

# EMN BULLETIN

December 2021

The EMN Bulletin provides policymakers and other practitioners with updates on recent migration and international protection policy developments at EU and national level. The 36<sup>th</sup> edition provides information from **July - September 2021**, including the relevant published statistics.

The Bulletin is organised by policy theme. You can directly access your area of interest by clicking on one of the following themes:

1. [GENERAL POLICY DEVELOPMENTS](#)
2. [INTERNATIONAL PROTECTION INCLUDING ASYLUM](#)
3. [UNACCOMPANIED MINORS AND VULNERABLE GROUPS](#)
4. [LEGAL MIGRATION](#)
5. [INTEGRATION](#)
6. [MANAGEMENT OF THE EU EXTERNAL BORDERS](#)
7. [IRREGULAR MIGRATION](#)
8. [RETURN](#)
9. [ACTIONS ADDRESSING TRAFFICKING IN HUMAN BEINGS](#)
10. [EXTERNAL DIMENSION](#)
11. [ANNEX: EU & COMPLEMENTARY STATISTICS, ADDITIONAL INFORMATION, OTHER EMN OUTPUTS AND UPCOMING EVENTS](#)

## SPECIAL NOTE

- EMN published an inform on ‘Innovation in migration: Exploring legal pathways and new types of financing (public/private) to fill labour market needs’.
- [Country Factsheets 2020](#) provide an overview of key developments in each Member State, Norway, Georgia and Moldova, on topics such as legal migration, asylum, and unaccompanied minors. Statistics were prepared by the KCMD and the EU ScienceHub.
- EMN published a study on ‘Responses to long-term irregularly staying migrants: practices and challenges in EU Member States and Norway’, addressing how EU Member States vary in their approaches to long-term situations of illegal stays and legal uncertainty for third-country nationals.
- 2020 Annual Report on Migration and Asylum Statistical Annex is now available.

## 1. GENERAL POLICY DEVELOPMENTS

### EU DEVELOPMENTS AND UPDATE

- In July 2021, the European Parliament adopted the [Asylum, Migration and Integration Fund](#) (AMIF) consisting of € 9.88 billion to support asylum and migration policy. The resources will go towards strengthening the EU’s common asylum policy by taking into consideration the needs of Member States, supporting the integration of third-country nationals, and combatting irregular migration.
- Between 7 and 9 July 2021, the largest conference in the history of IMISCOE (International Migration Research Network), with about 1 600 participants gathering in 263 different panels

and workshops.

- On 31 August 2021, the European Commission's DG HOME and EEAS announced the organisation of a [High-level Resettlement Forum](#) dedicated to the situation in Afghanistan held on 7 October 2021. In addition, DG HOME Commissioner Johansson attended the UN General Assembly in New York (20-23 September) to discuss ongoing efforts with EU partners and neighbouring country representatives.
- On 29 September 2021, the European Commission presented the [report on Migration and Asylum](#). A year after the adoption of the proposal for the New Pact on Migration and Asylum, this report examines the main developments and asylum policy over the last year and discussed the progress achieved so far and remaining key challenges.

## NATIONAL DEVELOPMENTS

- **Estonia:** As of 8 August 2021, all passengers arriving in Estonia by plane, ship or bus must fill in the [traveller's questionnaire](#) if they are arriving from a "red" country or a non-EU country.
- **France:** [Law n°2011-1109 of 24 August 2021](#) was adopted on 24 August 2021, which reinforces respect of the French Republic's principles and introduces a specific provision on polygamy. The new legislation allows the refusal to issue or withdraw a residence permit to a foreign national in a situation of polygamy in France (article 25). In addition, article 28 of this law foresees a protection against the withdrawal of a residence permit in the event of marital breakdown. Finally, article 27 adds the possibility of refusing or withdrawing refugee status in the event of a conviction for the offence of public defence of an act of terrorism.
- **Finland:** The Finnish government is planning [to recruit more people](#) to missions abroad on a temporary basis to respond to the increase of residence permits requests, ensuring the availability of skilled labour in the country.
- **Germany:** On 12 July 2021, the [Act to Ensure the Quality of the Recruitment of Care Workers from Abroad](#) came into force. The private recruitment companies will indicate, on a voluntary basis, the compliance of the recruitment process by means of a quality seal.
- On 9 July 2021, the [Act on the Further Development of the Central Register of Foreigners](#) has been adopted. This central document repository will allow the storage of the results of the authenticity check of identity documents.
- **Ireland:** The Irish Government published its plan for the next phase of response to the COVID-19 pandemic, [COVID-19: Reframing the Challenge, Continuing Our Recovery and Reconnecting](#), which contains details of plans for reopening across Q3 and Q4 2021.
- **Latvia:** The Cabinet of Ministers [approved Mrs. Maira Roze](#) as the head of the office of Citizenship and Migration Affairs.<sup>1</sup>

