy, Malta and Spain).

On 29 September 2021, one year after submitting the Pact on Migration and Asylum,[88] the Commission presented its report on migration and asylum.[89] The report took stock of the progress and main developments in migration and asylum policy over the previous year, identified key challenges, highlighted the prospects for progress and set out measures to achieve a more robust, sustainable and fair migration and asylum policy. It concluded that the need for a sustainable European asylum and migration framework remains as strong as ever. While the EU took action to improve its capacity to meet those challenges, the report notes that swift and constructive progress on the legislative files under the Pact remained crucial to strengthen Europe's ability to manage migration, provide for legal pathways, protect its borders, receive those who have a right to asylum and treat those who do not enjoy this right with dignity, in line with EU values and principles.

As part of the measures to address Belarus' use of migrants for political purposes,[90] on 1 December 2021, the Commission made a proposal under Article 78(3) of the Treaty on the Functioning of the European Union (TFEU) for a Council Decision on provisional measures for the benefit of Latvia, Lithuania and Poland. The Commission's proposal sought to protect EU borders and people, outlining measures to manage this emergency situation in a humane, orderly and dignified manner, with specific guarantees and in full respect of fundamental rights and international obligations. The Commission and the EUAA also provided financial and operational support.

On 14 December 2021, together with the revised Schengen rules, the Commission tabled a proposal for a regulation to address situations of instrumentalisation in asylum and migration.[91] The proposed rules aim to give Member States the necessary flexibility to respond

83 Proposal for a Regulation of the European Parliament and of the Council on asylum and migration management and amending Council Directive (EC) 2003/109 and the proposed Regulation (EU) XXX/XXX [Asylum and Migration Fund], https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2020:610:FIN, last accessed on 29 April 2022.
84 Amended proposal for a Regulation of the European Parliament and of the Council establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU, https://ec.europa.eu/info/sites/default/files/1_en_act_part1_v3_1_0.pdf, last accessed on 29 April 2022.
85 Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of 'Eurodac' for the comparison of fingerprints, https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32013R0603, last accessed on 29 April 2022.
86 Regulation 2021/2303 on the European Union Agency for Asylum entered into force on 19 January 2022, transforming the European Asylum Support Office (EASO) into the EU Agency for Asylum (EUAA), https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32021R2303, last accessed on 29 April 2022.
87 See: https://euaa.europa.eu/operations/operational-assistance, last accessed on 29 April 2022.
88 Communication from the European Commission on a New Pact on Migration and Asylum, COM (2020) 609 final, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2020%3A609%3AFIN, last accessed on 29 April 2022.
89 European Commission, Report on Migration and Asylum, 2021, https://ec.europa.eu/info/sites/default/files/report-migration-asylum.pdf , last accessed on 29 April 2022.
90 In the aftermath of the political upheaval in Belarus and the restrictive measures adopted by the EU, in June 2021, Belarus started to organise flights and international travel to facilitate the transit of migrants towards the EU, first to Lithuania and then to Latvia and Poland. The majority of migrants were Iraqi, Afghan and Syrian nationals, https://www.consilium.europa.eu/en/policies/eastern-partnership/belarus/, last accessed on 25 May 2022.
91 Proposal for a Regulation of the European Parliament and of the Council addressing situations of instrumentalisation in the field of migration and asylum, COM(2021) 890 final 2021/0427 (COD), https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2021:890:FIN, last accessed on 29 April 2022.

effectively to instrumentalisation of migrants for future situations at the EU external borders by setting up an emergency migration and asylum procedure and solidarity support measures, as well as Agency support.

3.2. NATIONAL DEVELOPMENTS

3.2.1. Legislative and Policy developments related to international protection

Access to asylum procedure

Increasing the effectiveness and efficiency of asylum procedures[92] was the main driver of the changes reported by those Member States that amended their legislation and policies in 2021.[93] The Netherlands introduced several changes to make the asylum procedure more efficient, including the termination of the initial personal interview[94] and the introduction of new possibilities to cancel the six-day 'Rest and Preparation' period.[95] In Norway, the Directorate of Immigration was instructed to skip asylum interviews in cases that would clearly be approved under certain conditions. Greece put in place a simplified single-form registration procedure that incorporates the information previously required for the asylum procedure and reception of asylum applicants.

Several Member States clarified and modified the role of their national competent authorities.[96] In collaboration with EUAA, Cyprus drafted standard operating procedures (SOPs) to clarify the role of the authorities involved in the asylum registration procedure. In Luxembourg, the newly amended Asylum Law granted police officers the competence to take and compare applicants' fingerprints and photographs in order to apply the Dublin Regulation. Previously, only the judicial police service could carry out these checks.

Other policy developments were driven by the need to guarantee access to asylum procedures in the context of COVID-19. These included measures to extend the validity of the registration certificate of the application for international protection[97] and third-country nationals' residence permits,[98] and allowing third-country nationals to lodge an application remotely, as well as online and in written form.[99] In Germany, even though the 'form-based applications'[100] introduced in 2020 could still be used, there was a return to the personal filing of applications, albeit on special premises and with adequate health and safety measures.

3.2.2. Reception of asylum applicants

Reception of asylum applicants

Several Member States identified the creation and adaptation of reception facilities for asylum applicants as a key operational trend.[101] This included the establishment of new[102] or emergency reception facilities,[103] and the adaptation of existing facilities by increasing the number of beds available[104] or renovating reception centres.[105] In Belgium, the high influx of asylum applicants led to a shortage of reception places and the Immigration Office temporarily limited the number of people who could submit an application, on the basis of the reception places available. The EUAA launched an operation to support Fedasil by providing reception assets and equipment, personnel and technical expertise. Two Member States developed a contingency plan for larger reception capacities so as to ensure preparedness for a possible mass influx and to better manage significant migratory flows.[106] While most of these changes were driven by the increasing migratory flows challenging or threatening to challenge Member States' reception capacities,[107] Croatia's renovation of reception centres was prompted by damage caused by the earthquakes that affected the country in 2020.

The COVID-19 pandemic drove many of the changes introduced in relation to the reception of asylum applicants in 2020 and maintained in 2021, aimed at reducing the spread of COVID-19 and protecting applicants living in reception centres.[108] These included the adoption of quarantine measures,[109] separated accommodation for applicants,[110] and requiring a negative test result for COVID-19 after a person declared their intention to file an application for international protection,[111] as well as in case of symptoms of COVID-19 or in case of high-risk contact with a COVID-19 positive person.[112] Portugal also prioritised applicants for international protection living in

92 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; lodging an application: the asylum application is formally lodged at the competent authority for the asylum procedure.
93 CY, EL, LU, NL and NO.
94 Before 25 June 2021, the Netherlands conducted two asylum interviews: one before the asylum procedure and one during the registration phase. As the same themes were often covered in both, the first initial interview is no longer conducted.
95 During the Rest and Preparation period, the asylum seeker has six days to rest from the travel to the Netherlands and prepare for the general asylum procedure.
96 CY, LU.
97 LU (validity generally extended from one month to two or three months to minimise the number of in-person contacts).
98 PT.
99 SI.
100 'Form-based applications' are comparable to written applications without personal contact.
101 BE, CY, EL, FR, HR, IT, LU, MT, NL.
102 BE, CY, EL, LU, MT, NL.
103 LU, NL.
104 BE, FR, HR, IT, MT.
105 HR.
106 EE, FI.
107 BE, CY, IT, NL.
108 DE, HR, NL, PT, SI.
109 DE, HR, LV, NL, PT, SI.
110 DE.
111 SI.
112 PT.

reception centres as a group to receive COVID-19 vaccination.

Some Member States sought to improve the living conditions of applicants for international protection and put in place measures to raise the standards of reception and support in their international protection process.[113] Ireland published a White Paper setting out a new model to provide accommodation and other forms of support to those in the international protection system.[114] It also extended a pilot vulnerability assessment procedure to determine whether applicants have special reception needs. Similarly, France presented a vulnerability plan to strengthen the management of asylum seekers' and refugees' vulnerabilities. The plan includes a variety of measures, such as improved access to mental health care, extended facilities for vulnerable people in accommodation, and better access to the asylum procedure for unaccompanied minors.

Italy adopted two decrees outlining new specifications for the management of reception facilities and introducing minimum standards for hygiene, housing and security. Other Member States also adopted measures to improve the management of their reception systems.[115] France restructured the management of its reception facilities, including decentralisation and simplification of the national reception system. This new scheme aims to adapt France's reception policy to the migratory context and regional specificities. It laid down a roadmap and the main strategic direction in respect of the reception and integration of asylum seekers and refugees.

Integration of asylum applicants

Most of the legal and policy developments in relation to the integration of asylum applicants targeted improved access to the labour market for asylum applicants. Ireland reduced the waiting period before asylum applicants can access employment to six months[116] from the date when the application for international protection was lodged, while in Latvia this period was reduced to three months. This is more favourable than the nine months period required by EU Directive 2013/33 on Asylum Reception Conditions.[117] In Belgium, in the context of the COVID-19 crisis and in order to meet the labour shortage in certain sectors, the four-month waiting condition was suspended from 1 October 2020 to 30 June 2021, allowing applicants for international protection to work without a waiting period.[118] These changes were mostly driven by a need to accelerate the employment of asylum applicants to meet labour shortages in certain sectors.

Further measures sought to improve access to the labour market for asylum applicants. In Belgium, a cooperation agreement for the employment of asylum applicants was signed between Fedasil and the Public Employment Service of the Brussels Capital Region (Actiris). Belgium also launched the action plan 'Asylum applicant seeks match', which aimed to connect asylum applicants with employers. Cyprus legislated to simplify access to the labour market by allowing asylum seekers to be temporarily employed following the sole presentation of an employer's declaration to the competent Department of Labour. Italy signed a Memorandum of Understanding with the United Nation High Commissioner for Refugees (UNHCR) to promote the integration of asylum seekers into the job market.

Box 3 – Access to labour market in Belgium, Ireland and Latvia

EU Directive 2013/33 on Asylum Reception Conditions provides for a nine-month lapse between asylum seekers lodging their application for international protection and their right to work. However, in 2021, Ireland and Latvia introduced a more favourable waiting period, at six months and three months, respectively. In Belgium, in the context of the COVID-19 crisis and a labour shortage in certain sectors, the four-month waiting condition was suspended from 1 October 2020 to 30 June 2021 to allow applicants for international protection to work immediately.

Georgia introduced training courses to improve asylum applicants' language skills, while Sweden introduced courses on knowledge of the host society. Ireland amended the Student Support Scheme for eligible international protection applicants to include postgraduate courses and removed the requirement to pay the international student fee to access post-leaving certificate (PLC) education courses for international protection applicants with permission to work. In Bulgaria, the Sofia Development Association, together with the Bulgarian Red Cross and the UNHCR, set up a Bureau for Information and Services for Foreign Citizens, informing applicants for international protection about information on training, programmes and events. Finally, the Greek Ministry of Migration and Asylum signed a Memorandum of Understanding to collaborate with the United Nations Children's Fund (UNICEF) on 'All children in Education initiative for refugee and migrant children in Greece 2021-2024', which aims to facilitate children's access and attendance at public schools.

Detention of asylum applicants

Six Member States reported developments in respect of detention of asylum applicants.[119] Greece adopted a new child-friendly administrative procedure during detention, which revokes the protective detention of minors. In response to the Belarus crisis and in the face of increasing security threats, Lithuania introduced a series of amendments providing that in a state of war, a state of emergency, an extreme situation or an extreme event due to a mass influx of foreigners, asylum applicants who illegally cross the state border may be detained in a designated facility prior to official admission into the national territory. In Slovenia, legislative

113 EL, FR, IE, IT.
114 Government of Ireland, A White Paper to End Direct Provision and to Establish a New International Protection Support Service, 2021, https://www.gov.ie/pdf/?file=https://assets.gov.ie/124757/ef0c3059-b117-4bfa-a2df-8213bb6a63db.pdf#page=0, last accessed on 29 April 2022.
115 ES, FR, SE.
116 Reception Conditions (Amendment) Regulations 2021, S.I. No. 52 of 2021.
117 Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast), OJ L 180, p. 9, https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013L0033&from=EN, last accessed on 9 March 2022.
118 Two conditions applied: (i) - the employer provides accommodation for the applicant for international protection; (ii) the application for international protection was registered at the latest on 8 December 2020.
119 AT, CY, EL, LU, PL, SI.

amendments clarified the criteria under which applicants' movements may be restricted in case of absconding. In Poland, legislative amendments permitted the placement of a large number of detained asylum applicants in smaller rooms than those provided for in previous regulation (but not less than 2m^2 per person) for no longer than 12 months. Cyprus and Slovenia introduced new alternatives to detention. The Cyprus Refugee Council (CyRC) implemented a case-management based project that provides asylum seekers in detention and/or at risk of detention with social counselling, legal advice and mediation with the authorities in an attempt to reduce detention. Some Member States introduced a series of measures to avoid the spread of COVID-19 within detention centres.[120]

Box 4 – Case management as an alternative to detention in Cyprus

The Cyprus Refugee Council (CyRC) implemented a project providing case management to people in detention and/or at risk of detention, including asylum seekers, rejected asylum seekers and irregular third country nationals. The case management includes social counselling, mediation with competent authorities, psychological support, legal advice and referral to other organisations/services to cover basic needs. The CyRC is in frequent communication with state authorities and services in order to address the needs of beneficiaries and exchange up-to date information, with the aim of contributing towards timely case resolution. The holistic approach of the project encourages trust, engagement and collaboration in order to potentially reduce detention.

Asylum procedures – types of procedure

Several Member States[121] introduced changes to the asylum procedure, which included extending the modalities for lodging asylum applications.[122] Slovenia introduced the option to lodge an asylum application remotely, either by electronic means or in written form, while France amended certain provisions related to asylum applications in the Antilles and French Guiana (reducing processing times at different steps of the procedure and amending the rules for appeals against the decisions of the French Office for the Protection of Refugees and Stateless Persons (OFPRA)) given the steady increase in the number of asylum applications. Legislative amendments in the Netherlands brought the asylum procedure in line with the ruling of the Court of Justice of the European Union (CJEU), which established that Member States were required to consider documents submitted in a subsequent application for international protection that had not previously been submitted, including where the authenticity of the documents could not be established. To provide an additional incentive for asylum seekers to attend the full asylum interview, the Swedish Migration Agency changed its decision-making point on whether or not to allow an asylum seeker to work, from before the interview to afterwards.

Changes were made in relation to the 'safe-country of origin' concept.[123] Sweden vested the Swedish Migration Agency with the responsibility to create and update a safe country of origin list. Eight countries were on the new Swedish list in 2021.[124] France, Greece and the Netherlands reassessed their national list of safe countries of origin. While France removed the Republics of Benin, Senegal and Ghana from its list, the Netherlands no longer considered Algeria a safe country of origin. In Greece, 14 new countries[125] were classified as safe countries of origin. Furthermore, Albania and North Macedonia were designated as safe third countries for asylum seekers, with Turkey designated a safe third country only for asylum seekers from Syria, Afghanistan, Pakistan, Bangladesh and Somalia.

Other Member States amended aspects of their Dublin Regulation procedure, generally in response to COVID-19.[126] Some reduced[127] and suspended[128] transfers due to the closure of Schengen borders. Transfers were also carried out under strict protection measures.[129] In Croatia, transfers were accepted for a maximum of three people (or one household) per day, those transferred were obliged to have a negative PCR test, and there was a 14-day quarantine obligation on arrival. In Luxembourg, the newly amended Asylum Law guaranteed the effectiveness of applicants' appeals by allowing an appeal on reversal against a Dublin transfer. The Benelux countries signed an administrative arrangement to improve their cooperation in the framework of the Dublin Regulation, as well as to accelerate and facilitate transfers. The IND in the Netherlands drafted a new work instruction on seeking medical advice to protect third-country nationals with a mental or physical condition who need to be transferred under the Dublin procedure.

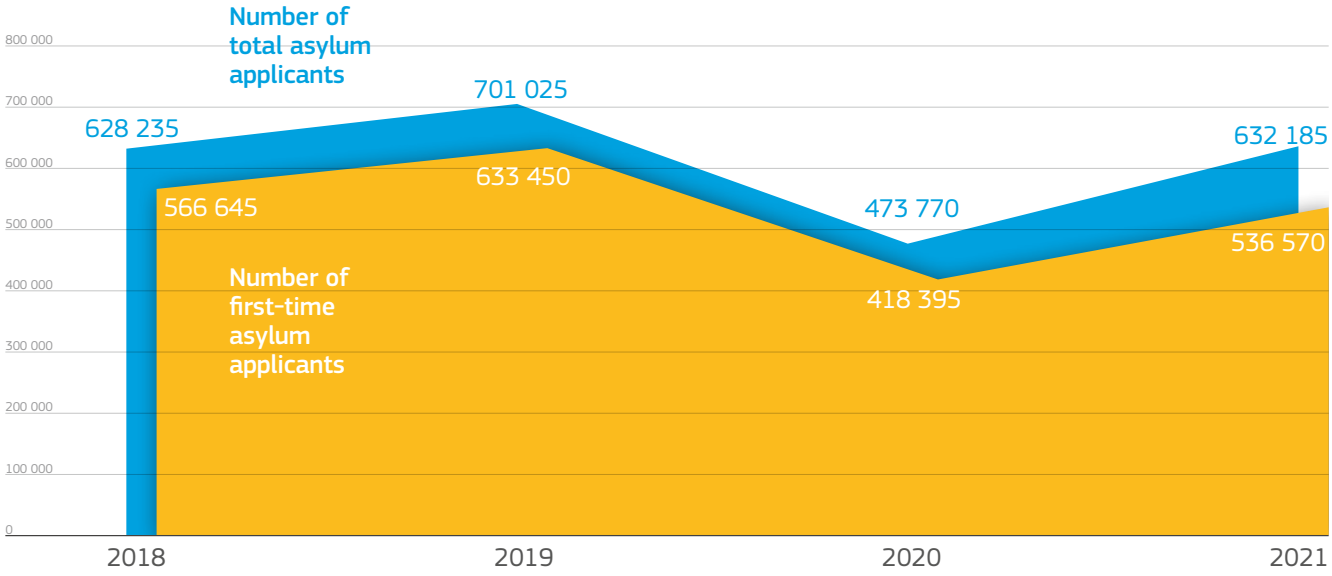
The below figures 2 - 5 provide an overview of asylum applications in Member States and Norway in 2021.

Asylum procedure – operational aspects

Many Member States introduced digital technologies to improve operational aspects of their asylum procedure.[130] There was a clear trend towards the creation, update, and review of the use of digital systems used in the asylum procedure.[131] Croatia developed a single information database to manage, monitor and evaluate international protection systems and procedures. Cyprus upgraded the Cyprus Asylum Service System (CASS) to allow all competent authorities to access applicants' information and status. Reducing administrative burden was another driver for further digitalisation, including the conversion of paper to electronic files.[132] Other operational

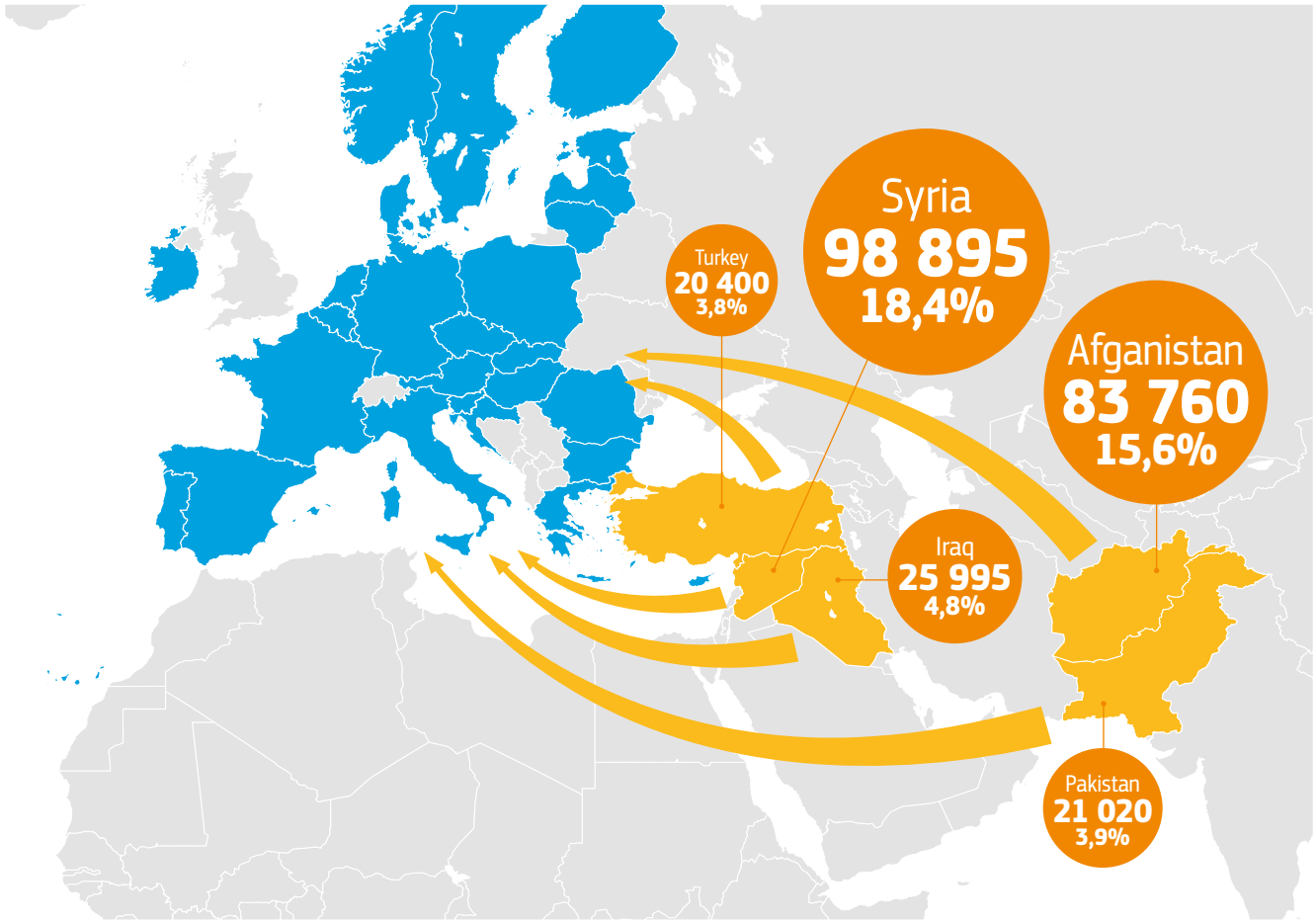
120 e.g. LU LV,. PL, SE
121 FR, NL, SE, SI, NO.
122 FR, SI.
123 EL, FR, NL., SE
124 Albania, Bosnia and Hercegovina, Chile, Georgia, Kosovo, Mongolia, North Macedonia, and Serbia.
125 Ghana, Senegal, Togo, Gambia, Morocco, Algeria, Tunisia, Albania, Georgia, Ukraine, India, Armenia, Bangladesh, Pakistan.
126 BE, DE, ES, HR, LU, NL.
127 BE.
128 DE, HR.
129 BE, DE, HR, SI.
130 AT, BE, DE, FR, HR, IE, LV, LT, LU, SE.
131 BE, CY, DE, HR, IE, LT.
132 BE, CY, LU (digitalisation of files due to start in Q1 2022), LV, MT.