## Judgment of the European Court of Justice

[Case C-18/20](#), *XY v Bundesamt für Fremdenwesen und Asyl*

On 9 September 2021, the CJEU released its judgment on an Iraqi national who applied for asylum in Austria on the basis that his life was in danger in his country and whose application was rejected. The applicant reopened the case on new ground of homosexuality; but it was refused a second time. The CJEU concluded that the Member State could not refuse to examine the substance of a subsequent application where the new elements existed in the previous proceeding but were not submitted due to the fault of the applicant.

<sup>1</sup> 2 September Order No. 622 "[Regarding Maira Roze](#)". - *Latvijas Vēstnesis* No. 176 A. 06.09.2021. - [entered into force 06.09.2021.]

- **Poland:** On 2 September 2021, a [state of emergency was declared](#) in part of the Podlaskie and Lubelskie provinces in Poland, following the current situation of refugees on the state border between the Republic of Poland with the Republic of Belarus.
- **Slovak Republic:** On 8 September 2021, the Government of the Slovak Republic adopted a new [Migration Policy of the Slovak Republic until 2025](#). The main strategic document in the area of migration and integration of foreigners in the Slovak Republic sets the main goals, directions and principles of the policy. The respective ministries shall prepare action plans for its implementation.
- **Slovenia:** On 18 August 2021, the Slovenian government adopted a [decision](#) on the reorganisation of the Membership of Slovenian National Contact for the EMN.
- **Georgia:** Since August 2021, additional categories of foreigners (students, participants of the program “work remotely from Georgia”, diplomats, employees of the international organisations, etc.) [were included](#) in the national immunisation programme, allowing vaccination against COVID-19, free of charge.
- On 23 July 2021, by the [Governmental ordinance #370](#) the Public Defender’s Office was granted with a Consultative Status within the State Commission on Migration Issues (SCMI) , increasing its involvement in migration policy design, realization and monitoring.
- From 14 August to 1 September 2021, Georgia [has supported evacuation](#) of up to 5 000 people (including around 1 500 minors) from Afghanistan through the regional transit hub set up at Tbilisi Airport.



## 2. INTERNATIONAL PROTECTION INCLUDING ASYLUM

### EU DEVELOPMENTS AND UPDATES

- On 18 August 2021, Commissioner Ylva Johansson released a [statement on the situation in Afghanistan](#) at the meeting of Interior Ministers. The statement addressed the urgency of organising evacuations and supporting those displaced in Afghanistan through the Blueprint Network and international organisations. Work will continue also to address risks or irregular migration and human trafficking by offering safe and organised legal pathways for migration.
- On 23 August 2021, the Consultative Council of European Judges released a [statement regarding and upholding the protection needs of Afghan judges and other legal professionals](#), calling for action to ensure their safe passage and protection.
- In August 2021, The European Parliamentary Research Service published the Horizontal substitute [impact assessment](#) on the European Commission’s New Pact on Migration and Asylum. This report requested by the LIBE Committee, assessed the functioning and the “underlying logic” of the Pact, analysed the European Commission’s four proposals, as well as the identification of the shortcomings and the expected impacts.
- In August 2021, [the European University Association](#), together with 50 higher education networks, associations, and organisations, joined ‘Scholars at Risk’ and submitted requests for action to EU institutions and governments to immediately start removing Afghanistan’s researchers, students, and civil society actors from danger. This included increasing funding and resettlement quotas, expediting complementary legal pathway procedures, waiving residency requirements, and establishing dedicated EU and national fellowships for researchers and scholars at risk.
- On 16 September 2021, the European Parliament adopted a [resolution on Afghanistan](#) declaring the “solidarity with Afghans” and calling on the Commission and Member States to “pursue a humane asylum policy in which the EU shoulders its moral responsibility in reception

and integration in full compliance with the 1951 Geneva Convention". The European Parliament also welcomed "Resettlement Forum".

## LATEST RELEVANT STATISTICS

- On 20 September 2021, Eurostat published [statistics on asylum applicants](#) for the second quarter of 2021. The number of first-time asylum applicants in the EU-27 increased by 115 % compared with the same quarter of 2020 and by 9% compared with the first quarter of 2021. The top 3 nationalities were Syrians, Afghans and Pakistanis, lodging 20 640, 13 860 and 4 430 applications respectively. Syrians (an increase of 12 305 in applicants when compared with the second quarter of 2020) contributed most to the overall increase in first-time asylum applicants in absolute terms.

## NATIONAL DEVELOPMENTS

- **Austria:** The Constitutional Court [repealed two decrees](#) that restricted the employment of asylum seekers to harvest work or seasonal work. However, the decrees were not classified as ordinances and published in the Federal Law Gazette. The Minister of Labor stated that there would still be no general [labour market access](#) for asylum seekers on the basis of a new decree.
- **Belgium:** In August a total of 864 Afghans were evacuated to Belgium. The federal reception agency Fedasil has accommodated 201 of them, mainly families with children. After a 7-day COVID quarantine period, they were invited to apply for international protection. Because of the changed situation in Afghanistan, the Commissioner General for Refugees and Stateless persons decided on 16 August to partially suspend the notification of decisions for Afghan applicants.  
This suspension will apply until at least 4 January. This measure does not mean a suspension of the processing of applications from Afghan nationals. Interviews go on as before. And a decision can still be taken or notified to recognize refugee status, or in case of inadmissibility for applicants who already received a protection status in another Member State.
- **Bulgaria:** A total of 465 third-country nationals who have applied for international protection were vaccinated against COVID-19 between July and September 2021.
- **Cyprus:** On 19 July 2021, representatives from the EU Commission, the Asylum Service of the Cypriot Ministry of Interior and the Social Welfare Service, attended the inaugural workshop on the National Reception Strategy organised by the Asylum Service with the support of the European Asylum Support Office. On 27 September 2021, the second workshop took place.
- **Estonia:** In August and September 2021, a total of 14 persons were evacuated from Afghanistan. The government also granted international protection status to 40 persons working for the EU, NATO and Estonian organisations, with their families.  
In August 2021, Estonian government [decided](#) to offer protection to 30 Afghan nationals: 10 who cooperated with the European Union and NATO, and their families, and to 20 people who cooperated with Estonian organisations, and their families. In August and September, 14 evacuated Afghan nationals [reached Estonia](#), all of whom are regarded as applicants for international protection.
- **France:** On 2 July 2021, the Council of State [decided](#) to withdraw, Benin, Senegal and Ghana from the list of "safe countries of origin" of the French Office for the Protection of Refugees and Stateless Persons. As a result, applicants from these three states will no longer undergo accelerated procedures.
- Since the beginning of the operations launched on 17 August 2020 for [evacuations from Afghanistan](#), more than a hundred French nationals and more than 2 600 Afghans have been

repatriated. Several ministries and authorised associations are involved in the reception of people in compliance with the health regulations. Guidelines have been sent to Prefectures.