Figure 2 – Number of first-time and total asylum applicants, EU and Norway



Source: Eurostat (migr_asyappctza and migr_pop1ctz)

Figure 3 – Top 5 citizenships of first-time asylum applicants, EU and Norway



2018		
1 Syria	80 930	14,3%
2 Afghanistan	40 715	7,2%
3 Iraq	36 795	6,5%
4 Pakistan	23 285	4,1%
5 Nigeria	22 725	4,0%

2019		
1 Syria	75 450	11,9%
2 Afghanistan	54 395	8,6%
3 Venezuela	44 790	7,1%
4 Colombia	31 885	5,0%
5 Iraq	26 900	4,2%

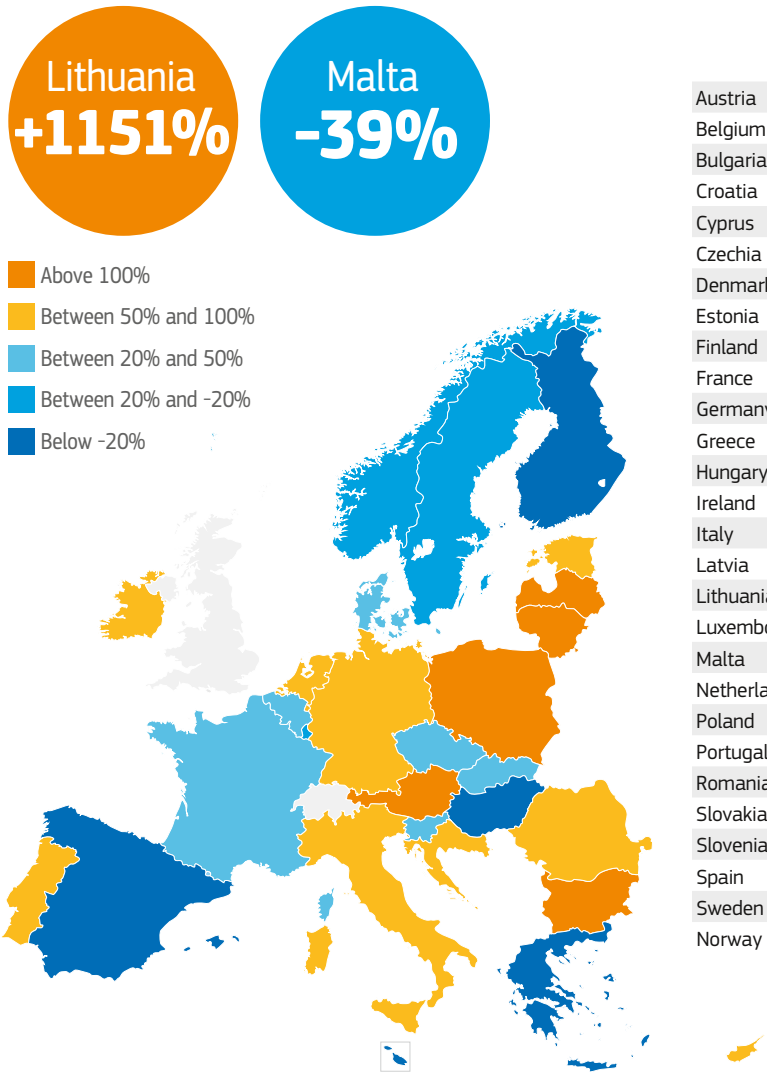
2020		
1 Syria	64 140	15,3%
2 Afghanistan	44 340	10,6%
3 Venezuela	30 340	7,3%
4 Colombia	29 080	7,0%
5 Iraq	16 310	3,9%

2021		
1 Syria	98 895	18,4%
2 Afghanistan	83 760	15,6%
3 Iraq	25 995	4,8%
4 Pakistan	21 020	3,9%
5 Turkey	20 400	3,8%

Source: Eurostat (migr_asyappctza)

Figure 4 – Overview of Asylum Applications from Third-Country Nationals in Member States and Norway, 2018-2021

Variation of asylum applications in 2021 compared to 2020



Number of asylum applications

	2018	2019	2020	2021	2020-2021 variation
Austria	13 710	12 860	14 760	38 615	162%
Belgium	22 530	27 460	16 710	24 970	49%
Bulgaria	2 535	2 150	3 525	11 000	212%
Croatia	800	1 400	1 605	2 930	83%
Cyprus	7 765	13 650	7 495	13 670	82%
Czechia	1 690	1 915	1 160	1 405	21%
Denmark	3 570	2 700	1 475	2 080	41%
Estonia	95	105	50	80	60%
Finland	4 500	4 520	3 190	2 525	-21%
France	137 665	151 070	93 200	120 685	29%
Germany	184 180	165 615	121 955	190 545	56%
Greece	66 965	77 275	40 560	28 355	-30%
Hungary	670	500	115	40	-65%
Ireland	3 670	4 780	1 565	2 650	69%
Italy	59 950	43 770	26 940	53 135	97%
Latvia	185	195	180	615	242%
Lithuania	405	645	315	3 940	1151%
Luxembourg	2 335	2 270	1 345	1 405	4%
Malta	2 130	4 090	2 480	1 515	-39%
Netherlands	24 025	25 200	15 255	26 520	74%
Poland	4 110	4 070	2 785	7 795	180%
Portugal	1 285	1 820	1 000	1 540	54%
Romania	2 135	2 590	6 155	9 585	56%
Slovakia	175	230	280	370	32%
Slovenia	2 875	3 820	3 550	5 300	49%
Spain	54 050	117 800	88 530	65 295	-26%
Sweden	21 560	26 255	16 225	13 990	-14%
Norway	2 660	2 265	1 375	1 635	19%

Source: Eurostat (migr_asyappctza), extracted on 20 May 2022

changes included the introduction of a new electronic registration system,[133] and new remote procedures.[134]

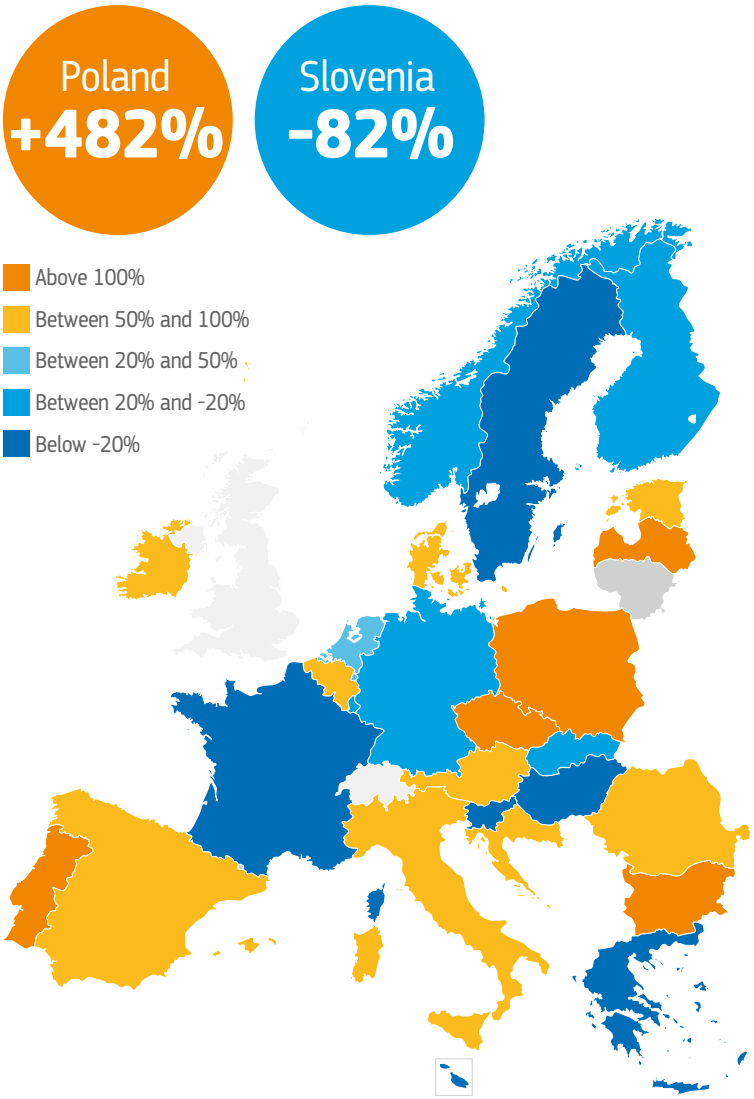
Several Member States took measures to improve access to information and legal counselling in the asylum procedure.[135] In Finland, legislative amendments provided for legal assistance in asylum interviews for all asylum seekers. Member States also produced information leaflets[136] and launched new websites[137] and projects[138] aimed at providing applicants with more and clearer information about the procedures. In Belgium, a website providing information was launched in nine languages and tailored to the needs of international applicants, including audio-support for all texts.

Member States sought to improve the quality and availability of interpretation services, including the introduction of quality control models,[139] and evaluation of interpreters.[140] Norway introduced a new Interpretation Law to ensure the use of certified interpreters. Latvia and the

133 BE.
134 DE, EL, FR, IE, SE.
135 AT, BE, CY, DE, EL, FI, HR, LT, SI.
136 CY, HR.
137 BE.
138 EL.
139 FI.
140 BE.

Figure 5 – Total first instance and first instance positive decisions, EU and Norway

Variation of first instance positive decisions of asylum application in 2021 compared to 2020



First instance positive decisions in EU27 and Norway

	Total first instance positive decisions, 2020	Total first instance positive decisions, 2021	2020-2021 variation in percentage
Austria	6 835	12 105	77%
Belgium	5 710	9 165	61%
Bulgaria	820	2 015	146%
Croatia	40	70	75%
Cyprus	1 675	2 290	37%
Czechia	105	260	148%
Denmark	420	775	85%
Estonia	25	50	100%
Finland	1 150	1 065	-7%
France	19 130	33 875	77%
Germany	62 470	59 850	-4%
Greece	34 325	16 570	-52%
Hungary	130	40	-69%
Ireland	945	1 460	54%
Italy	11 585	21 390	85%
Latvia	25	90	260%
Lithuania	80	:	
Luxembourg	750	860	15%
Malta	270	180	-33%
Netherlands	8 620	12 065	40%
Poland	370	2 155	482%
Portugal	95	305	221%
Romania	635	1 140	80%
Slovakia	40	45	13%
Slovenia	85	15	-82%
Spain	51 055	20 405	-60%
Sweden	4 425	2 805	-37%
Norway	1 145	1 105	-3%

Source: Eurostat (migr_asydcfsta), extracted 27 May 2022

EUAA signed an Operating Plan to support the OCMA by providing translation services to facilitate the effective functioning of the asylum procedure. Lithuania, by contrast, introduced legislative amendments stipulating that in the event of a declaration of a state of war, a state of emergency, an extreme situation or an extreme event due to a mass influx of foreigners, the rights of asylum applicants may be temporarily and proportionally restricted, including the right to access information, legal counselling and interpretation.

Other operational measures aimed at improving the timeframe[141] and case management[142] in the asylum process. To reduce the duration of the asylum procedure, France introduced several measures, such as paperless invitations and decisions to asylum seekers, as well as the reduction of the time period for 'pre-applicants' to make an appointment in the Prefecture to file the application as soon as possible and then to register the asylum application with the single desk contact point within three days. Other operational measures included prioritising certain categories of applicants[143] and hiring additional staff.[144] To improve case management, Belgium and Ireland conducted an end-to-end process review of their respective asylum systems. The Swedish government initiated a

141 BE, ES, FR, IE, PL, SE, SI.
142 BE, EL, IE, SI.
143 BE, ES, IE, PL.
144 BE, FR, SI.

new inquiry into the organisation of the Swedish reception system for asylum applicants.

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

Three Member States reported developments related to family tracing and maintaining family unity for adult beneficiaries of international protection.[145] Luxembourg legislated to extend the period granted to beneficiaries of international protection to apply for family reunification under more favourable conditions, from three to six months. Cyprus established that a temporary residence permit could be granted on humanitarian grounds to family members of the beneficiary of international protection, if the family was created after the arrival of the beneficiary in the country, in order to maintain family unity.[146]

Withdrawal of international protection

Legal and policy developments on the withdrawal of international protection were noted in some Member States.[147] France introduced the possibility of withdrawing refugee status from third-country nationals as a last resort for public condoning of a terrorist act. In Luxembourg, the newly amended Asylum Law grants a suspensive effect to an appeal against a decision to withdraw international protection while the decision of the court is pending. In Sweden, the Migration Court of Appeal clarified the conditions in which committed a 'particularly serious crime' may constitute a reason for refusing refugee status. The Norwegian Directorate of Immigration was instructed not to grant derivative refugee status to family members of a refugee where revocation proceedings were initiated against that refugee. Greece clarified the grounds for revocation and refusal to renew refugee status. More specifically, it introduced a provision stipulating that in cases where applicants for international protection are reasonably considered a threat to national security or a risk to society due to their final conviction for committing a particularly serious crime, the ruling authority does not grant refugee status until such decision is taken.

3.2.3. Other developments

In France, legislative changes stipulated that the French Office for Immigration and Integration (OFII) should be informed by the judicial authorities, automatically or on request, of suspected cases of fraud in the asylum procedure. Other developments included the implementation of projects to develop a common reporting platform for reception centres, detention centres and the assistance system for victims of trafficking in human beings,[148] and to support refugees' mental health.[149] Belgium suspended decisions on applications for third-country nationals from the occupied Palestinian territory (oPt), while the Netherlands suspended decisions on returns of third-country nationals coming from Tigray in Ethiopia, and for ethnic Tigrayans. In December 2021, Ireland announced a parallel process for protection applicants within the regularisation of the 'long-term undocumented migrants' scheme, targeting applicants who have an outstanding application for international protection and who have been in the asylum process for a minimum of two years. Greece introduced fees for each subsequent first application by an applicant for international protection in order to prevent the submission of abusive or obviously unsupported requests.

The priorities of the Slovak Republic in international protection were defined in the 'Migration Policy of the Slovak Republic: Perspective until 2025'. These include voluntary engagement in regional and international processes to share the burden of the consequences of forced migration, as well as ensuring systemic regulation of the integration of beneficiaries of international protection by the State. The Slovak Republic also prepared an amendment to the Act on Asylum, which aims to fundamentally regulate initial integration of beneficiaries of international protection.

3.2.4. Relocation and resettlement

Relocation[150]

Seven Member States engaged in relocation operations in 2021.[151] Following the fire that destroyed the Moria camp on the Greek island of Lesbos in September 2020, several Member States undertook voluntary relocation of unaccompanied minors from that camp.[152]

Figures 6 and 7 provide an overview of the number of relocated and resettled third country nationals in 2021.

3.2.5. Resettlement and humanitarian admission programmes

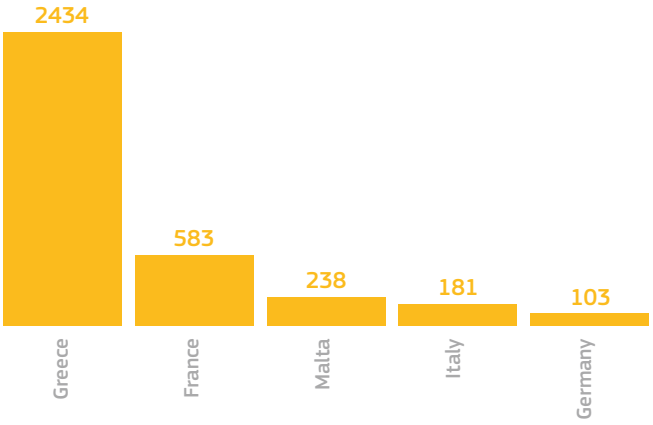
Legal and policy developments in relation to resettlement[153] and humanitarian admission programmes[154]

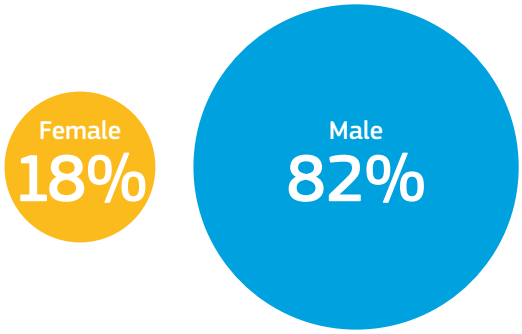
Member States engaged in both European[155] and National Resettlement Programmes.[156] Lithuania resettled 1 077 third-country nationals, while Spain and Sweden

145 CY, EL, LU.
146 In Cyprus, families of refugees created before their arrival fall under the more favourable provisions of Chapter V of the Family Reunification Directive (2003/86/EC). Families of beneficiaries of subsidiary protection created before their arrival are not entitled to family reunification.
147 BE, EL, FR, LU, SE.
148 FI.
149 EE.
150 Relocation: The transfer of persons having a status defined by the Geneva Refugee Convention and Protocol or subsidiary protection within the meaning of Directive 2011/95/EU (Recast Qualification Directive) from the EU Member State that granted them international protection to another EU Member State where they will be granted similar protection, and of persons having applied for international protection from the EU Member State responsible for examining their application to another EU Member State where their application for international protection will be examined. In the context of the EU emergency relocation programme, the transfer of persons in clear need of international protection, as defined in Council Decision 2015/1601 and 2016/1754, having applied for international protection from the EU Member State, CH or NO which is responsible for examining their application to another EU Member State, CH or NO where their application for international protection will be examined (see EMN Glossary V6).
151 BE, BG, DE, FR, HR, LT, LU.
152 BE, BG, DE, FI, FR, HR, IE, LU.
153 Resettlement: In the EU context, the transfer, on request from the UNHCR and based on their need for international protection, of a third-country national or a stateless person, from a third country to an EU Member State, where they are permitted to reside with one of the following statuses:
(i) refugee status within the meaning of Article 2(d) of Directive 2011/95/EU (Recast Qualification Directive), (ii) a status that offers the same rights and benefits under national and EU law as refugee status (see EMN Glossary V6).
154 See Chapter 4.2.1 for relocation and resettlement activities specifically related to unaccompanied minors.
155 BE, BG, LT.
156 ES, LT, MT, SE (Swedish national resettlement is considered part of EU resettlement).

Figure 6 – Number of relocated Third Country Nationals (TCNs), 2021, EU and Norway

Top 5 countries

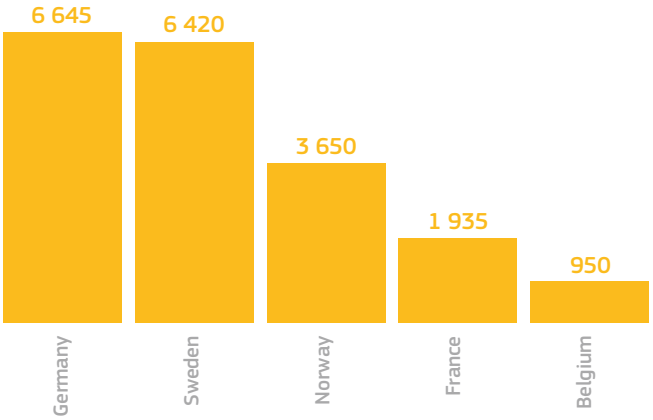


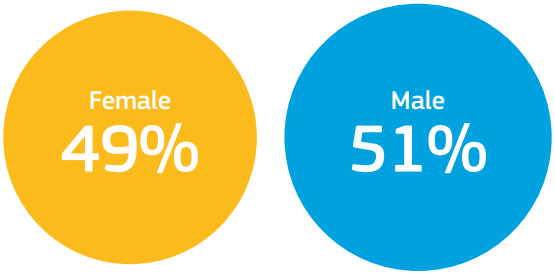


Source: Statistics provided by EMN National Contact Points. Statistics not available or provided for Denmark and Romania.

Figure 7 – Number of resettled Third Country Nationals (TCNs), 2021, EU and Norway

Top 5 countries





Source: Eurostat (migr_asyresa), extracted 13 June 2021

resettled 543 and 6 400 people, respectively. Spain also approved its National Resettlement Programme (to begin in 2022) and implemented Community Sponsorship Programmes in cooperation with the UNHCR. Belgium's Secretary of State for Migration and Asylum, together with the Catholic association *Sant' Egidio,* signed a letter of intent to start a humanitarian corridor for 250 refugees in the period 2022-2024. The target group are vulnerable persons residing in Lebanon, Syria, Libya and Afghanistan, who are eligible for international protection.

Box 5 – Resettlement in Sweden

In February 2021, the Swedish Migration Agency resettled 5 000 refugees to Sweden. Around 1 400 individuals who could not be transferred in 2020 due to the COVID-19 pandemic were also received in 2021, with a total of 6 400 individuals resettled in Sweden in 2021. Approximately 1 300 were Afghans evacuated from Afghanistan. In August 2021, the Swedish Government decided to temporarily remove the requirement that persons of concern must be a third-country national in order to be resettled to Sweden. This meant that Afghans could be evacuated directly from Afghanistan, with the resettlement process being finalised upon their arrival in Sweden

3.2.6. Resettlement and humanitarian admission programmes for persons from Afghanistan after 31 August 2021

After the Islamic Republic of Afghanistan under President Ashraf Ghani was overthrown and the Islamic Emirate of Afghanistan under the Taliban was reinstalled in August 2021, most Member States engaged in

resettlement and humanitarian admission programmes specifically for Afghans.[157] Several Member States engaged in resettling Afghan nationals who worked for or cooperated with Member States' governments, the EU, the UN and NATO, as well as any person particularly at risk, such as human rights activists and their immediate families.[158] Ireland approved the Afghan Admission Programme, offering temporary Irish residence to people whose freedom or safety was at risk, whether resident in Afghanistan or certain neighbouring countries having fled from Afghanistan since 1 August 2021, and who had close family members in Ireland.

The Swedish government removed the requirement that a person of concern must be in a third country in order to be resettled to Sweden. This meant that Afghans could be evacuated directly from Afghanistan, with the resettlement process being finalised upon their arrival in Sweden. Sweden also started a programme offering researchers from Afghanistan temporary sanctuary in Sweden as part of the international 'Scholars at risk' initiative. France put in place a series of measures to reinforce consular services and shorten the procedure for examining the visa applications of Afghan nationals at risk who had fled their country, including those for asylum and family reunification purposes, in order to rapidly respond to their protection needs. Poland established an interministerial team to assess the situation in Afghanistan and coordinate the work of local (self-government) institutions supporting the integration process of evacuated citizens of Afghanistan and their reception.

Belgium decided to temporarily and partially suspend the notification of decisions for Afghan applicants, except in case of (i) recognition of refugee status and (ii) inadmissibility decision for applicants with protection status in another Member State. This decision was driven by the fact that the Office of the Commissioner General for Refugees and Stateless Persons (CGRS) did not have reliable information about the situation in Afghanistan. Luxembourg decided to suspend all negative decisions in applications for international protection by Afghan nationals and to interrupt the deliberation in the matter by the administrative tribunal. This decision reflected the absence of complete and reliable sources of information on the ground in Afghanistan to comprehensively assess applications for international protection.

157 BE, BG, CY, DE, EE, EL (did not implement a resettlement programme but provided support and received persons who needed to be evacuated from Afghanistan in 2021), ES, FR HR, IE, IT, LT, LU, LV, MT, NL, PL, PT, SE SK (evacuation flight was not part of a specific resettlement or humanitarian admission programme).
158 BE, CY, DE, EE, ES, FI, FR, IE, LT, LU, LV, SE.

4. UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS

The number of unaccompanied minors registered in the EU remained high: according to Eurostat, Member States and Norway received 23 420 asylum applications from unaccompanied minors. At national level, Belgium, Cyprus, Italy, Spain and the Slovak Republic reported significant increases in the number of unaccompanied minors arriving in 2021.

Most Member States, Norway and Georgia introduced legislative or policy changes affecting unaccompanied minors applying for asylum, such as new measures for age assessment and guidelines and tools to strengthen procedural safeguards by centring the best interest of the child. Many Member States also adapted their identification and registration processes for third-country nationals who claim to be minors but do not apply for asylum, and improved referral of minors who may have been victims of trafficking in human beings.

Many Member States prioritised strengthening the protection, care and after-care of unaccompanied minors. Others also took measures to ease unaccompanied minors' transition to adulthood, through semi-independent housing, prolonged reception, access to the labour market and further/adult education.

Member States took several measures to identify or safeguard vulnerable groups, such as victims of violence, particularly gender-based violence. Some introduced new accommodation centres for lesbian, gay, bisexual, transgender, queer and intersex (LGBTQI+) applicants for international protection and other vulnerable groups. Most of the developments concerning vulnerable persons outside of the asylum procedure were driven by a significant increase in the number of migrants crossing borders illegally.

4.1. EU DEVELOPMENTS

The European Commission adopted the EU Strategy on the Rights of the Child[159] on 21 March 2021. According to the Strategy, every child in Europe and across the world should enjoy the same rights and live free from discrimination and intimidation of any kind. In the Strategy, the Commission addresses persisting and emerging challenges and proposes concrete actions to protect, promote and fulfil children's rights in today's rapidly changing world. The set of measures outlined in the six thematic areas of the Strategy aim to address the rights of the most vulnerable children, from children's rights in the digital age to preventing/combating violence and promoting child-friendly justice. Migrant children enjoy the same rights and are entitled to the same level of protection as EU children, on a non-discriminatory basis, and irrespective of their legal status in the EU.

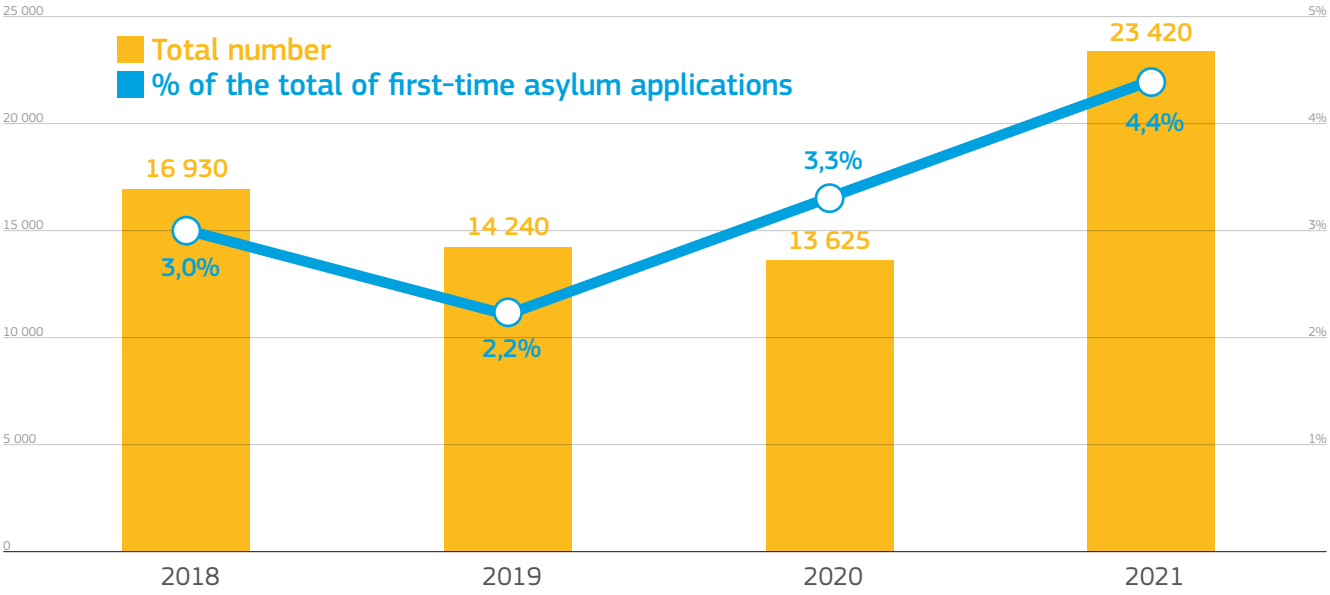
The Council adopted the European Child Guarantee[160] in June 2021. It aims to break the inter-generational cycle of disadvantage, which can have profound and long-term effects on children. It provides guidance and means for Member States to support children in need, i.e. persons under the age of 18 years at risk of poverty or social exclusion. Under the European Child Guarantee, the Commission recommended that Member States provide children in need with free and effective access to early childhood education and care, education and school-based activities, at least one healthy meal each school day, healthcare and adequate housing. These services should be free of charge and readily available to children in need.

Two high-level events also took place during the year: the Global Migration Forum in October 2021 included a panel devoted to access to education for migrant children; and the First Global Forum for Children and Youth (CY21) in December 2021, which included sessions on refugee camp education and the impact of conflict and COVID-19 on violence against children.

Figures 8 and 9 provide an overview of the number of unaccompanied minors in 2021 as compared to previous years. Figure 10 breaks down first instance decisions on asylum applications lodged by unaccompanied minors in 2021 (Q1 to Q4) by outcome.

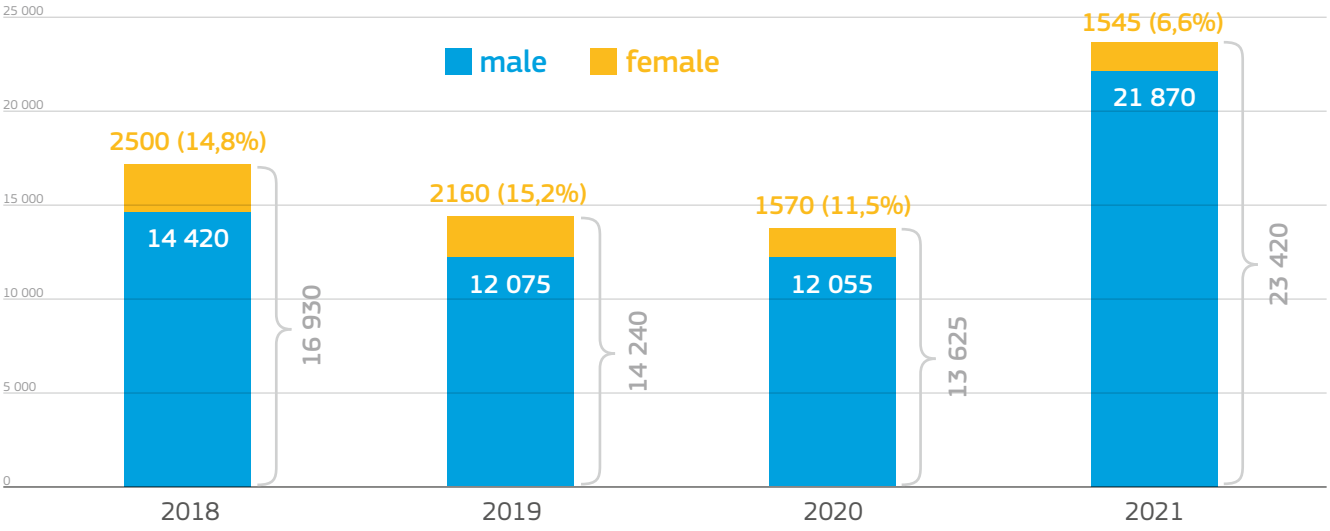
159 European Commission, 'EU Strategy on the Rights of the Child,' https://ec.europa.eu/info/policies/justice-and-fundamental-rights/rights-child/eu-strategy-rights-child-and-european-child-guarantee_en, last accessed on 18 May 2022.
160 European Commission, 'European Child Guarantee,' https://ec.europa.eu/social/main.jsp?catId=1428&langId=en, last accessed on 18 May 2022.

Figure 8 – Unaccompanied minors applying for asylum, EU and Norway



Source: Eurostat (migr_asyunaa and migr_asyappctza)

Figure 9 – Unaccompanied minors by sex (number and %), EU and Norway



Source: Eurostat (migr_asyunaa)

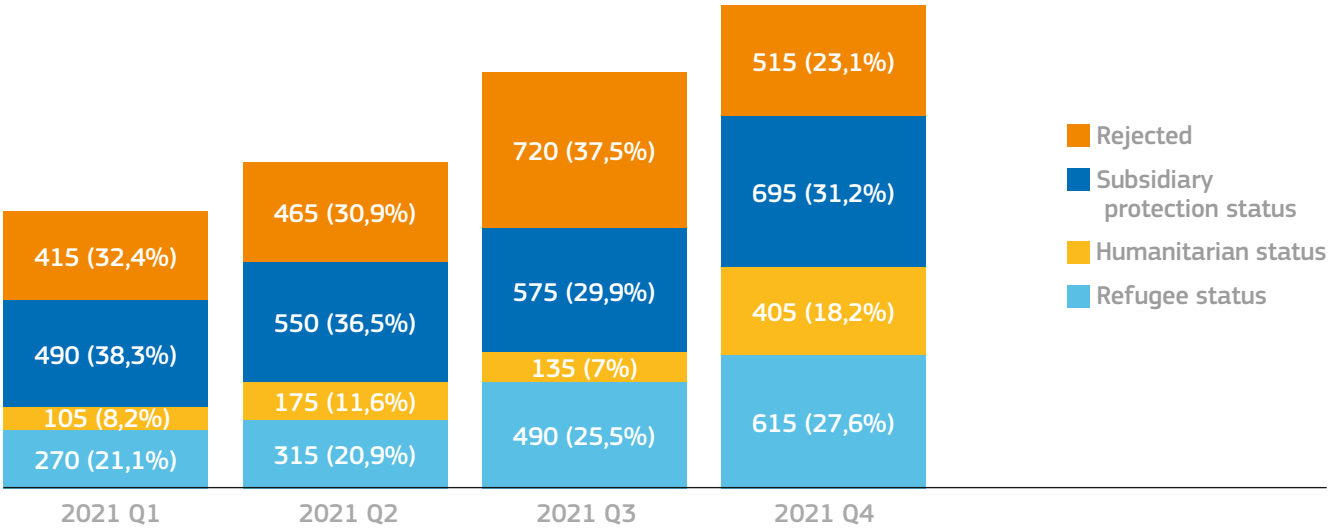
4.2. NATIONAL DEVELOPMENTS

4.2.1. Minors

In 2021, most Member States, Norway and Georgia introduced legislative or policy changes in relation to the protection and care of unaccompanied minors.[161] In several cases, the new developments were driven by significant increases in the number of unaccompanied minors arriving in certain parts of the EU.[162] In the Slovak Republic, for example, the number of unaccompanied minors doubled to 183 in 2021 (from 79 in 2019 and 19 in 2018). France also noted a significant increase in the number of unaccompanied minors cared for in the country since 2016 (16 760 minors in 2019, compared to 8 054 minors in 2016). Other overarching developments related to strengthening the Best Interests Procedure, a formal process to assess and determine the best interests of the child (set out in Article 3 of the UN Convention on the Rights of the Child[163]) and other capacity-building

161 AT, BE, CY, CZ, DE, ES, FI, FR, HR, IE, IT, LT, LU, LV, NL, SE, SK and GE, NO.
162 BE, CY, ES, FR, IT, SK.
163 UN Convention on the Rights of the Child, https://www.ohchr.org/en/professionalinterest/pages/crc.aspx, last accessed on 25 March 2022.

Figure 10 – Number of first instance decisions on asylum applications lodged by unaccompanied minors by outcome (% of total first instance decisions on asylum applications lodged by unaccompanied minors), Q1 to Q4 2021, EU and Norway



Source: Eurostat (migr_asyumpctm)

measures to support the training of officials[164] and thereby improve the treatment of unaccompanied minors in asylum and migration-related processes and procedures.

Identification and registration

Eight Member States reported developments in identification and registration in the asylum procedure, primarily the introduction of new or revised procedures and guidelines for identifying unaccompanied minors and responding to their particular needs.[165] Many Member States updated or introduced new ways to undertake age assessment in the identification process,[166] with the underlying reasons varying from harmonising the procedure (e.g. shortening the waiting time for age identification of the minor in Belgium)[167] and improving quality of medical age assessment (e.g. banning invasive practices[168]), to preventing abuse in the international protection procedure.[169] A legislative amendment in Slovenia stipulated that age assessment can be done before an unaccompanied minor lodges an asylum application (if there are doubts about their age).

Many Member States debated or introduced targeted measures to enhance the identification of specific groups of unaccompanied minors,[170] some in a bid to tackle absconding.[171] The (proposed) measures targeted victims of trafficking in human beings (see section 9),[172] minors not applying for asylum or another protection status,[173] minors without identity documents,[174] and very young children[175] (e.g. Germany reduced the minimum age for fingerprinting to the age of six years in order to clearly register them to identify if they later go missing). Ireland approved plans for a revision of its national referral mechanism (NRM), including the addition of the Child and Family Agency (Tusla) as a competent authority for the identification of (presumed) victims of trafficking in human beings.

Several Member States aimed to improve data-sharing between different stakeholders, whether in relation to missing minors[176] or the referral of minors from police to child protection and guardianship authorities.[177] Many Member States also introduced further capacity-building measures (such as training[178] and guidelines[179] for frontline professionals (police, border guards), but also guardians and child and youth care staff). These measures broadly sought to clarify the procedure when (unaccompanied) minors are detected as potential victims of trafficking in human beings and to ensure that they are properly identified and referred to the appropriate services (see section 9).

164 AT, BE, CY, FI, HR, LU, LV, PL, SE.
165 AT, BE, DE, EL, ES, FR, HR, SK.
166 AT, BE, CY, EL, ES, FI, FR, HR, MT, SI.
167 BE.
168 ES, FI (use of special age assessment BoneXpert-software, which calculates age based on an X-ray image of the applicant's wrist).
169 CY, SI.
170 AT, BE, BG, DE, ES, FI, FR, HR, IE, IT, LU, PL, PT, SK and GE.
171 BE, DE.
172 AT, BE, BG, DE, ES, FI, FR, HR, IE, IT, LU, PL, PT, SK and GE.
173 BE.
174 FR (e.g. to avoid circumvention attempts by adults without identification papers who pretend to be minors in order to benefit from the child protection system).
175 DE.
176 BE, DE.
177 EL, HR, SK.
178 BE, DE, EL, FI, FR, HR, SK.
179 BE, ES, HR, LU, PL, PT.

Reception facilities, including after-care for unaccompanied minors transitioning into adulthood

Improving reception and care of unaccompanied minors was a priority for many Member States, Norway and Georgia in 2021.[180] Many made efforts to monitor, adapt, expand or open new reception facilities,[181] including facilities specifically for unaccompanied minors or other child-friendly settings,[182] and for victims of violence and trafficking in human beings.[183] These developments were driven by the notable increase in the number of arrivals of unaccompanied minors,[184] and by a need to improve the overall provision of care services in reception facilities,[185] especially for minors granted international protection or another status (e.g. providing more psychiatric care for minor refugees in Cyprus).[186]

Some Member States introduced arrangements for unaccompanied minors approaching/reaching adulthood.[187] These new measures aimed to reduce the vulnerability of young adults in this group and to ensure that they were adequately followed up and supported by the relevant authorities. More specifically, measures consisted of enhanced care from as early as the age of 15 years,[188] prolonged reception/after-care once they turn 18 years of age,[189] new semi-independent housing and access to the labour market for those over the age of 16 years (see Box 7), [190] improved access to higher and further education, including as an (alternative) route to higher education.[191]

Box 6: Measures to reinforce the integration and autonomy of unaccompanied minors reaching adulthood in France

In France, the draft law on childhood protection provides for three measures to improve the transition of unaccompanied minors to adulthood. Firstly, those aged 17 years, when admitted to child welfare (ASE), are to benefit as soon as possible from an interview to prepare them for their upcoming status as adults. Secondly, unaccompanied minors placed with a trusted third party, at the latest on the day of their 16th birthday, are issued a one-year 'private and family life' temporary residence permit, similar to those entrusted to the ASE. The draft law also proposed other measures, including an obligation for departments to offer accommodation to young people entrusted to ASE up to the age of 21 years. These provisions were taken to prevent sudden exits from child welfare and to harmonise approaches to case management across the departments.

Box 7: New legal regime for unaccompanied minors reaching majority in Spain

Spain modified the legal regime to promote the integration of unaccompanied minors and foster care leavers. The authorities aimed to prevent undocumented unaccompanied minors reaching the age of majority by granting access to the labour market from the age of 16 years. The lack of documentation posed significant practical difficulties, especially at the time of reaching the age of majority, particularly in the case of vulnerable unaccompanied girls.

The duration of residence authorisations has been extended to allow young foster care leavers (18-23 years), who may otherwise be forced into irregularity, to access work authorisation. The validity of the initial authorisation was increased (from one) to two years, while the renewal authorisation was increased to three years. A separate regime is created for unaccompanied minors who reach the age of majority: if they are documented and reach the age of 18 years, a regime of their own is established without reference to non-profit residence (continuing the authorisation they held as a minor), and the accreditation of sufficient means is reduced to a more appropriate amount. For undocumented minors who reach the age of 18 years, a new system is established to document them, whereby they have access to authorisation to reside and work, as above.

This reform is expected to benefit approximately 15 000 young people in Spain.

Guardianship and procedural safeguards

About half of the Member States continued to strengthen guardianship and representation arrangements for unaccompanied minors.[192] Member States introduced new legislation or guidelines to simplify and/or accelerate the procedure for the appointment of a representative to an unaccompanied minor[193] and changed the conditions of legal representation/guardianship and types of representative.[194] Latvia increased the guardian's allowance for the maintenance of a child under guardianship.

For minors in the asylum procedure, several Member States strengthened their procedural safeguards,[195] particularly to ensure that the best interests of the child were sufficiently considered. In Austria, this was recommended by the new Commission on the Best Interests of the Child (see Box 8), which made recommendations on how to improve procedural guarantees for minors, including through guardianship provisions and ensuring the best interests

180 AT, BE, CY, EL, HR, FI, FR, IT, LU, LV, MT, NL, SI, SK and GE, NO.
181 AT, BE, EL, HR, FI, IT, LU, MT, SI, SK.
182 AT, BE, EL, LU, SI.
183 FR and GE.
184 AT, BE, CY, IT, SK.
185 BE, EL, HR, FI, IT, LU, MT, SI, SK.
186 BE, CY, IT and NO.
187 EL, ES, FR, IE, IT, NL and NO.
188 NO (unaccompanied asylum-seeking minors aged 15-18 years).
189 NL (young adults granted an asylum residence permit as unaccompanied minors).
190 CY, EL, ES, IT.
191 IE (international student fee removed for international protection applicants with permission to work completing further education (PLC courses), including courses leading to an industry recognised qualification; postgraduate courses were added to the Student Support Scheme for eligible protection applicants to access third-level education), LU (opportunity to complete a secondary school diploma if they have not achieved the level of studies necessary to access university or the labour market).
192 BE, EL, FI, FR, HR, LT, LU, LV, MT, SE, SI, SK.
193 FR, HR, LT, LU.
194 EL, SE, SI, HR.
195 AT, CY, EL, FR, HR, IE, SE, SK.

of the child in the asylum procedure. Others developed guidelines/tools to assist staff in competent authorities and in reception centres in determining the best interests of the child.[196] For example, the Swedish Migration Agency developed a digital tool for case workers to note down how they have taken the best interest of the child into consideration in the Dublin process, the return process and the process for detention and supervision (an alternative to detention). Some Member States also prepared child-friendly information leaflets, explaining the asylum and family reunification procedure for unaccompanied minors.[197]

Box 8 – Recommendations of Austria's Commission on the Best Interests of the Child

Between February and June 2021, the Commission on the Best Interests of the Child appointed by the Federal Ministry of Justice in Austria reviewed the legal framework and its practical implementation for children in asylum and right-to-remain procedures.