- **Finland:** Finland will [provide](#) € 3 million through the United Nations High Commissioner for Refugees UNHCR to help Afghan refugees. [More than 400 people have been evacuated from Afghanistan](#) in three weeks. This was possible through cooperation with national and international actors and between different departments of the Ministry for Foreign Affairs.
- **Germany:** On 22 July 2021, a [Memorandum of Understanding](#) was signed between Germany and Greece on efforts to integrate beneficiaries of international protection in Greece. Since August 2021, the Federal Office for Migration and Refugees (BAMF) has been supporting and coordinating the [reception procedure and the distribution of local staff](#) evacuated from Afghanistan and their families after their arrival in Germany.
- **Hungary:** A total number of 540 persons, mostly Afghan nationals (57 families, 180 children) [were evacuated](#) from Afghanistan. People who actively supported and worked with the Hungarian military contingent in the country, as well as their families, were granted a temporary residence permit. Hungary does not plan further evacuations or resettlement of Afghan nationals.
- **Ireland:** In August 2021, the Irish Government decided to [accelerate](#) the processing of international protection applications from Afghan nationals, with a focus on processing applications for Afghan family members of Irish citizens and Afghan nationals living in Ireland.
- On 28 September 2021, the Irish Government [approved](#) the establishment of an Afghan Admission Programme.
- The Irish Government [announced](#) the appointment of a new three-person independent group to monitor the implementation of the [White Paper to End Direct Provision and to establish a new International Protection Support Service](#).
- **Italy:** On 5 August 2021, the memorandum of understanding was published for the [implementation of the “Opening of humanitarian corridors”](#) project with the aim of encouraging the arrival in Italy in a legal way and under safe conditions of 1 000 people from Lebanon requiring international protection for the purpose of their reception and integration (source: Interior Ministry).
- The Decree of 22 July 2021 on [“Setting hygienic-sanitary, housing and safety standards of migrant reception centres”](#), of the Interior Ministry in concert with the Health Ministry was published in the Official Gazette.
- Since 16 August 2021, it has been necessary to proceed with a [mass evacuation of Afghan citizens](#) who collaborated with the Italian army and their families. The Municipalities were immediately willing to collaborate with the Government in welcoming the Afghan collaborators and ensuring processes of social inclusion. In September, a total of 5 011<sup>2</sup> Afghan citizens have been evacuated to Italy; of these, a total of about 4 700<sup>3</sup> Afghans were accommodated in the Italian reception system. Applications for international protection presented by evacuated Afghan citizens in Italy have started to be received by the territorial Commissions for the recognition of international protection and the first hearings of the applicants have begun.
- The allocation of Afghans, mainly in the first line reception centre (CAS), was based on criteria related to the number of provinces and the resident population in each region and took into account the particular exposure of certain regions to migration flows. The presence of vulnerabilities and family groups were also taken into account while planning the accommodation of Afghans in reception facilities. In addition to the CAS, the Reception and

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<sup>2</sup> Some only transited in Italy towards other countries or already holders of autonomous housing solutions

<sup>3</sup> Data to be consolidated

Integration System (*Sistema di Accoglienza e Integrazione- SAI*) was also used, within the limits of available places