The Commission submitted its report in July 2021, with the following recommendations: anchor the determination of the best interests of the child in substantive asylum and aliens law; provide legal counselling for minors; review the system for age assessment; safeguard and conduct procedures that are suitable for children; determine the child's best interests in removal cases; ensure standardisation and guardianship from the outset; ensure suitable accommodation and reception facilities; and prevent statelessness.

In October 2021, the Austrian Parliament called on the Federal Government to improve the protection and legal status of children, in particular safeguarding quick guardianship for unaccompanied refugee minors and paying special attention to the best interests of the child in asylum procedures. By December 2021, the Federal Ministry of Justice had taken a number of measures, encompassing the development of best interest determination (BID) guidelines, the adaptation of other internal work documents, in-depth staff training and internal evaluation by the Ministry.

Family tracing and maintaining family unity

Two Member States reported new developments in relation to family tracing and maintaining family unity.[198] These included the adoption of new protocols/guidelines to provide expert support to professionals in the implementation of the Dublin procedure for unaccompanied minors,[199] and extending the possibility for family reunification to unaccompanied minors living with a family member (see Box 9).[200]

Box 9 – Possibility for family reunification for unaccompanied minors living with a family member in the Netherlands

The Netherlands amended the policy for family reunification for (unaccompanied) minors in September 2021. Now, those with a residence permit are eligible for family reunification under the Family Reunification Directive (2003/86/EC),[201] even if they are already being cared for or live with an adult family member in the Netherlands. Previously, minors who lived with a (distant) family member in the Netherlands could only apply for family reunification by invoking Article 8 of the European Charter of Human Rights.[202] The policy change was driven by an inquiry by the Minister of Migration, which found that a higher number of children than expected were affected by the inability to pursue family reunification under the Family Reunification Directive (2003/86/EC) if they are living with a family member.

Detention and return

In July 2021, Lithuania adopted legislation to prevent irregular secondary migration, providing for a new ground for detention (see section 3.2.2 and 10.3.4). Member States also introduced policy or legislative changes in returns,[203] to support voluntary return[204] and improve the follow-up of unaccompanied minors.[205] In Luxembourg, members of the Consultative Commission on the Evaluation of the Best Interest of Unaccompanied Minors in Return Decisions were appointed by a ministerial decree. A member of civil society is to be added to this Commission. Since December 2021, in line with CJEU case-law, it is not possible for the Netherlands to issue a return decision to unaccompanied minors whose requests for asylum have been rejected, if it is unclear whether they have access to adequate reception in their country of origin.[206] A return decision can be issued only after establishing that adequate reception is available.

Resettlement and relocation

While there were no new legal or policy developments in 2021, the relocation of unaccompanied minors continued to be driven, in some cases,[207] by the humanitarian situation (affecting up to 42 000 persons at its 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 (see section 3).

196 AT, CY, HR, SE.
197 CY, HR.
198 HR, NL.
199 HR.
200 NL.
201 Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification, https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32003L0086&from=en, last accessed on 25 March 2022.
202 European Convention on Human Rights, https://www.echr.coe.int/documents/convention_eng.pdf, last accessed on 25 March 2022.
203 BE, FR (a dedicated circular aims to provide juvenile magistrates with the essential tools to take the measures most suited to the best interests of unaccompanied Moroccan minors, notably their return to Morocco, and sets the legal framework for cooperation between France and Morocco), LT, LU, LV, MT, NL.
204 LT (travel tickets, lump sum payments), LV (education provided during the period specified for voluntary departure or the period for which removal has been deterred, as well as during detention).
205 BE, NL.
206 CJEU judgment of 14 January 2021, case C-441/19, *TQ v Staatssecretaris van Justitie en Veiligheid (Retour d'un mineur non accompagné)*, https://curia.europa.eu/juris/liste.jsf?num=C-441/19, last accessed on 7 March 2022.
207 BE, BG, DE, FI, FR, HR, IE, LU.

4.2.2. Other vulnerable groups

Member States introduced different vulnerability assessment tools and procedures to determine whether an asylum applicant has special reception needs, the nature of those needs and the support required.[208]

Several Member States introduced residence permits for victims of violence.[209] Croatia and Spain adopted special laws and procedures against gender-based violence. Spain clarified the situation of foreign women victims of gender-based violence with regular status to ensure a separate residence and work permit when their permit depended on that of their perpetrator. Italy created an operational guide for those working with victims of violence in general.

In some Member States, new accommodation centres were established for LGBTQI+ applicants for international protection and other vulnerable groups.[210] Others designated specific places for vulnerable groups in pre-existing facilities.[211] The Netherlands outlined a resolution to improve safety for LGBTQI+ asylum seekers in reception centres due to repeated occurrences of violence against them.

Member States also enhanced the provision of care services in reception centres. For example, France's 2021 Vulnerabilities Plan guaranteed a medical presence in each accommodation centre.

208 CY, DE, IE, HR, LU, MT, SK.
209 CY, ES, FI, FR (victims of marital and family violence), IT.
210 BE, FI.
211 EL, FR, MT.

5. INTEGRATION AND INCLUSION

Member States, Norway and Georgia reported on developments to facilitate migrant integration and inclusion during 2021. Some Member States adopted national integration strategies, foreseeing the implementation of integration projects and revisions to national regulations. While the COVID-19 pandemic prompted these strategies, some Member States, Norway, and Georgia developed solutions targeting access to improved integration activities. These emphasise national language education for migrants as a key prerequisite for integration in the host society. A key trend was increased responsibility and funding for municipal activities, non-governmental organisations (NGOs), and local integration efforts. This was mainly driven by the need to provide better access to services and improved geographical coverage in areas where migrants reside.

5.1. EU DEVELOPMENTS

The EU adopted the Action Plan on Integration and Inclusion[212] in November 2020, with implementation beginning in 2021. The Plan proposed targeted supports to address the challenges faced by people with a migrant background, using an approach that considers individual characteristics when proposing and developing activities. The Plan focuses on mobilising EU funding and creating partnerships to benefit the target audience.

The European Commission and the Committee of the Regions launched a partnership in March 2021, aiming to increase cooperation and support to EU cities, regions, and rural areas in order to improve integration. The Commission also awarded funding to 28 Union Actions supporting transnational or innovative projects on migrant integration. Finally, in November 2021, the European Commission published a new Toolkit on the use of EU Funds for the integration of people with a migrant background.

The European Website on Integration published a report on how the COVID-19 pandemic has affected migrants. Several exchanges between the European Integration Network and the Urban Agenda Partnership on the inclusion of migrants and refugees highlighted good practices for better access to healthcare for migrants, including access to mental healthcare and COVID-19 vaccinations.

In April 2021, the Portuguese Presidency organised an informal ministerial conference on integration, with a focus on the impact of the COVID-19 pandemic on migrants' living conditions and on the role of social partners and local authorities. The sixth edition of the European Migration Forum[213] took place as part of the regular consultation and dialogue with civil society and diaspora organisations. It focused on the contribution of migrants to the recovery of EU economies and societies.

5.2. NATIONAL DEVELOPMENTS

5.2.1. National integration strategy

The majority of the Member States[214] and Norway reported changes to their integration and inclusion policies in 2021. In most Member States,[215] the measures targeted the integration of all third-country nationals, while three Member States[216] and Norway focused on beneficiaries of international protection. Italy involved a group of refugees in a public consultation to update the national plan for the integration of beneficiaries of international protection in order to gather diverse perspectives of view on inclusion and integration.

Estonia, Greece and Latvia adopted multiannual integration strategies, while others[217] reported on policy updates, such as the adoption of multiannual action plans. In Austria, priorities for integration policy for 2021 included labour market integration, integration in the host society

212 Action Plan on Integration and Inclusion, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020DC0758&qid=1632299185798, last accessed on 25 May 2022.
213 The forum allows for dialogue between civil society and the European institutions on issues relating to migration, asylum and the integration of third-country nationals.
214 AT, BE, CY, CZ, EE, EL, ES, FI, FR, HR, IE, IT, LT, LU, LV, NL, SE, SI, SK.
215 AT, CZ, EE, EL, ES, FI, FR, HU, LV, LU, NL, SK, SE.
216 EL, HR, IT.
217 AT, BE, CZ, ES, FI, FR, LT.

and German language skills, promoting gender equality, fostering volunteering, and preventing segregation and extremism.

Several Member States and Norway redistributed certain responsibilities for integration policy between national, regional, and local authorities.[218] In cooperation with the Council of Europe and with funding from the European Commission, Cyprus established five regional integration networks to increase cooperation and monitoring mechanisms in five major cities. Luxembourg replaced the 'Communal Integration Plan' with the 'Living Together Pact' to promote integration processes at municipal level. In the Netherlands, the amended civic integration law entered into force in January 2022, giving more responsibility to municipalities for the integration of newcomers.

Five Member States reported measures to mitigate the negative impacts of the COVID-19 pandemic in integration.[219] Sweden adopted a number of policy changes, for example, including increased resources for subsidised introductory jobs for newly arrived immigrants.

5.2.2. Involvement of multi-stakeholders including NGOs

Several Member States and Norway reported various measures to promote multi-stakeholder cooperation in integration.[220] Fostering cooperation with civil society and NGOs remained a priority in several Member States and Norway.[221] Accordingly, Bulgaria, Greece, Latvia and Norway launched new strategies emphasising the need to strengthen the role of civil society in integration policies. In Luxembourg, the Interministerial Committee on Integration included representatives of civil society, promoting regular exchanges on integration efforts. Other Member States sought to improve collaboration with research organisations in order to improve evidence-based policy-making on labour migration and integration.[222]

Other Member States reported measures to facilitate interinstitutional cooperation at national level.[223] Malta set up a high-level interministerial committee to ensure a targeted approach to anti-racism and intercultural inclusion in policy fields and public services. Belgium also established an Inter-Ministerial Conference (IMC) on Integration and Migration, aiming to increase coherence and efficiency of the national migration and integration policy across policy levels.

Box 10 - Integration Week events in France

France organised an Integration Week across the country. Featuring over 170 events, it aimed to promote initiatives, achievements and continued cooperation of all stakeholders, including ministries, local authorities, civil society, and the private sector. Each day was dedicated to a specific theme: housing, employment, learning the French language, national values, and citizenship youth/engagement/culture/sport.

5.2.3. Education and training

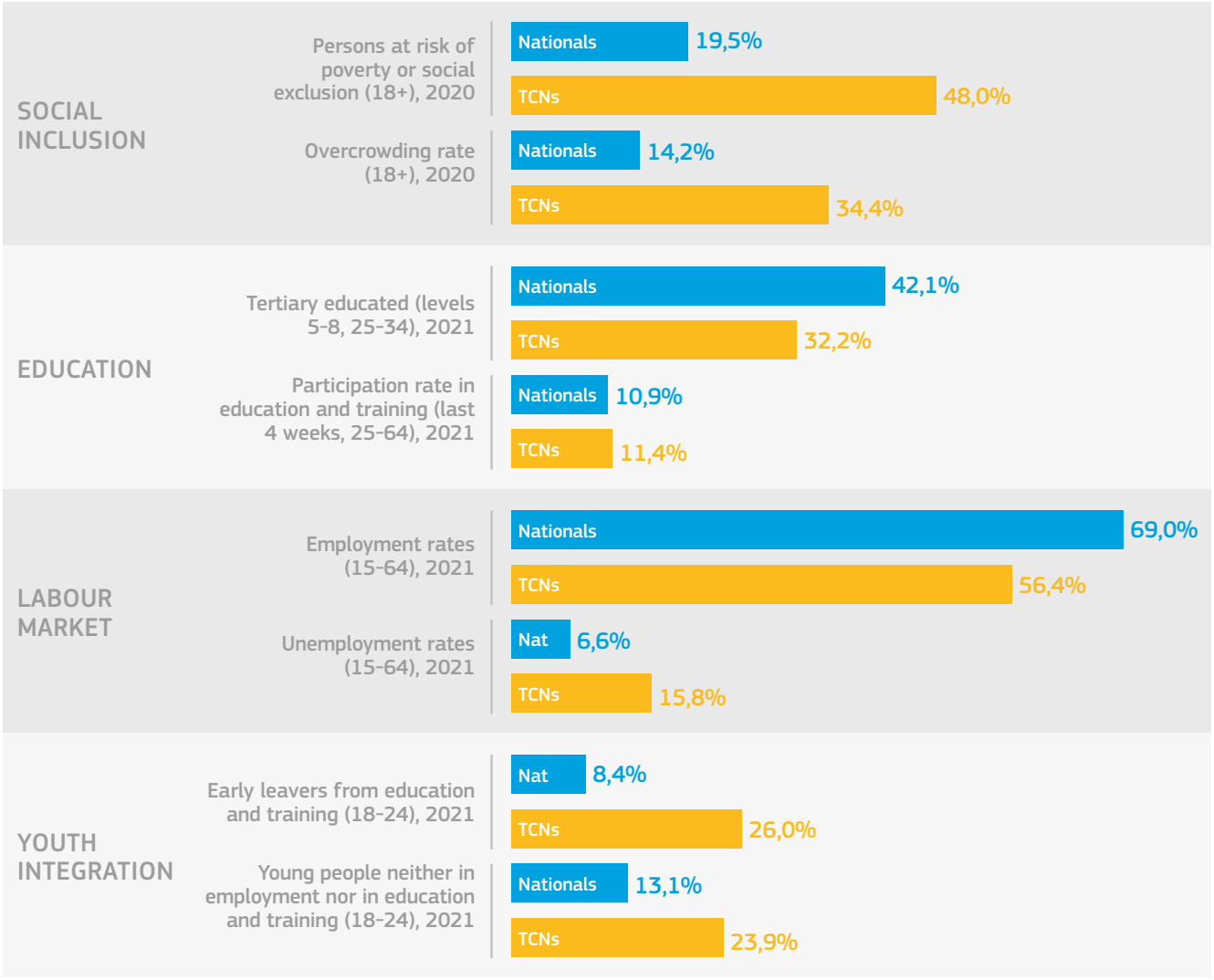
Several Member States[224] undertook targeted measures to improve migrants' proficiency in national languages, including increasing the availability of language courses,[225] accessibility for persons with disabilities or reduced mobility,[226] development of new language courses,[227] publishing new supporting guidelines, modules, and toolkits,[228] and enhancing digital learning.[229] As part of its 2022-2025 integration budget, Finland allocated an additional € 5 million for teaching, reading, and writing, as well as other integration training in adult education. To reduce the impact of COVID-19 on learning and to improve digital competence among teachers and participants, Germany introduced digital learning and virtual classrooms for vocational language courses. Belgium introduced an Action Plan on the fight against illiteracy, which included actions targeting third-country nationals.

In addition to language courses, some Member States reported civil orientation courses.[230] Austria announced changes to the compulsory orientation and values courses for beneficiaries of international protection, including extending the course duration from one to three days. Estonia made changes to the 'Settle in Estonia' programme, including offering free A2-level language courses in addition to A1-level courses.

In 2021, EU Member States, Norway and Georgia continued to enhance the provision of language training and other study supports in pre-school, primary and/or secondary education to enhance the integration of all migrant children, including unaccompanied minors.[231] This was also driven by the discrepancy in levels of educational performance between pupils of native and migrant backgrounds and the need to prevent early school leaving. For example, Austria integrated summer school with German support classes – first introduced during the COVID-19 pandemic in 2020 – into the regular school system, while Cyprus increased the number of hours of Greek language classes available to pupils with a migrant background for a period of two years. Some of the measures also aimed to support language teachers.[232] Norway introduced a digital tool for mapping Norwegian language

218 AT (central organisation of language courses), EE, FI, FR, LU, NL, SE.
219 AT, IT, LU, SE.
220 AT, BG, CZ, EE, EL, FI, FR, HR, IT, LV, LU, MT, NL, PL.
221 AT, BG, EE, ES, FR, HR, LU, LV.
222 FI, HR, IT, LU, LV, MT, NL, PL.
223 BE, CZ, EL, FR, IT, MT, NL.
224 AT, BE, CY, DE, EE, EL, FI, FR, IE, LT, LU, MT.
225 BE, EL, CY, FI.
226 FR
227 AT (sector-based specialised language courses), CY, FR, LU, MT.
228 EE, EL, FR, IE, LT.
229 DE, SI.
230 AT, EL, HR, EE, FI, IT.
231 AT, BE, CY, CZ, EL, FI, LU, NL and GE (asylum-seeking minors and those with international protection), NO.
232 FI and NO.

Figure 11 – Integration indicators for nationals of the country and Third-Country Nationals in the country (%)



Source: Eurostat (ilc_peps05n, ilc_di15, edat_lfs_9911, trng_lfs_12, lfsa_urgan, lfsa_ergan, edat_lfse_01, edat_lfse_23) Data refer to EU only

knowledge skills in schools in order to support teachers to establish the Norwegian training their students need.

5.2.4. Labour market and skills

Nearly half of the Member States[233] and Norway implemented various measures to promote labour market and skills during 2021, particularly targeting access to vocational education and training.[234] Other areas of particular interest included skills recognition[235] and the validation of formal qualifications.[236] France and Malta launched new policies on the recognition of prior experiential learning, mainly driven by the need to speed up migrants' integration and access to the labour market.

5.2.5. Basic services

Several Member States and Georgia reported developments for the provision of basic services,[237] especially in the healthcare sector.[238] This was driven by the COVID-19 pandemic, but also by the needs of migrants. Croatia, Greece and France all implemented plans to reinforce the care of vulnerable third-country nationals, asylum seekers and refugees.

Some Member States reported developments in the housing sector to provide or regulate the access of vulnerable groups to appropriate accommodation.[239] The Netherlands, for example, allowed municipalities to request a one-off payment for the construction of housing for

233 BE, DE, EE, FI, FR, HR, LT, MT, SE, SK and NO.
234 CZ, DE, EL, FI, HR, SE.
235 HR, EL, MT, SK.
236 EE, EL, FR, HR.
237 AT, BE, CZ, EE, EL, FR, HR, IT, LU, LV, NL, PL, SK and GE.
238 AT, BE, EE, EL, FR, HR, LU, AT, PL, SK and GE.
239 BE, EL, FR, HR, IT, NL.

beneficiaries of international protection and other specific groups in need of additional attention.

5.2.6. Active participation of migrants and receiving societies in integration

Many Member States focused on increasing the participation of migrants in society.[240] The Czech Republic increased local involvement through municipal funding. To support migrant participation in local democratic structures, Member States focused on providing more information and support to migrants to access election systems or other democratic activities at a local level.[241] In Luxembourg, this topic was a political priority for the Integration Department of the Ministry of Family Affairs, Integration and the Greater Region, as reflected in their 2022 call for projects.[242]

Some Member States implemented measures to promote locals' interaction with migrants.[243] Ireland continued to provide funding to community-based organisations for local integration activities under its Communities Integration Fund. Norway launched a new strategy to strengthen the role of civil society in developing and implementing the integration policy for 2021–2024. France launched a digital platform[244] to promote citizen engagement in the reception and integration of refugees, notably Afghan populations welcomed during 2021.

5.2.7. Combating racism and discrimination

Nearly half of the Member States and Norway implemented measures to address racism and discrimination,[245] revealing a growing interest in tackling hate speech and hate crimes in particular.[246] Germany and Spain saw significant developments on strategies to fight right-wing extremism and racism, namely the development of a catalogue to tackle discrimination and extremism, and the development of a Protocol to combat illegal hate speech online, respectively.

Several Member States focused on tackling other discrimination and racism issues,[247] many with a particular focus on gender equality and intersectionality,[248] for example by aiming to address how administrative processes can affect migrant women and other vulnerable groups.[249] The Slovak Republic approved a new national strategy on equality between women and men (2021-2027), while Poland continued drafting a strategy on equal treatment (2022-2030). The French Community in Belgium eased rules in respect of the display of religious symbols in graduate schools (which were previously banned) to facilitate the participation of migrant women.

240 AT, BE, CZ, EL, FI, FR, HR, IE, LU, MT, SE.
241 EL, FI, HR, LU.
242 Call for project proposals 2022 "Zesummeliewen: local engageiren a matmaachen", https://mfamigr.gouvernement.lu/en/actualites/2021/appelpan.html, last accessed on 25 May 2022.
243 CZ, EL, FR, IE, MT.
244 Digital platform to promote citizen engagement in the reception and integration of refugees, https://parrainage.refugies.info/, last accessed on 25 May 2022.
245 AT, BE, DE, EL, ES, FI, IE, IT, LU, MT, NL, PL, SK and NO.
246 AT, DE, ES, IE, LU and NO.
247 AT, FI, IE, IT, LU, MT, PL.
248 According to the European Institute for Gender Equality (EIGE), intersectionality refers to "acknowledging that experiences and positions in society are influenced by gender as well other social categories", https://ec.europa.eu/info/sites/default/files/aid_development_cooperation_fundamental_rights/opinion_intersectionality_2020_en_0.pdf, last accessed 2 May 2022.
249 BE, SK.

6. CITIZENSHIP AND STATELESSNESS

Similar to 2020, about half of the Member States reported developments in relation to acquisition of citizenship and statelessness. They sought to streamline procedures and address legislative and procedural discrepancies (e.g. clarifying statelessness determination procedures, or simplifying procedures for individuals to prove their length of stay). Most of the reported developments focused on enhancing access, improving services, and increasing protection of applicants for citizenship. COVID-19 was among the factors prompting the implementation of temporary procedural measures, although the number of Member States reporting taking such measures remained low.

6.1. NATIONAL DEVELOPMENTS

6.1.1. Acquisition of citizenship

Many of the citizen acquisition measures taken by Member States related to procedural matters and aimed to simplify, address discrepancies and clarify the overall process.[250] Developments included streamlining procedures for foreign nationals to prove their legal stay,[251] transferring of payment of procedural costs, such as litigation, to the public prosecutor when a decision to deny citizenship is appealed and overturned,[252] and the digitalisation of dedicated platforms and procedures.[253]

On substantive requirements for acquisition of citizenship, Member States reported both loosening and tightening such conditions.[254] The Netherlands eased the requirements for acquisition of citizenship for a select group of residence permit holders (RANOV group).[255] The policy change reflected the fact that applicants from that group – primarily former asylum seekers – could not always provide the required documents to obtain citizenship.[256] They are now no longer required to submit proof of possession of foreign nationality and a birth certificate, nor are they obliged to renounce their original nationality.

By contrast, Norway raised the general required period of residence for obtaining citizenship from 7 of the last 10 years to 8 of the last 11 years. France and Norway raised the minimum language requirements for the acquisition of citizenship, and Greece introduced a language examination for citizenship applicants, as well as a requirement for applicants to meet certain economic and social integration conditions.[257]

As in 2020, the COVID-19 pandemic led a few Member States to adopt temporary preventive measures, such as the temporary possibility for citizenship applicants to submit a written statutory declaration in place of attending a citizenship ceremony,[258] and the extension of time limits for various citizenship procedures to accommodate delays and mobility issues.[259]

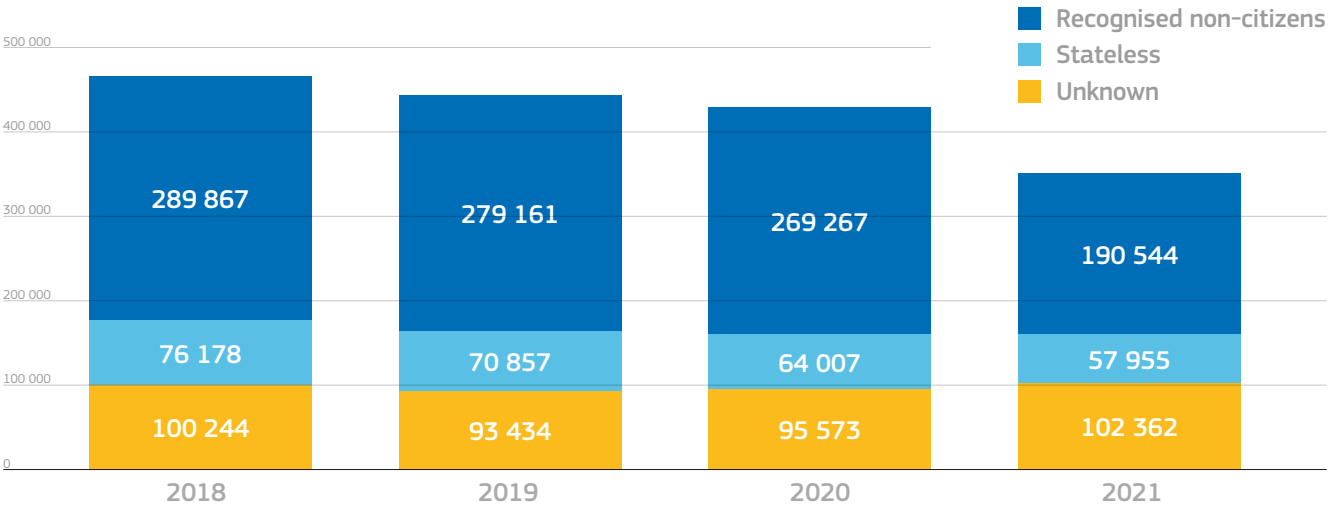
6.1.2. Statelessness

A number of the reported developments on statelessness concerned procedural matters.[260] Belgium considered the creation of a separate right of residence for stateless persons, which would entail the introduction of a streamlined procedure for their acquisition of residence permits. In an effort to enhance protection of individuals seeking recognition of their statelessness, Italy revised a range of related issues, including the current problematic dual procedure – administrative and judicial – which lay out different conditions for the recognition of statelessness. The Netherlands brought a bill to Parliament calling for the establishment of a determination procedure for statelessness. The change would remedy the current legislative gap and facilitate the recognition of statelessness. The bill's legislative process will be continued in 2022.

Legislative developments in Georgia and Sweden in 2021 brought significant benefits to stateless holders of

250 BE, HR, CZ, FR, IE, SK.
251 BE, IE (announcement of scorecard approach for establishing proofs of residency and identity for citizenship applications).
252 BE.
253 FR.
254 EL, FR, NL and NO. See also developments reported by Lithuania in section 5.2.
255 This development concerns about 8 000 RANOV permit holders i.e. foreign nationals who were granted a legal residence permit under the 2007 Regulation on Settlement of the Legacy of the Old Aliens Act (RANOV).
256 The RANOV group is a select group of former asylum seekers who had submitted an asylum application under the old Aliens Act (before 2001) and stayed in the Netherlands for several years before a general amnesty in 2007.
257 Where there is doubt as to whether or not the condition of economic and social integration is met, the applicant is called for an interview before a three-member group.
258 IE.
259 HR, LU.
260 BE, IT, NL.

Figure 12 – Stateless, unknown citizens and recognised non-citizens (RNC), EU and Norway



ource: Eurostat (migr_pop1ctz)

temporary residence permits. In Georgia, stateless individuals with a temporary residence permit were given access to a targeted state assistance programme, previously only available with a permanent residence permit. New legislation to counter statelessness among persons born in Sweden allows stateless holders of a temporary residence permit to be granted Swedish citizenship, subject to certain conditions. The change was considered necessary as more restrictive immigration rules mean an increase in temporary residence permits. Lithuania revised its Law on Citizenship to reduce the number of stateless persons on its territory, allowing people below the age of 18 to acquire citizenship through naturalisation, without having to pass language examinations or provide proof of legal means of subsistence.

Finally, in a case on statelessness, the Court of Cassation of Belgium affirmed that Palestine constitutes a state. It declared that Palestine fulfilled the conditions set out by international customary law for the establishment of a state and specified that the existence of a state was not dependent on recognition by other states.

7. BORDERS, VISA AND SCHENGEN

Developments during 2021 in relation to borders, visas and Schengen governance were impacted by the ongoing COVID-19 pandemic, the border crisis with Belarus and other notable national developments, including in relation to implementation of the Schengen acquis and associated large-scale information systems.

Both external and internal border controls were once again temporarily implemented during 2021. The pandemic also continued to impact visa processing. Several Member States set up external border control measures due to the developments with Belarus. In addition, certain Member States continued their preparations towards the EES, the ETIAS, the European Interoperability Framework (EIF) and implementation of the Schengen Information System (SIS).

7.1. EU DEVELOPMENTS

In 2021, the Commission presented a new Strategy to make the Schengen area stronger and more resilient, setting out a path forward to maintains the benefits of Schengen. The Strategy aims to ensure an effective management of the EU's external borders, strengthen internal measures on police cooperation, security and migration management as well as to improve Schengen preparedness and governance. On 2 June 2021, the Commission also adopted a Proposal for a new evaluation and monitoring mechanism to verify the application of the Schengen acquis. The new Regulation is intended to contribute to a reinforced governance of the Schengen Area by ensuring prompt identification of shortcomings and efficient follow-up procedures.

7.2. NATIONAL DEVELOPMENTS

7.2.1. Border management

External border control measures/management

2021 saw several Member States extend or implement restrictions related to external border-crossings due to the COVID-19 pandemic.[261] The Netherlands adopted a legal act making it possible to require travellers coming from designated 'very high risk' areas to quarantine for 10 days.[262] Some Member States[263] temporarily introduced an obligatory passenger locator form to prevent the spread of COVID-19.

New developments were also driven by the border crisis between the EU and Belarus, with Estonia, Latvia, Lithuania and Poland all implementing measures to deal with the increase in irregular border crossings. These ranged from the introduction of (temporary) border barriers or other border infrastructure, and deterrence measures, to the (temporary) declaration of a state of emergency in the affected border areas.[264] Additional personnel and/or armed forces were deployed to the borders in Latvia, Lithuania and Poland, and a ban on access to the border area was also introduced (with some exceptions). Poland implemented new regulations and criminalised the destruction of border infrastructure.

Box 11 – New regulation on civil society involvement in the area of responsibility of the Hellenic Coast Guard

In Greece, a new law provided that Greek and international volunteer organisations, civil society organisations and NGOs, as well as their members, employees and associates, could be active in an area of responsibility of the Hellenic Coast Guard if they are on the Registry of Greek and Foreign Non-Governmental Organisations (NGOs) or the Registry of Members of Non-Governmental Organisations (NGOs). The proposed regulation determines the conditions of activity in area of responsibility of the Coast Guard and the Hellenic Coast Guard in order to prevent accidents at sea while ensuring effective guarding of the country's borders.

261 BE, CZ, DE, HR, LU, LV, PT, SE, SK.
262 Quarantine can be terminated sooner if the traveller tests negative for COVID-19 after five days.
263 AT (pre-travel clearance), CY, CZ, DE, EE, LV, PL.
264 EE did not declare an emergency situation/state of emergency.

Implementation of EU developments at external borders

With respect to the EU harmonisation of external border controls, many Member States reported legislative, technological, procedural or organisational efforts towards the implementation of the EES[265] and/or the ETIAS[266]. Several Member States prepared or implemented legislative amendments or introduced new laws for EES[267] and/or ETIAS,[268] or launched procurement procedures for IT systems and equipment for EES[269] and/or ETIAS[270]. They also organised or established national units/entities responsible for EES[271] and/or ETIAS,[272] or participated in working groups.[273] Finally, some undertook legal analyses or assessments on capabilities and training needs for EES[274] and/or ETIAS,[275] while others began to set up training activities.[276]

Member States reported their preparations for the implementation of the EIF,[277] sometimes through legislative changes,[278] and made further progress on the European Integrated Border Management (IBM), which is intended to streamline the management of external borders at national level and to harmonise national IBM strategies with EU provisions. Austria, Luxembourg, Slovenia and Sweden reported developing new IBM strategies.

Reinforced cooperation with third countries in the area of border management

Eight Member States and Georgia reported agreements or other forms of bilateral and multilateral cooperation with third countries to strengthen operational capacity to combat irregular migration and control of external borders.[279] Hungary, for example, signed a new cooperation agreement with Turkey on mutual cooperation of border forces.

7.2.2. Visa policy

Some Member States noted the impact of COVID-19 measures to manage migratory movements on visa processing and issuing.[280] Ireland temporarily ceased processing all visa/pre-clearance applications, except for priority/emergency cases, and amended visa-required countries throughout the year, asking certain third-country nationals for (transit) visas for a short while. After a period of suspension from July 2020 due to the COVID-19 pandemic, it reinstated the Irish short-stay visa waiver programme from 31 October 2021. Latvia accepted applications for long-term visa only when lodged in missions abroad between 15 June and 11 October 2021. The Slovak Republic noted that issuing visas was partially limited due to pandemic-related travel restrictions. Sweden issued its consulates with guidelines on visa applications, allowing for exemptions.

The situation in Belarus had an impact on the consular functions of certain Member States there, as well as on visa processing. Latvian diplomats were expelled from Belarus in May, thus the Latvian Embassy in Minsk ceased to perform consular functions.[281] From 22 October 2020 until 30 September 2021, Estonia and Hungary temporarily represented Poland in Schengen visa proceedings in Minsk, as Polish consular officers were involuntarily withdrawn. To facilitate the entry and stay of Belarusian citizens, Poland introduced the possibility for the Ministry of Foreign Affairs to issue visas for Belarusian citizens and established a Visa Decision Centre within the Consular Department of the Ministry.

In terms of visa reciprocity, Croatia became a new participant in the United States (US) Visa Waiver Programme (VWP). Negotiations continued with respect to the entry of Bulgaria, Cyprus and Romania to the programme. To facilitate and promote mobility, Portugal signed a Mobility Agreement with the Organisation for the Community of Portuguese Speaking Countries (CPLP), which only applies to long-stay visas as a means of facilitating and promoting mobility. It also signed a Visa Facilitation Protocol with Angola to harmonise and reduce visa requirements, given the deepening economic partnerships between the two countries.

Bulgaria officially gained passive (read-only) access[282] to the Visa Information System (VIS) on 25 July 2021, allowing it to check Schengen visas in the EU system. This is expected to increase security by strengthening border checks and visa application screening.

In the implementation of Regulation (EU) 2018/1806,[283] Croatia's new Regulation on the Visa Regime entered into force, adjusting its legal framework to the EU visa policy and related acquis. Member States also reported developments reflecting the revision of the EU Visa Code, including changes to national legislation, increases in fees for short-stay visits, work on national visa registers, and further efforts to facilitate the procedure to lodge Schengen visa applications, for example by working with external service providers.[284]

265 AT, BE, CZ, DE, EE, ES, FI, HR, HU, LT, LU, MT, NL, PL, SE, SI.
266 BE, CY, CZ, DE, EE, ES FI, FR, HR, LT, LU, LV, MT, NL, PL, SE, SI.
267 AT, EE, FI, HU, MT, NL.
268 ES, FI, NL, SE.
269 EE, LT, MT, SE, SI.
270 BE, ES, HR, LT, LU, PL.
271 HR, LT.
272 CY, DE, EE, FR, LU, LV, PL, SE, SI.
273 HR, LU, SI (EES) and CY, HR, LU (ETIAS).
274 HR, LV, MT.
275 EE, HR, LV, PL.
276 PL, SE and SI (EES only).
277 BE, DE, EE, FI, HR, MT, NL, SI.
278 EE, FI, NL, SI.
279 AT, BE, DE, ES, HU, IT, LT, NL and GE.
280 IE, LV, SE, SK.
281 Issuance of visas continued by the Latvian consulate in Vitebsk and by the German embassy in Minsk.
282 This allows Bulgaria to view visa applications and access email services; full access will be granted once Bulgaria is fully integrated into the Schengen area.
283 Regulation (EU) 2018/1806 of the European Parliament and of the Council of 14 November 2018 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement.
284 BG, HR; BG; EE; CZ, EE, ES specifically mention external service providers.

Box 12 - Regionalisation of visa application processing by Sweden

Sweden progressed its plan to regionalise the processing of visa applications in order to create a more effective system. In 2021, efforts were focused on the establishment of a regional hub in Nairobi as a pilot project. During the first half of 2021, the Swedish Migration Agency started a Visa Application Centre (VAC) in Dar Es Salaam and moved its visa processing operations from Tanzania to the Swedish mission in Nairobi. In June and July 2021, it also regionalised visa processing operations in Lusaka and Pretoria to Nairobi.

Following CJEU rulings,[285] the Czech Republic altered the information given to Schengen visa applicants whose application was rejected due to an objection raised by another Member State (Article 32(1)(a)(vi) of the Visa Code). A ruling by the Constitutional Review Chamber of the Supreme Court in Estonia found certain articles of the Aliens Act to be unconstitutional and invalid insofar as they precluded the filing an appeal with the administrative court to challenge the premature termination of a period of stay. As a result, the Estonian Parliament worked to amend the Aliens Act and allow visa refusals to be challenged in court.

In Luxembourg, the newly amended Immigration Law clarified the conditions for sponsoring a third-country national and resolved any prior ambiguities in the law concerning sponsors. Finally, Estonia concluded an agreement with Suriname on visa exemptions for holders of diplomatic passports, while Georgia concluded a similar agreement for citizens holding ordinary passports.

Table 1 below provides an overview of the visas issued by Member States in 2021.

7.2.3. Schengen governance

As with external border controls, Member States[286] and Norway temporarily implemented internal border controls to contain the COVID-19 pandemic or combat irregular migration.[287] Sweden decided to continue the internal border controls that were set up in 2015 following the migration crisis.

Various Member States reported (planned) legislative changes or technical, procedural or organisational efforts towards the implementation of the SIS.[288] Cyprus requested comments from the Member States on their proposal to obtain temporary access to the SIS. Ireland implemented SIS in March 2021.[289]

Box 13 - Croatia takes next step towards abolition of internal border controls

On 9 December 2021, the European Council concluded that Croatia had fulfilled the necessary conditions for the full application of the Schengen acquis, which is a precondition for the European Council to decide on the abolition of internal border controls with Croatia.

Schengen evaluation missions were carried out in Cyprus, Italy, Luxembourg, and the Netherlands, covering police cooperation (including SIS / SIRENE), external border management, as well as return and readmission policies. Further missions in Belgium and the Netherlands were postponed due to COVID-19[290]. Belgium, Cyprus, Estonia and the Netherlands were in the process of following up their evaluations via work on action plans or recommendations. Malta set up a Schengen Task Force to oversee the implementation of Schengen-related commitments, which will contribute to preparations for Schengen evaluations and ensure continuous follow-up.

Table 1 – Visa statistics

	(Schengen) short stay Visas (so called A and C visas, the latter including LTV visas – stays of up to 90 days)				National long-stay Visas (so called D visas)		
	Total visa	Issued to third country nationals coming directly from a third country	Issued to third country nationals resident in another EU Member State	If only totals available please insert here	Issued to third country nationals coming directly from a third country	Issued to third country nationals resident in another EU Member State	If only totals available please insert here
Austria	67 453	38 736	1 448	40 184	26 751	518	27 269
Belgium	n/i	n/i	n/i	35 193	n/i	n/i	36 638
Bulgaria	160 931	148 765	200	148 965	11 839	127	11 966
Cyprus	34 494	n/i	n/i	34 494	n/a	n/a	n/a
Czech Republic	217 711	199 442	174	199 616 + 170	17 100	825	17 925
Germany	697 222	n/i	n/i	287 614	n/i	n/i	304 773
Estonia	65 413	n/i	n/i	39 383	n/i	n/i	26 030
Greece	293 251	n/i	n/i	281 417	n/i	n/i	11 834
Spain	530 544	374 191	2 776	376 967	152 051	1 526	153 577
Finland	56 123	55 940	183	n/i	n/a	n/a	n/a

285 C-225/19 and C-226/19.
286 AT, BE, DE, EE, ES, FI, HU, LV, PT, SK and NO.
287 AT, DE, SE. IT adopted internal border controls for the G20 intergovernmental forum meeting.
288 AT, EE IE, FI, LT, LV, NL, SE (legislative changes) and DE, ES, PL (wider changes), respectively.
289 Although Ireland is not a member of the Schengen area, it acceded to certain elements of the Schengen acquis in 2002, in accordance with Council Decision 2002/192/EC. Council Decision of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen acquis, https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex:32002D0192
290 This concerned the evaluation of visa policy for both Member States.

		(Schengen) short stay Visas (so called A and C visas, the latter including LTV visas – stays of up to 90 days)			National long-stay Visas (so called D visas)		
	Total visa	Issued to third country nationals coming directly from a third country	Issued to third country nationals resident in another EU Member State	If only totals available please insert here	Issued to third country nationals coming directly from a third country	Issued to third country nationals resident in another EU Member State	If only totals available please insert here
France	733 068	471 381	32 594	503 975	215 786	13 307	229 093
Croatia	52 409	49 706	349	n/a	2 703	1	n/a
Hungary	89 277	n/i	n/i	66 297	n/i	n/i	22 980
Ireland[291]	52 255	n/a	n/a	16 352	n/i	n/i	35 903
Italy	190 020	188 798	1 222	n/i	123 261	1 459	n/i
Lithuania	72 500	n/i	n/i	24 476	n/i	n/i	48 024
Luxembourg	7 235	n/i	n/i	3 556	n/i	n/i	3 679
Latvia	16 903	16 189	n/a	n/a	n/a	n/a	714
Malta	14 516	3 556	199	n/a	8 543	2 218	n/a
Netherlands	182 561	115 775	452	116 227	n/i	n/i	66 334
Poland	1 042 764	38 748	624	n/a	1 002 839	553	n/a
Portugal		n/i	n/i	3 071 (1)	n/i	n/i	n/i
Sweden	19 683	n/i	n/i	14 882	n/i	n/i	4 801
Slovenia	7 229	6 253	261	n/i	679	36	n/i
Slovak Republic	8 365	3 241	477	n/a	4 475	172	n/a
Norway	7 033	n/i	n/i	7 033	n/i	n/i	14 360

Source: Statistics provided by EMN National Contact Points. Statistics not available or provided for Denmark and Romania.

291 Ireland is not part of the Schengen area and does not issue Schengen visas.

8. IRREGULAR MIGRATION INCLUDING MIGRANT SMUGGLING

2021 again saw the launch of new cooperation initiatives with third countries aimed at preventing irregular migration, primarily through strengthening institutional capacity in those third countries. Policies and operational changes sought to reinforce border security management and ensure better preparedness for unforeseen irregular migration flows, such as those witnessed at the borders with Belarus and from Afghanistan. Member States also adopted various legislative and policy measures to prevent and tackle misuse of legal migration channels. Several Member States continued their efforts to monitor and identify irregular migration routes through the use of monitoring and analysis task forces or platforms.

8.1. EU DEVELOPMENTS

Key developments in 2021 included the 'Renewed EU action plan against migrant smuggling (2021-2025)'[292] and the Communication on the application of Employer Sanctions Directive (2009/52/EC)[293] providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals. Both documents are important deliverables of the New Pact on Migration and Asylum. The Renewed EU action plan against migrant smuggling (2021-2025) sets out actions to counter and prevent migrant smuggling and to ensure that the fundamental rights of migrants are fully protected. The Communication on the application of Directive 2009/52/EC of 18 June 2009 presented measures to improve the effectiveness of the Directive, which aims to sanction employers who recruit third-country nationals without the right to stay in Europe, protect the rights of irregular migrants, and provide for inspections.

Futhermore, the Migration Preparedness and Crisis Blueprint, operasionalised in 2020, became a key operational framework to monitor and anticipate migration flows, provide for early warning/forecasting, build resilience and preparedness and organise a coordinated response to a migration crisis. In the second half of 2021, the Blueprint Network, which brings together the Commission, the EEAS, the Council, Member States, relevant Agencies and, on ad hoc basis, international organisations, proved its significant added value in monitoring, situational awareness and operational coordination of the situations in Afghanistan and at the border with Belarus. It allowed the Commission to stay on top of the situation, take evolving needs into account and provide a coordinated response, by mobilising structures, tools, human and financial resources in cooperation with EU institutions, Agencies and affected Member States.

8.2. NATIONAL DEVELOPMENTS

8.2.1. Preventing and tackling irregular migration in legal migration channels

Tackling misuse

Member States adopted various legislative and policy measures to prevent and tackle misuse of legal migration channels.[294] These measures mainly focused on enhancing controls for legal entry and stay through new legislation,[295] dissemination of information on legal migration to reduce irregular movement,[296] and reinforcing IT tools and control systems.[297]

In Belgium, where some third-country workers were found to use false documentation to claim unemployment benefits for which they were not eligible, the government trained local authorities to better detect and reinforce controls. In Cyprus, the government reinforced controls at the airport for Georgian nationals, to prevent irregular stay.

292 Renewed EU action plan against migrant smuggling (2021-2025), https://ec.europa.eu/home-affairs/renewed-eu-action-plan-against-migrant-smuggling-2021-2025-com-2021-591_en
293 Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals.
294 BE, CY, EE, LV, NL, PL, SE.
295 NL, PL, LV, SE.
296 BE.
297 EE.

Belgium organised information campaigns on legal migration pathways, in part to reduce the number of fraudulent student visa applications. It also organised an online debate with Cameroonian students to raise awareness of legal migration pathways and highlight the dangers of irregular stay.