- **Latvia:** On 17 August 2021, the Cabinet of Ministers approved [amendments to the regulation of the Register of Asylum Seekers](#) to ensure effective accounting of asylum applicants, extending the functionality of the register. The order came into force on 20 August 2021.
- On 2 September 2021, Parliament accepted [amendments to the Immigration Law](#) which state that third-country national who have submitted an application for asylum have the right to employment if the decision for the granting of international protection status will not be made in three months.
- The Office of Citizenship and Migration affairs has issued orders No. 164e, 169e, 170e which include strategies targeting epidemiological safety, prevention of a state of emergency and accommodation of disabled persons in Accommodation Centre for Asylum Seekers. Strategies are dedicated to COVID-19 testing, contact tracing, as well as monitoring and providing special care for disabled persons.
- **Lithuania:** On 10 August 2021, the Parliament [amended](#) the Law on the Legal Status of Aliens stipulating that in the event of martial law, a state of emergency or an emergency situation, asylum applications will be accepted only in designated locations: at border crossing points and transit zones; within the country; and in a foreign state through diplomatic missions or consular posts.
- Since 22 September 2021, migrants stranded in Belarus [can submit](#) their asylum requests at Lithuania's embassy in Minsk.
- On 26 August 2021, the Ministry of National Defence [announced](#) the end of an operation during which 176 persons (42 females, 52 males and 82 minors) were evacuated from Afghanistan.
- On 21 September 2021, the Ministry of the Interior [declared](#) that Lithuania's authorities registered a total of 2 962 irregular migrants, of which 2 804 of them have applied for asylum.
- **Luxembourg:** On 5 July 2021, the [Law of 16 June 2021 amending the asylum law](#) entered into force, allowing the introduction of appeals against a final decision to close an application for international protection and against a decision to withdraw international protection. In addition, the law modifies the procedure for appealing against a transfer decision under the Dublin III Regulation, notably by introducing a suspensive appeal.
- On 5 July 2021, the [Law of 16 June 2021 amending the immigration law](#) came into force, extending the period (from three to six months) for beneficiaries of international protection to benefit from more advantageous conditions in the context of an application for family reunification after their status was granted.
- The government decided to [suspend decision-making on applications for international protection by Afghan nationals](#), particularly in the interests of asylum seekers whose applications would otherwise have been refused. In their [answer to a parliamentary question from 16 August 2021](#), the Minister for Immigration and Asylum, Jean Asselborn, indicated that Luxembourg has agreed to receive three people who worked for the EU or NATO in Afghanistan, who applied for an international protection procedure in Luxembourg. Until 31 August 2021, Luxembourg evacuated 33 persons from Afghanistan, some of whom have applied for international protection.
- **Malta:** Malta will be resettling a family of three Afghan nationals (1 adult and his 2 dependants) as part of the EU solidarity vis-à-vis Afghanistan situation. The identification of these three cases is still in process.



- **Netherlands:** On 8 July 2021, a country-specific asylum policy [was introduced](#) for Palestinians in Lebanon for the first time. The policy was introduced following the issue of a thematic report on Palestinians in Lebanon by the Ministry of Foreign Affairs on 31 January 2021.
- On 12 July 2021, it [was announced](#) that the special taskforce (of the Immigration and Naturalisation Service - IND) responsible for handling the backlog of asylum applications is finalising its activities. The focus now lies on completing the remaining cases from April 2020 onwards as soon as possible.
- Up to 14 September 2021, the Netherlands evacuated approximately [1 900 individuals](#) from Afghanistan. Also, on 6 September 2021, the first evacuees [received](#) a positive decision regarding their asylum application through a shortened procedure.
- On 25 August 2021, the Cabinet [appealed](#) to the regional and local governments to support the search for (emergency) reception locations for asylum seekers and housing solutions for beneficiaries of international protection. The first one opened on 27 September 2021 in the municipality of Goes.
- On 10 July 2021, a moratorium was decided for third-country nationals from the [Tigray](#) area in Ethiopia or from the Tigrayan which upholds any decisions on applications from these persons. The same decision has been taken for people from [Afghanistan](#).
- **Poland:** In total, 3 484 applications for international protection were lodged in Poland in the third quarter of 2021, five times more than in the same period of 2020 (639). The main countries of origin of applicants were: Afghanistan (1 530 – due to the evacuation of 1 138 Afghan citizens), Belarus (718), Iraq (481) and Russia (337).
- Poland issued 1 102 decisions in the first instance in the third quarter of 2021, including 450 citizens of Belarus.
- The Office for Foreigners prepared the information materials for Afghan citizens evacuated, on the procedure for granting international protection. As part of the integration activities, [information leaflets](#) were also published by the Ministry of Family and Social Policy. They concern social welfare and support on the labour market.
- **Portugal:** Until 30 September 2021, 198 Afghan citizens, who worked for the Ministry of Foreign Affairs and the Portuguese Armed Forces, as well as women journalists and a women's football team and their relatives, were evacuated to Portugal.
- **Slovenia:** A record in asylum applications lodged, has been reached in July and August 2021 (respectively 573 and 606). COVID-19 measures have been modified – instead of undergoing a 10-day quarantine, applicants now get tested, which has sped up the asylum procedure. A large number of applicants from Central Africa was reported during this period, which requires the provision of suitable interpreters to assist the applicants in the asylum procedure.
- **Spain:** On 27 August 2021, the Spanish Prime Minister announced that Spain had evacuated 2,206 Afghan aid workers and their families who have worked with Spain, Portugal and the US, the EU, NATO and the UN (47% women and 40% minors).
- **Sweden:** As part of the Swedish Government's commitment to invest in early measures for asylum seekers, the Swedish Migration Agency has been tasked to provide asylum seekers essential information on Swedish society within 14 days after an asylum application has been lodged. The aim of this [measure](#), which started on 1 October 2021, is to provide information on the asylum procedure, national legislation, democracy, norms and values but also issues such as LGBTB rights, gender equality and the prohibition of child
- In August 2021, Sweden evacuated approximately 1 130 persons from Afghanistan, among them approximately 380 individuals were Swedish citizens or had a Swedish residence permit,

and approximately 660 were received as quota refugees within the emergency quota of the Swedish resettlement programme. Evacuations have continued even after August 2021.

- **Georgia:** Between 12-16 July 2021, the penitentiary staff of the Ministry of Justice received a training on the asylum procedure, and the rights and obligations of asylum seekers.
- On 27 September 2021, the Ministry of IDPs from the Occupied Territories, Labour, Health and Social Affairs, in cooperation with the UNHCR Georgia, launched the awareness-raising and vaccination campaign against Covid 19 “No one is safe until everyone is safe” at the Asylum Seekers Reception Centre of the Ministry of Internal Affairs of (MIA), where people were vaccinated free of charge.



### 3. UNACCOMPANIED MINORS AND VULNERABLE GROUPS

#### EU DEVELOPMENTS AND UPDATES

- On 19 July 2021, FRA [presented](#) its work on the rights of the child to the Working Party in the Council of the European Union dealing with fundamental rights (FREMP), reflecting one of the priorities established by the Slovenian Presidency of the Council of the EU and to provide information to guide the Council’s response on the EU Strategy on the Rights of the Child.

#### NATIONAL DEVELOPMENTS

- **Bulgaria:** Under the relocation mechanism agreements on the integration of unaccompanied minors from Greece for the period July – September 2021, the country accepted five unaccompanied minors and could accept 70 more. In total, 26 unaccompanied minors have been relocated since November 2020.
- **France:** The General Directorate for Foreign Nationals in France (Asylum Directorate) published its [action plan for better addressing the vulnerabilities of asylum seekers and refugees](#). This plan was drawn up in consultation with the associative partners and institutional actors concerned.
- **Finland:** On 16 July 2021, the Ministry for Foreign Affairs [repatriated](#) two Finnish children and their mother from Roj camp in northeast Syria, as required by the Constitution.
- **Italy:** On 12 August 2021, the memorandum of understanding was signed for the implementation of the “Report Cards in their pockets – Channels of study for refugee minors” in collaboration with UNHCR. The agreement will allow the legal entry into Italy with a study visa of 35 unaccompanied foreign minors who are currently refugees in Niger (source: Interior Ministry)
- The Interior Ministry has approved the funding of 45 new reception projects for unaccompanied foreign minors, for a total of 662 new places; moreover, on 11 August 2021 the Ministry of Interior published the [Decree](#) approving the funding of 797 new places in 37 projects already active for unaccompanied minors and 174 new places in 14 projects already active for persons with mental and social disorders. On 1 July and 11 August 2021, the Ministry of Interior published the Decree approving the funding of 96 new Reception and integration system (*Sistema di Accoglienza e Integrazione* – SAI) projects for the expansion of reception for UAMs with 1 532 new places.
- On 15 July 2021, the Operating handbook for taking charge and the reception of unaccompanied foreign minors was published, a tool to assist operators engaged in taking charge of unaccompanied foreign minors and in delivering first reception services. Globally, the net reached so far respectively 6 692 (unaccompanied minors) and 783 (special needs).
- During the months of August and September 2021, the Department of Civil Liberties and Immigration (DCLI, Ministry of Interior) collaborated to the identification of dedicated reception shelters for 24 unaccompanied children related to the operations of evacuation from the crisis in Afghanistan.