False travel documents

In view of the increasing acquisition and use of false travel documents, some Member States adopted new legal, policy and operational measures to improve identification of false documents.[298] Finland recruited a team of full-time forensic specialists to examine identity documents,[299] while Lithuania reinforced its cooperation with the countries of origin of third-country nationals attempting to cross the border with falsified documents.[300] In Estonia, a new trend was detected in 2021, with the falsification of COVID-19 certificates (COVID-19 PCR negative results and vaccination certificates) and registration of short-term employment.

8.2.2. Preventing facilitation of irregular migration ('smuggling') and preventing irregular stay

Combating facilitation of irregular migration (smuggling)

Several Member States reported legislative and awareness-raising measures to combat migrant smuggling, primarily focused on enhancing border control.[301]

Belgium highlighted the need to provide migrants with information on the dangers of irregular migration and proposed information sessions and guidance on legal migration pathways for migrants. Austria provided freight carriers with enhanced information on smuggling of migrants, giving lorry drivers multilingual flyers on possible hiding places and advice on checks before departure and during breaks.

In Estonia, the legislation on an automated biometric identification system (ABIS) database was adopted by the government and entered into force in July 2021. The database allows the state to capture, store and compare biometric personal data (fingerprints and facial images).

Belgium and Sweden referred to the adoption of the EU action plan against migrant smuggling (2021-2025), which sets out key pillars and concrete actions to counter and prevent smuggling, and to ensure that the fundamental rights of migrants are fully protected. Ireland adopted the Criminal Justice (Smuggling of Persons) Act 2021, which makes it an offence for a person to intentionally assist the entry, transit or presence in the State of a person where the person knows or has reasonable cause to believe that this is in breach of a specified provision of immigration law, whether such conduct occurs inside or outside the State.

Prevention of irregular migration

The main policies and operational changes to prevent irregular migration targeted reinforced border security management,[302] including border barriers at EU's external borders,[303] fostering the exchange of views on the changing security and migration situation (including discussion of measures in Afghanistan and neighbouring countries),[304] and mitigating the increase of irregular migration flows.[305] Belgium introduced security upgrades at its borders, as well as awareness-raising campaigns to deter third-country nationals from moving to the EU irregularly. Several other Member States[306] organised information campaigns for migrants and potential migrants in destination and countries of origin in an effort to counter misinformation around irregular migration. Some Member States, such as Finland, adopted new action plans to prevent irregular migration, providing a comprehensive, cross-cutting approach to the issue. The Netherlands carried out an evaluation of four information campaigns.

Prevention of irregular stay

Some Member States adopted measures to prevent third-country nationals from becoming irregular and to combat facilitation of irregular stay. These primarily focused on awareness-raising activities, increased cooperation with third countries, enhanced controls and regularisation.[307]

Estonia and the Netherlands reported reinforced cooperation with local authorities (tax and customs boards, labour inspectorates, municipalities) to better tackle irregular work visas and irregular employment.[308] The Netherlands reported the extension of five pilots undertaken by municipalities to achieve sustainable solutions for long-term irregularly staying migrants.

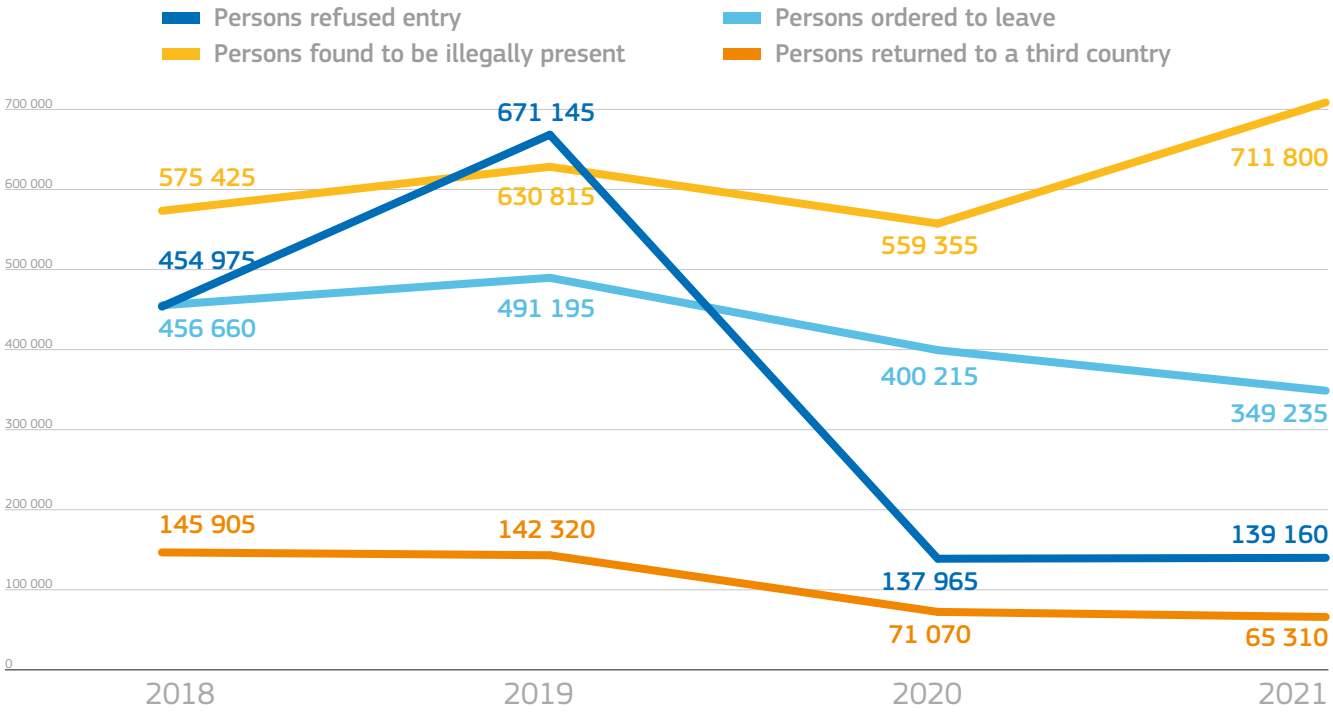
Box 15 – Action Plan for the prevention of irregular entry and stay, 2021-2024, Finland

Two studies were launched in Finland: the first examined the legislative amendments required to grant a temporary residence permit and an alien's passport for a limited period to asylum seekers who receive a negative decision but are in employment. The second study explored possible legal solutions to address the situation of long-time residents in Finland without a right of stay. Both studies will be finished in early 2022.

Sweden adopted new legislation to identify irregularly staying migrants by allowing the police to take photographs and fingerprints at internal checks on foreign nationals. In Belgium, new measures focused on awareness-raising campaigns on future-oriented legal options (e.g. the possibility of assisted voluntary return) among hard to reach groups through EU funded initiatives, such

298 CY, EE, EL, FI, LT, SE.
299 FI.
300 LT.
301 AT, BE, EE, EL, IE, SE.
302 BE, CY.
303 LT
304 AT.
305 BE, LT.
306 AT, LT, PL.
307 BE, CZ, DE, EE, ES, FI, NL.
308 EE, NL.

Figure 13 – Third-Country Nationals subject to immigration law enforcement (absolute numbers and ratios per 1 000 population), EU and Norway



Source: Eurostat (migr_eirfs, migr_eipre, migr_eiord, migr_eiord1, migr_eirtn, migr_eirtn1)
Not all data was available for MS in 2021

as the 'Reach Out' project carried out through the European Return and Reintegration Network (ERRIN).

Luxembourg opted for regularisation measures, allowing for the ad hoc regularisation of 50 people, based on serious humanitarian grounds.

Figures 13 and 14 below provide an overview of third country nationals subject to immigration law enforcement in 2021.

Cooperation with third countries to prevent irregular migration

New cooperation initiatives with third countries to prevent irregular migration typically aimed to strengthen institutional capacities of third countries and reinforce operational cooperation to combat irregular migration.[309]

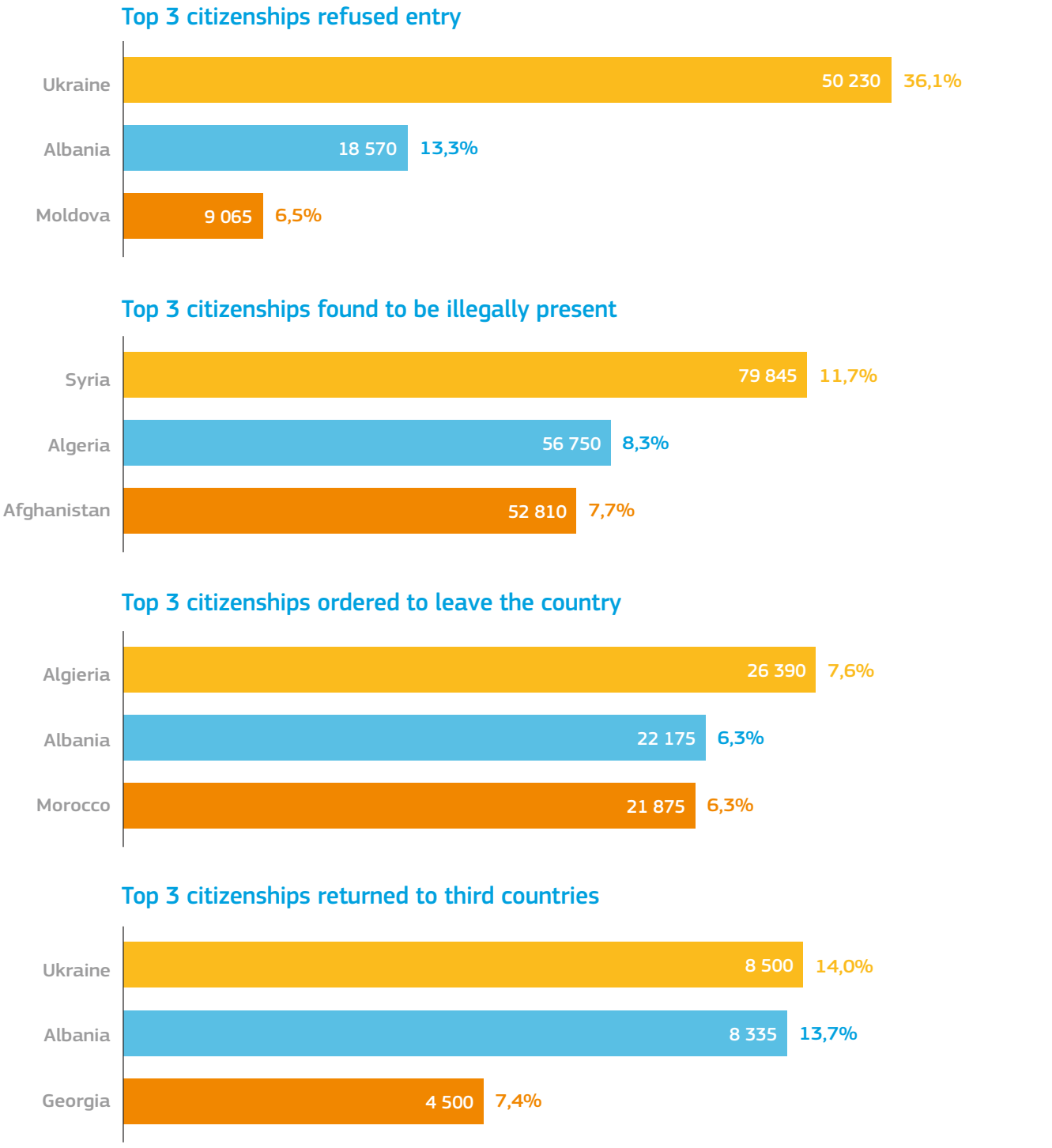
New partnerships were established with western and southern Mediterranean countries (Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Mauritania, Morocco, Palestine, Syria, Tunisia)[310] and with Eastern Partnership countries (Armenia, Azerbaijan, Belarus, Georgia, Moldova, Ukraine),[311] with a specific focus on the situation in Belarus. France also launched Joint Operational Partnerships with countries in the African Atlantic Coast (particularly Guinea and West Africa). The Western Balkans region (Albania, Bosnia and Herzegovina, Kosovo, North Macedonia, Montenegro, Serbia) remained a key focus for migration management for many Member States.[312] The Slovak Republic continued the joint project between the Visegrad Group (V4) countries and the Federal Republic of Germany. The project aims to build Morocco's capacity as a transit country to manage irregular migration and to prevent the causes of migration by means of creating jobs in the water and waste management sector. Some Member States[313] focused their cooperation efforts on other geographical areas, such as Afghanistan and Pakistan in Central and Southeastern Asia, where they organised tailored awareness-raising campaigns for Vietnamese nationals in transit towards the UK. In the Southern Neighbourhood, France and Italy implemented measures oriented towards the root causes of migration and migrant smuggling, respectively, by fostering local development and promoting the economic inclusion of refugees and local populations in Tunisia, Libya and Algeria,[314] Lebanon and Jordan.[315]

Monitoring and identifying irregular migration routes

Several Member States and Georgia continued their efforts to monitor and identify irregular migration routes, with specific focus and efforts on the creation or follow-up of monitoring and analysis task forces or platforms.[316]

309 AT, DE, ES, FR, IT.
310 AT, ES, FR, HU, IT.
311 AT, HU, LV.
312 AT, CZ, HU, IT and NO.
313 BE, EE, FI.
314 IT.
315 FR.
316 AT, CY, DE, EE, FI, HR, IT, LT, LU, LV and GE.

Figure 14 – Third-Country Nationals subject to immigration law enforcement (top 3 countries), 2021, EU and Norway



Source: Eurostat (migr_eirfs, migr_eipre, migr_eiord1, migr_eirtn1)

9. TRAFFICKING IN ADULT HUMAN BEINGS

2021 saw the continuation of increased political prioritisation for trafficking in human beings. The European Commission launched the evaluation of the EU Anti-Trafficking Directive (2011/36/EU) and presented the EU Strategy on Combating Trafficking in Human Beings (2021-2025). At strategic level, several Member States renewed or evaluated their action plans against trafficking in human beings. Legislative changes were introduced to improve victims' rights and to tackle trafficking for specific purposes, such as labour or sexual exploitation.

9.1. EU DEVELOPMENTS

The Commission launched an evaluation to assess whether the EU Anti-Trafficking Directive (2011/36/EU)[317] remains fit for purpose and whether its provisions on the criminalisation of the use of exploited services from victims of trafficking should be modified. As well as publishing a combined roadmap and inception impact assessment, the Commission launched a public consultation to inform the evaluation of the EU Anti-Trafficking Directive (2011/36/EU). On 1 July 2021, Diane Schmitt was appointed as EU Anti-Trafficking Coordinator, with responsibility for: improving coordination and coherence; avoiding duplication of efforts between EU institutions and agencies, Member States and international actors; and contributing to the development of existing or new EU policies and strategies in the fight against trafficking in human beings.

The Commission presented the EU Strategy on Combating Trafficking in Human Beings (2021-2025) on 14 April 2021. The Strategy lays down legal, policy and operational actions, focusing on four key priorities: i) reducing the demand that fosters trafficking; ii) breaking the business model of traffickers to halt the exploitation of victims; iii) protecting, supporting and empowering victims, especially women and children; iv) international dimension.

9.2. NATIONAL DEVELOPMENTS

9.2.1. National strategic policy developments

Adoption of strategic policy documents

Several Member States reported new or updated national action or strategic plans against trafficking in human beings during 2021.[318] In six Member States, those updates reflected the end of the previous action plan.[319] In line with the EU strategy on Combating Trafficking in Human Beings and previous national plans, the updated plans focus on prevention of trafficking, detection and identification of victims, assistance and protection of victims, investigation and prosecution of perpetrators, and cooperation. Spain's first comprehensive policy instrument addressing all forms of human trafficking places victims at the centre of public authorities' response to trafficking in human beings. Two Member States continued their evaluations of action plans.[320]

Member States adopted strategic policy instruments related to trafficking in human beings.[321] France launched its National Strategy to eliminate child labour, forced labour, trafficking against human beings and modern slavery by 2030 and implemented measures dedicated to the detection of people with vulnerabilities (victims of trafficking) and their care through the *Plan Vulnérabilités,* published on 28 May 2021. Finland adopted its Africa Strategy, one of whose objectives is to combat trafficking in human beings. The Netherlands also launched a common framework for policy development and a governance network to support municipalities' role in preventing and combating trafficking in human beings. In the new five-year national migration strategy, the Slovak Republic defined priorities for counter-trafficking and assistance to foreign victims.

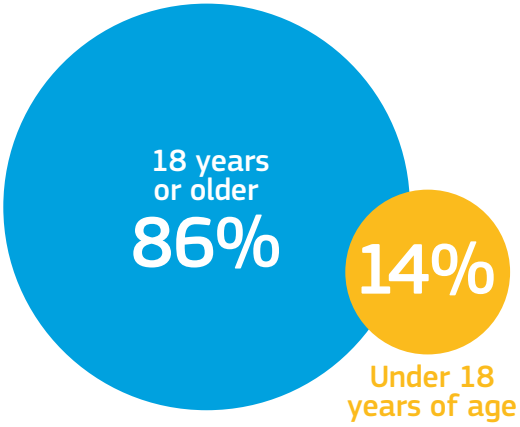
Figure 15 provides an overview of the number of victims of trafficking in human beings identified by EU Member States in 2021.

317 Directive (EU) 2011/36 of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, OJ L 101/1.
318 AT, BE, EE, EL, ES, FI, LV, PL, SI.
319 AT, BE, EE LV, PL, SI.
320 BG and GE.
321 FI, FR, NL, SK.

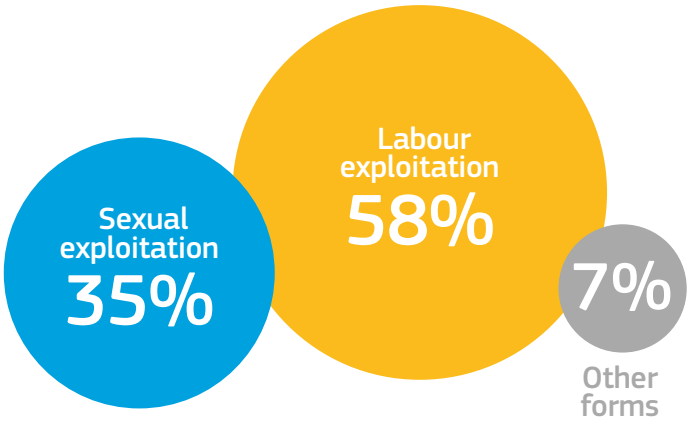
Figure 15 – Number of victims of trafficking in human beings identified in 2021

	Total	Female	Male
Austria	75	24	51
Belgium	119	38	81
Bulgaria	0	0	0
Cyprus	9	3	6
Czech Republic	n/i (6)	n/i (2)	n/i (4)
Germany	n/i	n/i	n/i
Estonia	34	21	9+4*
Greece	0 (133)	0 (100)	0 (33)
Spain	162	140	22
Finland	9 (243)	n/i (147)	n/i (96)
France	1251	679	555
Croatia	19	9	10
Hungary	6	2	4
Ireland	34	n/i	n/i
Italy	508	n/i	n/i
Lithuania	n/i	n/i	n/i
Luxembourg	14 (18)	3 (2)	11 (16)
Latvia	2	0	2
Malta	0	0	0
Netherlands	(184)	(112)	(72)
Poland	109	n/i	n/i
Portugal	54	n/i	n/i
Sweden	261	144	117
Slovenia	31	31	0
Slovak Republic	2 (2)	2 (2)	0 (0)
Norway	n/i	n/i	n/i

Number of victims identified, by age



Number of victims identified, by forms of exploitation



Source: Statistics provided by EMN National Contact Points. Statistics not available or provided for Denmark and Romania.
* 9+4 means 9 were male and 4 were transgender.

Legal developments

Seven Member States and Georgia introduced legislative changes, chiefly concerning the conditions and procedures for granting residence permits to victims of trafficking.[322]

In order to comply with the Council of Europe's Convention on Action against Trafficking in Human Beings,[323] Slovenia amended its national legislation to provide for the issuance of temporary residence permits to victims of trafficking, on the grounds of personal circumstances or their willingness to cooperate in criminal proceedings against their traffickers. Finnish legislation was amended to combat labour exploitation, allowing competent authorities to refuse a worker's residence permit where they suspect that the employer or sponsor intends to circumvent legal requirements. In such cases, the worker retains the right to apply for residence through a different employer.

322 DE, FI, LU, NL, PT, SI, SK and GE.
323 Council of Europe, Convention on Action against Trafficking in Human Beings, Article 14 – Residence permit.

Other legislative changes sought to enhance the protection of victims.[324] For example, in order to prevent re-victimisation of trafficking victims, Georgia revised its Criminal Procedure Code to allow investigators from the Ministry of Internal Affairs to involve the Ministry's victim and witness coordinators (rather than solely the prosecutor) during criminal proceedings. Georgia also amended its legislation to facilitate access to compensation for victims of trafficking. The Slovak Republic amended its Health Insurance Act to improve access to healthcare for victims of trafficking. Lithuania adopted the Law on Assistance to Victims of Criminal Offences, which defines the rights of victims, including victims of trafficking in human beings.

Germany, Lithuania and the Netherlands adopted or amended legislation to combat the use of trafficking for labour exploitation in specific sectors, with reports from investigative journalists prompting the change in two instances. Germany adopted legislation to criminalise the purchasing of sexual services when it is clear, in view of the circumstances, that the sex worker is a victim of human trafficking for the purpose of sexual exploitation or has been forced into prostitution. Ireland announced an initiative to expunge previous convictions for prostitution offences. In both cases, the actions were driven by a general policy shift from criminalising providers to criminalising buyers of sexual services.

Other developments

Updates to NRMs were introduced in the Netherlands[325], Portugal[326] and the Slovak Republic.[327] The Irish Government approved plans for a revised National Referral Mechanism (NRM) in May 2021 to allow other public bodies, and NGOs as trusted partners, in addition to the national police, to identify and refer potential cases of trafficking into the NRM, while approval to draft legislation to place the new NRM on a statutory footing was also given at the same time.