- **Latvia:** From 9 August 2021 to 23 December 2021, the Office of Citizenship and Migration Affairs of Latvia [provided the assistance of asylum seekers accommodation experts](#) for Foreigners' Registration Centre in Lithuania. Two of the experts provided assistance for vulnerable groups.<sup>4</sup>
- **Netherlands:** On 25 August 2021, the Immigration and Naturalisation Service (IND) [adjusted](#) its procedure for family reunification on the part of minors. Minor third-country nationals with a residence permit have become eligible for family reunification under the more favourable conditions of the Family Reunification Directive, even if they are being cared for by and live with an adult family member in the Netherlands.
- **Poland:** About 75 unaccompanied minors (mainly Russians and Afghans) applied for asylum procedures.
- **Portugal:** Under, the EU relocation initiative the IOM Portugal welcomed the safe arrival of 44 unaccompanied asylum-seeking children from Greece.
- **Georgia:** On 13 August 2021, the State Commission on Migration Issues Working Group on Statelessness approved an Action Plan on Statelessness, including activities aimed at improving the legal status of stateless persons and the relevant database, as well as increasing the accessibility of the procedure for determining status of stateless person.



## 4. LEGAL MIGRATION

### EU DEVELOPMENTS AND UPDATES

- On 8 October 2021, the EU Home Affairs Council adopted the [Blue Card Directive](#), aiming at attracting highly qualified migrant workers to Europe, particularly in sectors facing skills shortages. The new rules include a more inclusive admission criteria, facilitate intra-EU mobility and family reunification, simplify procedures for recognised employers, grant a very high level of access to the labour market and extend the scope to include non-EU family members of EU citizens and beneficiaries of international protection.
- On 14 July 2021, the European Commission and the European Economic and Social Committee [launched](#) an open call to attend the 6th meeting of the European Migration Forum, which took place online on 27-28 October 2021. This 6th edition was entitled "From pandemic to recovery: challenges and best practices in migration management".

### NATIONAL DEVELOPMENTS

- **Belgium:** Because of the law that was adopted on [11 July 2021](#), international students who graduate in Belgium, or graduated abroad but studied for a period of time in Belgium within the framework of a mobility program, qualify for a one-year stay to find a job or exercise a self-employed activity.
- **Cyprus:** On 23 July 2021, the Ministry of Labour and Social Security decided to allow students to work in certain fields of employment with the prerequisite that an official contract in full details will be issued by the employer and evaluated by the Labour office. The categories of employment are listed [here](#) in Greek.
- **Estonia:** In September 2021, Estonian Supreme Court's Chamber of Constitutional Review [concluded](#) that the Aliens Act is unconstitutional to the extent that it does not allow to grant an alien a temporary residence permit for settling with a registered same-sex partner who holds an Estonian residence permit.

<sup>4</sup> Latvian will provide support for resolution of migration crisis in Lithuania available:

<https://www.iem.gov.lv/lv/jaunums/latvijas-eksperti-sniegs-atbalstu-lietuvai-migracijas-krizes-risinasanai>

- **France:** France modernised the online service available for foreign users, with the possibility to apply for a visitor residence permit, a duplicate residence permit or notify a change of address directly online at this [website address](#).
- **Finland:** On 16 September 2021, the government [submitted](#) to the Parliament the introduction of a long-term national D visa promoting labour migration, including the preparation of a fast-track pledge.
- In September, the Finnish government [published](#) the roadmap for education-based and work-based immigration for specialists, entrepreneurs, researchers and students.
- Beginning on 1 October 2021, Finland's Visa Application Centres in Russia [will accept](#) applications from business customers and from all applicants whose multiple-entry Schengen visa, issued by Finland for at least two years, has expired.
  