The Dutch government accepted policy recommendations from the National Rapporteur on trafficking in human beings and sexual violence against children, including that the government should improve its understanding of trafficking victimhood among third-country nationals subject to the Dublin Regulation, and strengthen its fight against labour exploitation. For the first time in the Slovak Republic, recommendations made by the Council of Europe[328] on implementing the Convention on Action against Trafficking in Human Beings were adopted as binding by the Slovak government, with a view to facilitating trafficked victims' access to compensation and enhancing their protection (including legislating for the provision of a recovery and reflection period), improving prosecution of perpetrators, and providing more training to practitioners in detecting and handling cases of human trafficking.

9.2.2. Training and awareness-raising

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

National-level training was carried out in at least 16 Member States and Georgia.[329] Target audiences typically included law enforcement, investigating authorities (including labour inspectors), asylum and immigration officers, prosecutors and judges, as well as consular or social care staff.

Training on identifying and referring victims of trafficking in human beings took place in at least nine Member States and Georgia,[330] where investigators and prosecutors were trained to use new technologies to fight against sexual exploitation facilitated online, especially in the wake of the COVID-19 pandemic.

Training on improving assistance and support to victims of trafficking took place in 10 Member States and Georgia.[331] These sessions included information on existing national mechanisms and organisations providing support to victims,[332] leading migratory trends,[333] the use of trafficking for the purposes of labour or sexual exploitation,[334] and victim-centred responses to trafficking offences.[335] This type of training was largely driven by the need to update staff or other actors on the guiding national strategies, but Belgium reported a 'lack of knowledge' among some frontline asylum and immigration officers as the main driver.

Studies on challenges relating to identification were carried out in three Member States,[336] while internal guidelines, methodologies or manuals on identification (notably linked to asylum, working permits or forced return) were issued or updated in six countries.[337] Guidelines on streamlining detection and identification were issued to labour inspectors in Poland and to the General Prosecutor's Office in Portugal.

Public awareness-raising campaigns on trafficking in human beings were carried out in nine Member States and Georgia,[338] with campaigns focusing on sexual exploitation in three Member States[339] (notably via the European Multidisciplinary Platform Against Criminal Threats, EMPACT) and labour exploitation in Poland.

Training or awareness-raising actions with third countries were reported in six Member States and Georgia.[340] The German Ministry for Labour and Social Affairs organised a workshop for the Alliance 8.7 platform on trafficking for

324 CZ, LT, PT, SK and GE.
325 Dutch NRM updated in 2021.
326 Portugal launched an NRM for (presumed) child victims of trafficking in human beings.
327 Update to 2015 NRM entered into force on 1 January 2021.
328 The Committee of the Parties to the Council of Europe's Convention on Action against Trafficking in Human Beings, via the Convention's Executive Secretary.
329 AT, BE, BG, CY, CZ, DE, EE, EL, ES, FR, IT, LU, LV, NL, PT, SK and GE.
330 AT, BE. BG, CZ, DE, EL, LU, LV, NL and GE.
331 BE, CY, DE, EE, EL, FR, IT, LU, PT, SK and GE.
332 DE, IT, LU, PT, SK and GE.
333 IT and GE.
334 DE, EE, EL, LT.
335 CY, DE, HR, SK.
336 BE (survey on the detection, orientation and support of potential of human trafficking in reception centres), FR (survey on profiles of victims supported by NGOs; report on trends in trafficking in human beings, based on administrative data), FI (assessing whether the victim status for trafficking in human beings is widely used for issuing residence permits).
337 CZ, LU, LV, SE, SK and GE.
338 AT, BE, CZ, ES, FR, IE, LU, NL, PL and GE.
339 BE, CZ, FR.
340 AT, DE, ES, LU, NL, SI and GE.

labour exploitation.[341] Representatives from four Member States and Georgia participated in the Organization for Security and Co-operation in Europe (OSCE) simulation exercise for anti-trafficking practitioners in Vincenza (Italy) in October 2021.[342] The Netherlands took advantage of its chairing of the Khartoum process to run four training sessions on prevention, protection, prosecution and partnership in the fight against human trafficking. Within the framework of the European Union Agency for Law Enforcement Training (CEPOL) Training and Operational Partnership against Organised Crime (TOPCOP), Spanish officials provided training sessions for Moldova's anti-trafficking practitioners.

On EU 'Anti-trafficking Day' (18 October 2021), the Slovenian EU Council Presidency and the Network of Anti-trafficking Coordinators of South-East Europe conducted an awareness-raising campaign on trafficking and the issue of perpetrators' impunity. Throughout 2021, Luxembourg's Ministry of Foreign and European Affairs financed two regional projects – in Western Africa and South-East Asia, respectively – to raise public awareness of prevention, protection and reintegration for (potential) child victims of trafficking for sexual purposes.

9.2.3. Cooperation

Five Member States and Georgia highlighted national-level cooperation measures on identification.[343] Detection was identified as a persistent challenge, with Member States responses including setting-up institutionalised cooperation framework agreements,[344] involving additional authorities or newly created inter-agency teams in certain procedures (e.g. for asylum and immigration, or tax procedures),[345] or national networks and information-sharing platforms.[346] In Latvia, the Ministry of Foreign Affairs joined a cooperation memorandum between the Ministry of the Interior, two NGOs, Riga airport and one national airline to improve the identification of cases of trafficking.

Cyprus concluded an agreement between law enforcement and social services to improve the referral of victims of trafficking to appropriate supports. Bulgaria reported intensified cooperation with NGOs to inform victims of their rights (reflection period, legal assistance and compensation), improve their access to support services, and encourage victims to come forward as witnesses in criminal proceedings.

At EU level, cooperation and knowledge-sharing took place in the context of Europol's EMPACT. Trafficking in human beings was also added as a key point of the Cooperation Programme between the Bulgarian and German Ministries of Labour and Social Affairs, which focused on promoting exchanges of best practices in identification and referral. It also allowed the two countries to familiarise themselves with one another's legislation so as to work together more effectively on cross-border cases.

Cooperation between the Benelux countries included sharing information on reception and support practices and providing for the possible placement of (presumed) victims of trafficking in reception facilities abroad. An information brochure was published, clarifying the criminal aspects of trafficking in human beings in the Benelux countries, the organisations working on trafficking in human beings, and how the countries organise the reception and assistance of victims. This specialised information is intended for professionals who may be in direct contact with victims of trafficking in human beings.

Several joint operations were carried out in cooperation with third countries, such as the Interpol *Operation Liberterra*, which resulted in the identification of 430 victims of human trafficking and 4 000 irregular migrants from 74 countries.

Information exchange, joint investigations and cooperation projects involving third countries continued under Europol's EMPACT trafficking in human beings framework. These included: i) ETUTU cooperation project with Morocco, Niger and Nigeria, involving 15 Member States[347] and focusing on trafficking against human beings of Nigerian nationals; ii) PAYDAY cooperation projects with Vietnam, involving 12 Member States, on the issue of trafficking for labour and sexual exploitation; iii) a cooperation project with China targeting Chinese national victims of trafficking.

The Lynx Network was set up within the Programme against Organised Transnational Crime to facilitate information-sharing between France, Portugal, Spain, and Latin American countries. Finland noted that regional cooperation on trafficking in human beings, in particular for the purpose of labour exploitation, was prioritised within the Nordic Council and the Council of the Baltic Sea States. Slovenia and Georgia signed new bilateral anti-trafficking cooperation agreements with Montenegro and the United Arab Emirates, respectively. Other forms of cooperation were noted between Member States and Georgia on the one hand, and Colombia, The Gambia, Kazakhstan, Mauritania, Moldova and Paraguay on the other.

9.2.4. Other measures on support and identification

Estonia launched a multilingual information website for foreign workers. In addition, the provision of support services for victims of trafficking in human beings was handed over from NGOs to the Estonian Social Insurance Board.

The French national gendarmerie launched a six-month experimental online reporting platform for cases of labour exploitation, allowing individuals, companies and authorities to report cases. Cyprus launched a 24/7 hotline to report possible cases of trafficking in human beings.

France took part in an initiative launched by the ERRIN to facilitate the humane return of Nigerian national victims of trafficking holding a 'private and family life' residence permit in France. Those willing to return would be eligible for to up to €1 800 cash reintegration aid if they left before 31 August 2021.

341 Alliance 8.7 is a partnership of State and non-governmental actors striving towards achieving Target 8.7 of Goal 8 of the United Nations' 2030 Sustainable Development Goals (SDGs). Target 8.7 calls for immediate action to eradicate forced labour, modern slavery and human trafficking. Alliance 8.7 is administered by the International Labour Organization (ILO).
342 AT, DE, DK, ES and GE.
343 BE, BG, DE, FI, LV and GE.
344 DE, LV.
345 BE, BG, DE.
346 FI, NL.
347 AT, BE, CZ, DE, DK, ES, FI, FR, IE, IT, LU, NL, PT, SE.

10. RETURN AND READMISSION

Over the course of 2021, Member States, Norway and Georgia aimed to improve return procedures in line with international standards by consolidating legislation, adjusting the roles and functions of national authorities, and clarifying policies. To align with EU level developments, such as the adoption of the EU Strategy on Voluntary Return and Reintegration,[348] most Member States paid particular attention to enhancing voluntary return policies so as to ensure sustainable returns and reintegration. The expansion of the mandate of the European Border and Coast Guard Agency (Frontex) as a result of the adoption of the European Border Guard and Coast Guard Regulation[349] provided several Member States with the opportunity for closer cooperation on voluntary and forced return.

10.1. EU DEVELOPMENTS

The European Commission adopted its first Strategy on Voluntary Return and Reintegration. The Strategy provided tools and guidance to improve the sustainability of returns by increasing cooperation with partner countries. An important deliverable of the New Pact on Migration and Asylum, it aimed to develop a comprehensive and balanced approach to the implementation of the Pact and to build a system that managed migration in the long term. Return, readmission and sustainable reintegration were essential elements of this comprehensive approach and of a credible migration policy. In particular, the Strategy supported the development of a common EU system for return that combines stronger structures inside the EU with more effective cooperation with third countries on return, readmission and reintegration.

The European Commission also adopted its first and second assessment reports on third countries' cooperation on readmission in 2019 and in 2020, under Article 25a of the revised Visa Code, which established a formal link of EU visa policy to the level of cooperation on readmission. In this context, it adopted three decisions, proposing to the Council to adopt visa measures for nationals of The Gambia, Iraq and Bangladesh. On 7 October, the Council adopted a decision imposing visa measures for nationals of The Gambia.

10.2. UPDATE FROM FRONTEX AND ON EMN RETURN EXPERT GROUP (REG) ACTIVITIES

10.2.1. Update from Frontex

In 2021, the Frontex European Centre for Returns was transformed into a division, reflecting Frontex' increased role in return, readmission and reintegration. That transformation prompted several structural changes, including the development of three units (Pre-return Unit, Return Operations and Voluntary Returns Unit, and Post-return Unit), and the Financial and Return Digitalisation teams.

Frontex focused on responding to emerging needs by implementing new operational solutions, supporting tools and providing financial support to Member States. It supported returns in 21 new non-EU countries (107 countries reached in 2021), with 18 301 non-EU nationals returned by air and five returned by land (bus). Compared to 2020, there was an increase of 53 % in the total number of non-EU nationals returned. The monthly average number of non-EU nationals returned with Frontex support reached 1 525 (peaking at 2 061 individuals in November).

The growing share of voluntary returns supported by Frontex compensated for the ongoing difficulties with forced returns, related to COVID-19 restrictions. An increased number of entities were interested in cooperating with Frontex on voluntary returns.

Requests for technical support also rose, with 22 aircraft chartered for return operations, at Member States' requests.

348 European Commission, Communication on the EU strategy on voluntary return and reintegration, COM/2021/120 final, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52021DC0120&qid=1632401748181, last accessed on 18 May 2022.

349 Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32019R1896, last accessed on 28 April 2022.

In 2021, Frontex deployed return teams from its Standing Corps for the first time: Return Specialists (RS) and Forced Return Escort and Support Officers (FRESO).

It deployed FRESO to several key EU airports, which contributed to the overall effectiveness of returns at EU level and facilitated returns from other Member States in transit through these airports. In total, 48 RS were deployed to 10 Member States. They effectively supported the increase in number of returns by:

- Working on behalf of host Member States in the IT system 'Frontex Application for Returns (FAR)', regularly used by Member States to organise returns;
- Assisting national authorities with the identification of third-country nationals by facilitating cooperation with the diplomatic authorities of third countries at the competent embassies;
- Assisting Member States in promoting voluntary returns and reintegration measures, especially those whose national counselling system is not yet in place or not extensively developed.

The impact of COVID-19 on cooperation with third countries remained significant, particularly in the identification and documentation process. However, the use of video-conferencing in specific instances of the identification process, as well as the 10 European Return Liaison Officers (EURLOs) deployed to third countries proved extremely useful in returns. Information and best practice exchanges through the Integrated Return Management Application (IRMA) and the organisation of dedicated country working groups and workshops remained a priority for Frontex.

Finally, Frontex took significant steps to take on the activities of the EU-funded ERRIN Programme. A training curriculum was established for return counsellors within the Standing Corps, while a pilot project on joint reintegration services was launched ahead of the full roll-out of Frontex reintegration services next year.

10.2.2. Update on EMN REG activities

The EMN REG continued to connect key stakeholders from Member States, representatives of EU funded programmes, civil society and international organisations on return issues. In 2021, it discussed different aspects of return and reintegration assistance, data protection, the return of vulnerable groups and return of criminal offenders. It carried out a series of expert workshops on implementing the return of vulnerable groups while addressing their specific needs and protecting their rights. A guiding document on best practices is now being developed. The EMN REG also developed an inform that mapped national return policies in respect of third-country nationals who have committed a criminal offence or who pose a threat to public policy, public security or national security.[350] The EMN REG continued to support the European Commission to develop a non-binding quality framework for Member States to apply when collaborating with implementing partners in their assisted return and reintegration programmes in third countries.

10.3. NATIONAL DEVELOPMENTS IN RETURN

Throughout 2021, the Member States, Norway and Georgia continued to work to improve the implementation of return procedures.

Most Member States enhanced their voluntary return policies and increased their cooperation with Frontex as a result of EU-level developments,[351] such as the adoption of the EU Strategy on Voluntary Return and Reintegration and the expanded mandate of Frontex.

Return operations in several Member States were reduced due to political developments in Belarus and/or Afghanistan.[352]

Figures 16, 17 and 18 provide an overview of enforced, voluntary and assisted returns.

10.3.1. General policy developments in the area of return

In 2021, over one-third of Member States introduced measures to improve the effectiveness and efficiency of their return procedures, and, in some cases, to offer more rights and benefits to returnees.[353]

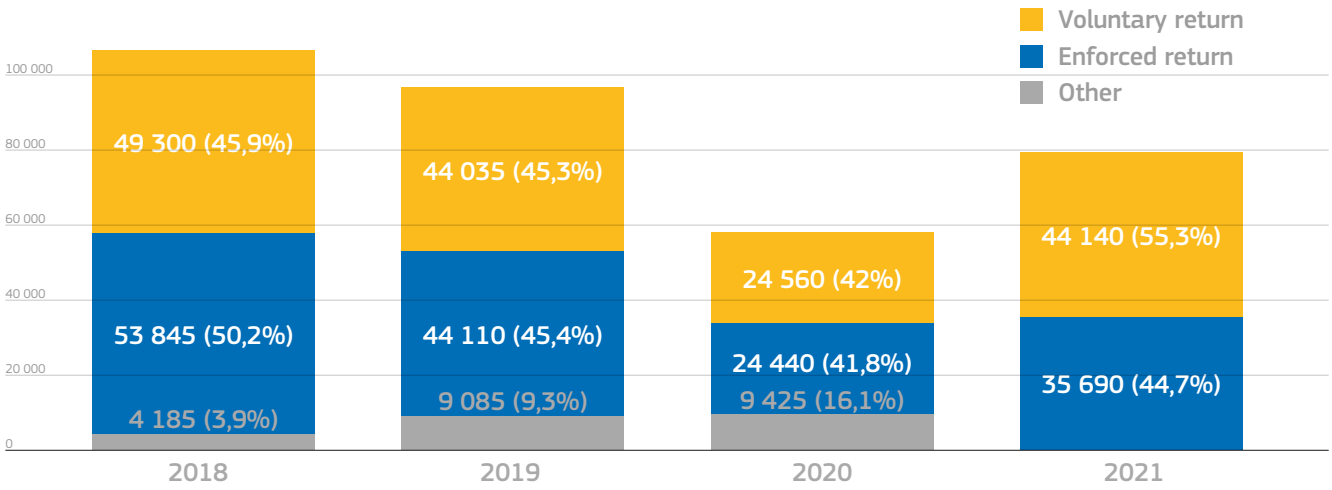
Four Member States established or assigned new responsibilities to government bodies to support returns.[354] In Austria, the Federal Agency for Reception and Support Services became responsible for return counselling and return assistance as of 1 January 2021. In Belgium, the new Alternatives to Detention Department was created within the Immigration Office to implement detention alternatives for an extended target group, including individuals staying at a known address and individuals without a known address but for whom forced removal is not envisaged.

Three Member States introduced measures that were more restrictive than previously.[355] Lithuania introduced new grounds to issue a return decision and shortened the time limits to appeal these decisions. In Luxembourg, a new Bill was introduced to structure the different categories of removal measures in a clear and coherent way so as to improve handling of illegal stay of third-country nationals. It clarified situations in which an entry ban is attached to a return decision and created an additional national entry ban. A legal amendment in the Netherlands made it possible for border authorities to issue entry ban decisions via email to migrants who have already left the territory.

Three Member States introduced changes offering more rights, more efficient procedures and/or benefits to

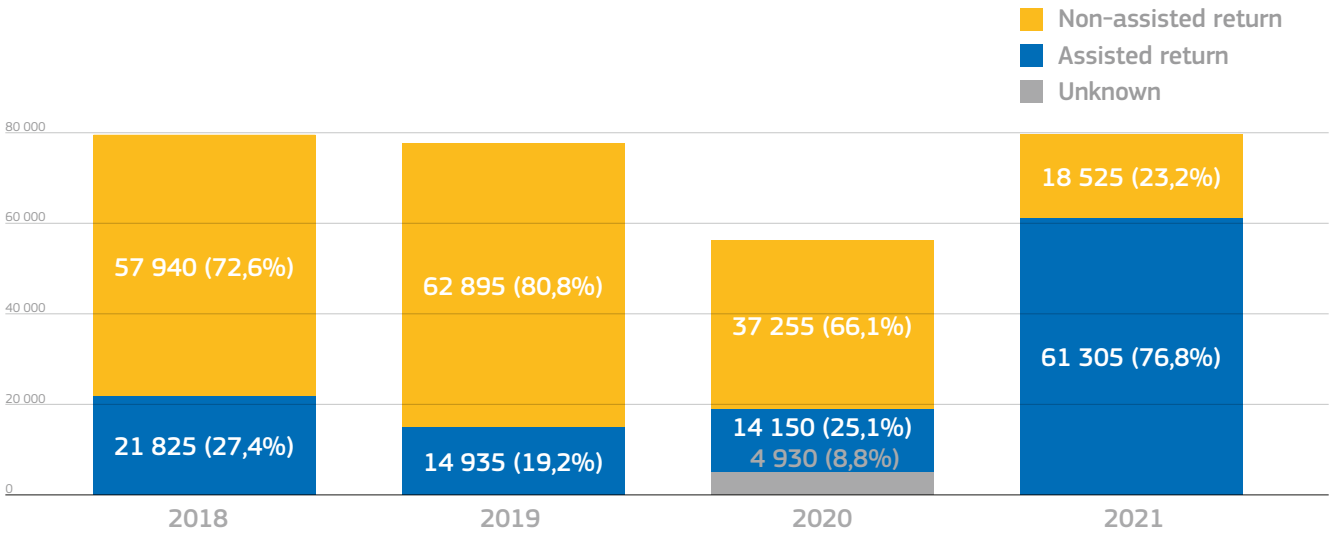
350 Due to the sensitivity of the information discussed, this inform will only be available for restricted circulation.
351 AT, BE, CY, CZ, DE, EE, ES, FI, FR, HR, HU, IT, LT, LU, MT, NL, PL, SE, SI, SK.
352 AT, BE, CY, CZ, NL, PL.
353 AT, BE, CY, EL, FR, IE, LT, LU, NL, MT, SE, SK.
354 AT, BE, CY, MT.
355 LT, LU (the legislative process is still ongoing), NL.

Figure 16 – Third-Country Nationals (TCNs) who left the territory by type of return (number and % of total returns)



Source: Statistics provided by EMN National Contact Points. Statistics not available or provided for Denmark and Romania.

Figure 17 – Third-Country Nationals (TCNs) who left the territory by type of assistance received (number and % of total returns)



Source: Statistics provided by EMN National Contact Points. Statistics not available or provided for Denmark and Romania.

returnees.[356] Croatia renewed a project providing free legal aid to those in the return procedure. In Austria, the timing of return counselling changed: from 1 January 2021, it is mandatory once the return decision against the asylum seeker or lawfully resident third-country national becomes final or enforceable or practicable (previously earlier in the procedure).[357]

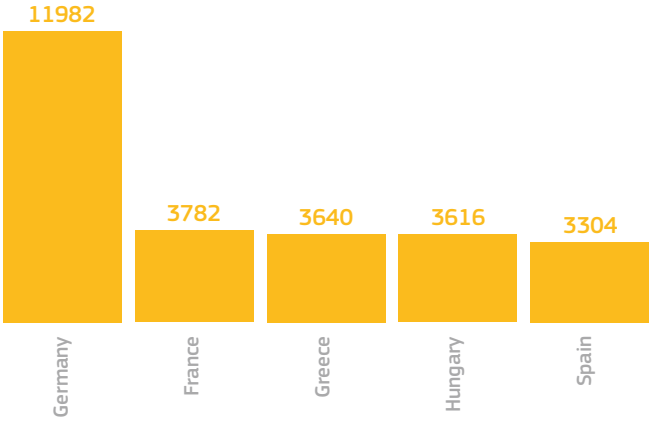
Three other Member States increased their cooperation with EU actors to facilitate return operations.[358] Cyprus organised two return flights to Vietnam (with support from Frontex) and also received a Frontex RS, as did France, at a Paris airport. Cyprus and Luxembourg participated in the Frontex RECAMAS project, which carried out a gap analysis to identify possible shortcomings in the national return case management system. Slovenia cooperated with ERRIN on a project aiming to return and reintegrate Afghan nationals. However, the project was suspended in light of recent developments in Afghanistan.

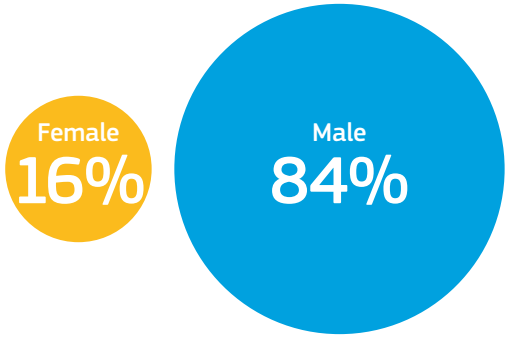
Developments in third countries impacted the extent to which individuals could be returned. Several Member States (temporarily) ceased returning individuals to Afghanistan and/or Belarus as a result of recent political developments.[359] Poland introduced a procedure for issuing a decision to leave the territory to a third-country

356 AT, HR, IE.
357 There are exceptions, for example illegally resident third-country nationals or in accelerated procedures.
358 CY, LU, SI.
359 AT, BE, CY, CZ, NL, PL, SE.

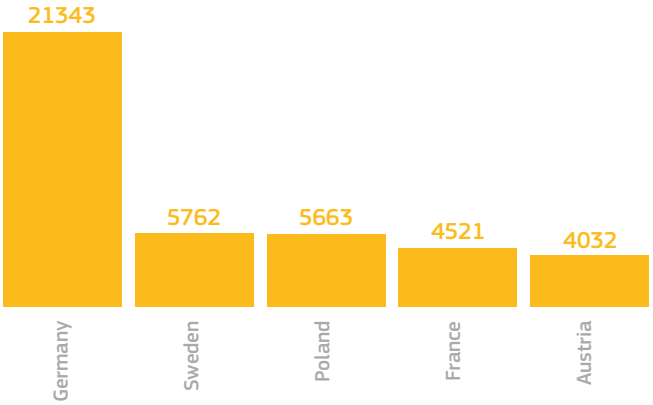
Figure 18 – Number of returned Third Country Nationals by type of return

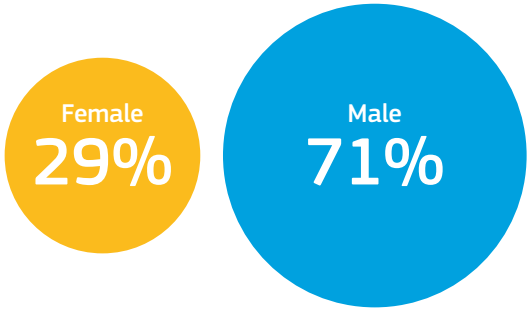
Enforced return, top 5 countries / by sex



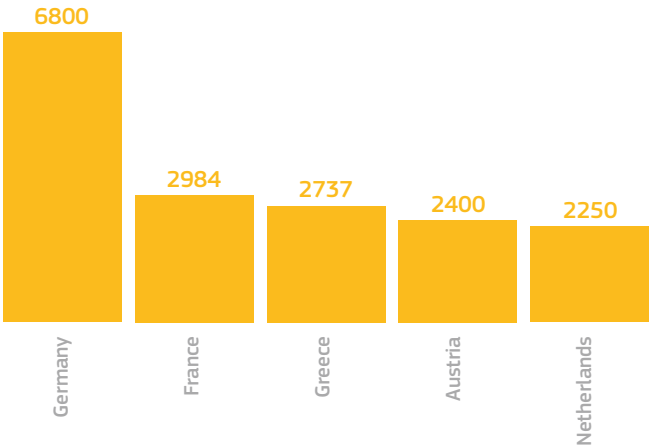


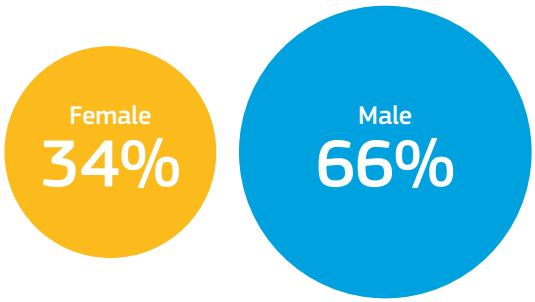
Returned voluntarily, top 5 countries / by sex





Among TCNs returned voluntarily, the number returned as part of an assisted return programme, top 5 countries / by sex





Source: Statistics provided by EMN National Contact Points. Statistics not available or provided for Denmark and Romania.

national immediately intercepted after illegally crossing the external EU border, due to the pressure on the Polish-Belarusian section of the border.

The COVID-19 pandemic continued to influence the implementation of return procedures in Ireland, where ongoing pandemic restrictions saw a low number of deportation orders issued.

Lithuania introduced two legislative amendments. The first provided for the suspensive effect of a return decision in the event of the imposition of a supervision measure or application of an interim measure restricting an individual's right to leave Lithuania.[360] The second provided for the issuance of a temporary residence permit if the third-country national entered the country during a declared state of war, state of emergency, extreme situation or extreme event due to a mass influx of foreigners, and whose return decision was not enforced within five years. Ireland published a draft legislative proposal recommending extending the time for rejected asylum applicants to accept voluntary return from 5 to 30 days. Greece introduced a comprehensive reform of the return procedures to better align with EU provisions.

The UN Committee on the Rights of the Child found that Finland had been in violation of Article 3 (primacy of the best interests of the child), Article 19 (protection against violence) and Article 22 (right of the child to protection and humanitarian assistance; refugees and asylum seekers) of the Convention of the Child's Rights. The case concerned the voluntary return of a same-sex parent family to Russia, following a negative asylum decision. The appellant was the child of the family. The Committee considered that the State party had neglected its obligation to take sufficient account of the primacy of the best interests of the child when assessing the appellant's asylum appeal.[361]

In a major development, Belgium opened four Individual Case Management Support (ICAM) desks in key Belgian cities. ICAM return counsellors inform irregularly staying third-country nationals about their situation, check if they might qualify for a residence permit, and encourage voluntary return as appropriate. If a (new) residence procedure is not deemed useful and if the irregularly staying third-country national refuses to return voluntarily, the possibility of forced return is examined.

10.3.2. Assisted voluntary return

Following the adoption of the EU Strategy on Voluntary Return and Reintegration,[362] several Member States took measures to improve the effectiveness of their voluntary return policies and measures.[363]

- Increasing the level of return assistance to promote voluntary return[364] or renewing the legal basis for the assistance.[365] For example, Cyprus started to provide return counselling at reception facilities and to persons who voluntarily want to return to their country of origin;
- Extending the duration of voluntary return projects;[366]
- Developing or continuing existing policies promoting assisted voluntary return[367] - Cyprus and Spain continued to collaborate with the IOM to engage with actors at national and regional level, while Finland drafted a plan for the national implementation of the EU Strategy on Voluntary Return and Reintegration;
- Developing new programmes and projects.[368] For example, Austria took part in a pilot ERRIN project with Syria;
- Increasing cooperation with external stakeholders such as Frontex.[369] For example, Cyprus, France and the Netherlands took part in the FAR system to book commercial flights to facilitate the voluntary return of third-country nationals;
- Implementing new outreach methods.[370] Malta set up an information page on Facebook and developed leaflets, as well as a booklet, on successful return stories in various languages;
- Increasing access to voluntary return programmes. For example, Lithuania introduced three legislative amendments to widen access to voluntary return assistance and Sweden updated the list of countries whose citizens were eligible for reintegration assistance.

10.3.3. Reintegration measures

Five Member States reported their cooperation with external actors to improve reintegration efforts, including Frontex and/or the IOM.[371] This included participation in the Joint Reintegration Services project implemented by Frontex, which offered in-kind and in-cash reintegration assistance to eligible returnees from Armenia, Ukraine, Brazil and Ethiopia. In Luxembourg, the IOM's voluntary return programme was changed to ensure better access to full reintegration support. This was done by adjusting the time limit to contact the authorities to up to eight days after the voluntary return interview, in cases where this interview is scheduled only after the expiry of the 30-day period for voluntary return.

Several Member States launched new projects to increase opportunities for reintegration.[372] Germany implemented the 'Bridge Component Albania' to fill the gap between pre-departure measures, travel assistance and long-term

360 The Law Amending the Law on the Legal Status of Foreigners was passed on 10 November 2020 and entered into force on 1 March 2021. It states that the enforcement of a decision on the obligation to leave, return or expulsion of a foreigner is to be suspended in the event of imposition of a supervision measure or application of an interim measure restricting their right to leave Lithuania.
361 Government of Finland website, https://valtioneuvosto.fi/-/yk-n-lapsen-oikeuksien-komitealta-ratkaisu-lapsen-edun-ensisijaisuuden-merkityksesta-turvapaikka-asiassa?languageId=en_US, last accessed on 28 April 2022.
362 European Commission, Communication on the EU Strategy on voluntary return and reintegration, COM(2021) 120 final, 24 April 2021, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52021DC0120&qid=1632401748181, last accessed on 25 May 2022.
363 AT, BE, CY, CZ, ES, FI, FR, HU, NL, SI.
364 AT, BE, CY, FR, MT.
365 FI.
366 HR, IT (extended the duration of six assisted voluntary return projects).
367 CY, ES, FI.
368 AT, CY, FR, HU.
369 CY, FI (updated its legislation on the protection of personal data to allow authorities to provide Frontex with personal data to support voluntary return operations), FR, HR, NL, SI.
370 AT, CZ, MT.
371 AT, CY, CZ, DE, LU.
372 DE, FI, FR.

reintegration for Albanian nationals, offering financial, in-kind and psychosocial assistance to boost sustainability. In cooperation with ERRIN, Finland developed a sustainable reintegration programme for Iraqi returnees, which offered services such as business training. France launched the 'MedRA' project (with the help of ERRIN) to offer sustainable return solutions for third-country nationals with health problems.

Finally, some Member States set up or extended reintegration mechanisms with third countries.[373] The Netherlands added Sierra Leone to the list of destination countries for its remigration benefit scheme with the Dutch Social Insurance Bank, which provides monthly payments to third-country nationals wishing to return to their country of origin.

10.3.4. Forced return and detention

I) Forced return

Forced return remained a priority in a number of Member States, despite the persisting COVID-19 pandemic and political developments in third countries making return operations more challenging.[374] Austria continued to carry out removals, while still applying safety and health measures. Conversely, Ireland noted a low number of deportation orders issued in 2021, reflecting the decision only to deport persons in very restricted circumstances in the context of the pandemic. Six Member States suspended returns of Afghan nationals due to the political developments during the second half of 2021.[375] Similarly, the Netherlands also suspended all returns of Tigrayan nationals or returns to Tigray in Ethiopia.

France criminalised refusal to submit to the health obligations required for the automatic execution of removal orders for foreign nationals, including COVID-19 testing. Changes in Cyprus, the Netherlands and Sweden temporarily aimed to strengthen the legal framework supporting forced return. Indeed, Cyprus introduced suspensive effects of the appeal of a return decision based on the principle of non-refoulement, so as to comply with a ruling by the European Court of Human Rights (ECtHR).[376] The Netherlands and Bulgaria clarified the provisions of return decisions by indicating that the country of return should always be included.

II) Detention

Several Member States introduced or worked towards changes to increase the effectiveness of detention measures prior to return.[377] Latvia updated its national legislation by removing provisions that no longer complied with modern requirements and by including provisions upholding international standards (e.g. improving accommodation conditions). Lithuania introduced a new ground for the detention of asylum applicants who entered during an emergency[378] and expanded the list of circumstances to be assessed when deciding the risk of absconding. Poland amended its legislation to provide for the creation of residential rooms outside the guarded centre. Austria prepared a legislative amendment on coercive detention, which will ensure the enforceability of a return decision in cases where a fine would not be sufficient to ensure compliance. Finally, as recommended in the 2018 Schengen Return-related Evaluation, Estonia is preparing a legislative amendment to allow for short-term (up to three days) detention of a third-country national with the permission of an administrative court to determine whether they have the right to remain in the territory.

Two Member States and Georgia implemented health measures in response to the COVID-19 pandemic.[379] The Czech Republic set up preventive measures in detention centres (e.g. quarantine, voluntary vaccination). Luxembourg updated its legislation to put in place measures to prevent the spread of COVID-19 in detention centres. In Georgia, legislative changes ensured 24/7 medical assistance for detainees waiting for return. Infrastructure modifications saw accommodations made bigger, ensuring that foreign nationals awaiting return had access to outdoor activities and that their right to health was respected.

III) Alternatives to detention

Four Member States reported significant changes.[380] Cyprus and France introduced new alternatives to detention in 2021, including a case management system as an alternative to detention in Cyprus, in cooperation with the CyRC. In France, rejected asylum applicants can be accommodated in the new Assisted Return Facilities across the country, which increased their capacity to 1 300 places. Lithuania expanded the possibility to offer alternatives to detention to rejected asylum seekers, regardless of whether or not they were issued a return decision.

In Belgium, a new Alternatives to Detention Department was established in the Immigration Office to meet the objectives formulated in the Federal Government's Coalition Agreement and Policy Statement. The new department is responsible for the development and application of alternative measures to avoid the detention of people residing unlawfully on the Belgian territory.

373 AT, DE, FR, NL.
374 CY, FI, FR, NL.
375 AT, BE, CY, CZ, FR, NL, SE.
376 M.A. v. Cyprus, Application no. 41872/10, Council of Europe: European Court of Human Rights, 23 July 2013, https://hudoc.echr.coe.int/fre#{%22itemid%22:[%22001-122889%22]}, last accessed on 28 April 2022.
377 AT, FR, LT, LV, PL.
378 A third-country national may be detained "when [he] entered the territory of the Republic of Lithuania by illegally crossing the state border of the Republic of Lithuania in the event of the declaration of a state of war, a state of emergency, an extreme situation or an extreme event due to a mass influx of foreigners".
379 CZ, LU and GE.
380 BE, CY, FR, LT.

10.4. COOPERATION WITH THIRD COUNTRIES OF ORIGIN AND TRANSIT AND IMPLEMENTATION OF EU READMISSION AGREEMENTS

2021 brought opportunities for several Member States and Georgia to develop their cooperation with third countries, and to further implement EU readmission agreements.

10.4.1. Cooperation with third countries of origin and transit on return management and reintegration

Three Member States and Georgia each entered into new partnerships with third countries in order to manage effective migration and facilitate return.[381] Lithuania and Latvia established contact with Iraq to facilitate returns, and organised fact-finding missions and an identification mission to issue travel documents to nationals willing to return. Slovenia cooperated with Pakistan to gain access to the National Database and Registration Authority and thus to facilitate the identification of Pakistani citizens to prepare identity documents to carry out returns. Georgia signed a Readmission Agreement with Montenegro to facilitate the return of illegally staying foreigners.

Greece continued to collaborate with Bangladesh to ensure the successful return of Bangladeshi individuals, as provided for in the 2017 SOP. The collaboration consisted of several activities, including identifying nationals, issuing travel documents, and various bilateral meetings.

The Netherlands funded a project in cooperation with the International Centre for Migration Policy Development (ICMPD) aimed at supporting the newly established National Assisted Voluntary Return and Reintegration mechanism in Turkey. In cooperation with the IOM, the Netherlands also launched the Cooperation on Migration and Partnerships for Sustainable Solutions (COMPASS) initiative, a project designed to protect people on the move, combat human trafficking and smuggling, and support dignified return, while promoting sustainable reintegration across 12 countries.

10.4.2. Implementation of EU readmission agreements

Several Member States reported progress in relation to the various EU readmission agreements and related implementing protocols.

Table 2 – Progress on EU readmission agreements in 2021

Member State	Negotiation phase	Entered into force
AT	Azerbaijan	
BE		North Macedonia, Moldova, Bosnia and Herzegovina
BG	Serbia, Ukraine	
CY	Pakistan, Bangladesh	
CZ		Mongolia
DE		Armenia
EE	-	-
EL		Serbia, Montenegro
FR		North Macedonia, Armenia
LV		Armenia
LU		Bosnia and Herzegovina
LT		Armenia, Georgia
NL		Bosnia and Herzegovina, Moldova
PL		Armenia
SK		Launch of the Readmission Case Management (RCM) System with Pakistan and use of the RCM system with Sri Lanka

Estonia undertook a fact-finding mission to Kyrgyzstan to begin cooperating on implementing the EU readmission agreement.

381 FR, LT, SI and GE.

11. MIGRATION AND DEVELOPMENT COOPERATION

11.1. NATIONAL ACTIONS IN MIGRATION AND DEVELOPMENT COOPERATION

Most Member States adopted measures in migration and development cooperation.[382] These broadly covered the adaptation or launch of new strategies to foster cooperation with countries of origin. Some Member States introduced or implemented skills mobility partnerships and engaged in other forms of cooperation, including with the diaspora. The objective was to address the root causes of irregular or forced migration by improving economic and labour conditions and facilitating safe movement.

11.1.1. National strategies

Several Member States adapted or launched new national strategies for development cooperation.[383] Latvia adopted the Development Cooperation Policy Guidelines for 2021-2027,[384] which noted that its development cooperation policy is implemented in coordination with migration policy. Finland drew up an Africa Strategy to deepen its relations with the African continent,[385] by fostering dialogue and cooperation on migration with African countries of origin. The 'Report on Development Policy Across Parliamentary Terms' recognised development cooperation as a tool for addressing the root causes of migration.[386]

The Slovak Republic's Migration Policy Strategy defined priorities for all areas of migration, including interlinkages with humanitarian assistance and development cooperation.[387] The Strategy foresees increased coherence between the two policy fields, including by directing assistance and cooperation to relevant countries and emphasising the potential of circular migration and government scholarships.

11.1.2. Skills mobility partnerships and other employment initiatives

Some Member States reported on skills mobility partnerships (and related initiatives) as an instrument to foster skills development and mobility.[388] Belgium concluded a two-year pilot project, the 'Pilot Project Addressing Labour Shortages Through Innovative Labour Migration Models' (PALIM), that addressed labour market needs in the ICT sector in Belgium and Morocco.[389] Additionally, the Belgian Development Agency (Enabel) launched the Pilot Project for Entrepreneurial Mobility (PEM), between Belgium and Senegal.

Italy launched 16 projects in African countries, addressing the root causes of migration through activities focused on improving the labour market and increasing employment conditions, especially for young people.

Box 14 - Belgian development cooperation launches talent partnership pilot project

In 2021, the Belgian development agency, Enabel, launched the 'Pilot Project for Entrepreneurial Mobility (PEM)' between Belgium and Senegal. This pilot seeks to test the global skills partnership approach and support actors involved in the creation and incubation, acceleration, internationalisation of business. Circular mobility schemes will allow entrepreneurs from Senegal to establish links with business support mechanisms and enterprises in Belgium, included West African diaspora entrepreneurs, who are interested in internationalising their businesses in Senegal.

382 AT, BE, CZ, DE, EE, ES, FI, FR, IT, LU, LV, MT, NL, SE, SK.
383 CZ, FI, IT, LV, SK.
384 Order No. 245 on Development Cooperation Policy for 2021-2027, 2021, https://likumi.lv/ta/id/322455 , last accessed on 27 April 2022.
385 Ministry for Foreign Affairs of Finland, 'Finland's Africa Strategy. Towards a Stronger Political and Economic Partnership', 2021, https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/162978/VN_2021_21.pdf, last accessed on 14 March 2022.
386 Ministry for Foreign Affairs of Finland, *Report on Development Policy Across Parliamentary Terms*, 2021, https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/163218/VN_2021_29.pdf , last accessed on 14 March 2022.
387 Ministry of the Interior, Migration Policy of the Slovak Republic: Perspective until 2025, 2021, https://www.minv.sk/?zamer-migracnej-politiky-slovenskej-republiky&subor=419162, last accessed on 14 March 2022.
388 BE, DE, IT, LU.
389 Migration Partnership Facility, MPF Projects, https://www.migrationpartnershipfacility.eu/mpf-projects/17-completed-action-pilot-project-addressing-labour-shortages-through-innovative-labour-migration-models-palim, last accessed on 14 March 2022.

11.1.3. Cooperation among key actors

Nearly half of the Member States reported bilateral agreements with countries of origin and with international organisations to support migration and development cooperation.[390] France concluded a partnership programme with the ICMPD, while the Netherlands launched the COMPASS initiative, in partnership with IOM and 12 other countries.

Luxembourg concluded a strategic partnership framework with the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), with a budget of around € 12 million, for a period of three years, to provide support to Palestine refugees. It also launched a new strategic partnership framework agreement with the UNHCR from 2022 to 2025.

Six Member States reported on cooperation as part of the Team Europe Initiative (TEI).[391] Spain, together with seven other Member States, sponsored a TEI for the Atlantic and Western Mediterranean routes. It will be implemented in 2022 and will provide African partners with the tools to better manage migration and address its root causes, with the ultimate aim to reduce non-voluntary migration and facilitate legal and safe movement.

The response to the COVID-19 pandemic continued to be an important component of migration and development strategies in some Member States.[392] Germany's Federal Ministry for Economic Cooperation and Development (BMZ) continued to implement its Emergency COVID-19 support programme, which provided an estimated €4.7 billion to developing countries during 2020-2021.

11.1.4. Involvement of diaspora

Several Member States described involving their diaspora in development cooperation activities.[393] Driven by recognition in the Law on development cooperation of migrants as agents of development, Italy signed the Agreement for the implementation of the initiative 'DRAFT THE FUTURE! Towards the National Forum of Diasporas'. The project's objective is to engage diaspora communities with Italian development cooperation activities and to construct new narratives on the role of migration in the development of their countries of origin and destination. France reaffirmed its support to the empowerment of diasporas by supporting the creation of companies and through investment, with the aim of promoting financial growth and stability for these communities.

390 AT, BE, CZ, DE, EE, ES, FR, IT, LU, MT, NL, SE, SK.
391 BE, CZ, DE, EE, ES, MT.
392 AT, BE, CZ, DE, NL.
393 DE, FR, IT.

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Estonia www.emn.ee/
Finland www.emn.fi/in_english
France www.immigration.interieur.gouv.fr/Europe-et-International/Le-reseau-europeen-des-migrations-REM3/Le-reseau-europeen-des-migrations-REM2
Germany https://www.bamf.de/EN/Themen/EMN/emn-node.html
Greece http://emn.immigration.gov.gr/en/
Hungary www.emnhungary.hu/en
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Portugal https://rem.sef.pt/
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Norway https://www.udi.no/en/statistics-and-analysis/european-migration-network---norway
Georgia https://migration.commission.ge/index.php?article_id=1&clang=1
Republic of Moldova http://bma.gov.md/en