- **Germany:** On 27 August 2021, the Federal Employment Agency has signed the [first placement agreement](#) under the new Skilled Worker Immigration Act with the state-run Indonesian Migrant Workers Protection Board (IMWPB) of the Republic of Indonesia. This creates the basis for the recruitment and placement of Indonesian care workers for hospitals, clinics and care facilities in Germany by the Federal Employment Agency.
  
- **Ireland:** The Irish Government [announced](#) a final temporary extension of immigration and international protection permissions to 15 January 2022. The processing of short stay entry visas [resumed](#) from Monday 13 September 2021.
- The Irish Government [announced](#) a change to the policy regarding the application of EU/EEA Community Preference to postgraduate medical training programmes. Holders of immigration Stamp 4 will also now be considered for allocation of available specialist training programmes.
  
- **Luxembourg:** On 5 July 2021, the [Law of 16 June 2021 amending the immigration law came into force](#), clarifying the commitment of guarantors who are legally established in Luxembourg in favour of short-term stays of foreign nationals and simplifies the administrative procedure for family reunification.
- On 22 August 2021, the [law of 30 July 2021 amending the amended law of 8 March 2017 on Luxembourgish nationality](#) came into force. As COVID-19 continues to impact international travel, the new law extends the deadline for submitting the declaration of recovery by one year until 31 December 2022, allowing adults who have lost their Luxembourgish citizenship to become Luxembourgish.
- On 24 August 2021, the Luxembourgish government informed in a [press release](#) that eight Luxembourgish claimants managed to enter Kabul airport and that these persons will board flights to Luxembourg as soon as possible. On the same day, the Luxembourgish government informed about [one more claimant](#) who managed to enter Kabul airport.
  
- **Poland:** The number of persons applying for legalisation of stay in Poland increased despite the COVID-19 pandemic situation. In the third quarter of 2021, an upward trend was still observed - around 106 000 applications for residence permits were lodged (37,000 more than in the third quarter of 2020). The main countries of origin are Ukraine (72 000), Belarus (8 000), Georgia (7 000), Moldova and Russia (2 000 each). Most permits granted (58 000) were related to labour activity (80%).
  
- **Portugal:** In the third quarter of 2021, 64 inspection visits were carried out covering 65 employers and 402 foreign workers (most of them are Indian and Brazilian nationals), as well as 2 inspection visits on child labour of two employers that involved two foreign workers of Brazilian nationality.
  
- **Slovenia:** The Government issued temporary residence permits to 25 Afghan evacuees.

- **Georgia:** On 27 July 2021, the Ministry of Education and Science approved the program “Study in Georgia” and updated the website [Study in Georgia](#) to facilitate the enrolment of foreign students in higher educational institutions.

## 5. INTEGRATION

### EU DEVELOPMENTS AND UPDATES

- On 28 September 2021, a debate ‘[Supporting EU cities and regions by funding inclusive communities through the new Multi-Annual Financial Framework \(MFF\)](#)’ took place to explore available funding for EU cities and regions under the Asylum, Migration and Integration Fund (AMIF), the European Social Fund Plus (ESF+) and the European Regional Development Fund (ERDF).

### NATIONAL DEVELOPMENTS

- **Finland:** The Centre of Expertise in Immigrant Integration has [commissioned](#) a study on municipalities’ integration programmes. Also, a recent study by the Finnish Institute for Health and Welfare (THL) [indicates](#) that the COVID-19 pandemic has had a greater impact on persons who have migrated to Finland regarding health, quality of life, and mental strain when compared to the than the general Finnish population.
- **Germany:** On September, the funding programme “[Our Work: Our Diversity. Initiative for Workplace Democratic Competence](#)” was launched. The programme gathered a total of 35 projects on participation and democratic orientation, racism, right-wing extremism and conspiracy theories.
- **Italy:** On 3 August 2021, translations of the summaries of Reports on migrant communities in Italy by the General Immigration Directorate are available [online](#) on the website of the Ministry of Labour and Social Policies. Versions can be consulted in English, French or Spanish.
- On 28 September 2021, the National Phase 2021 was concluded of the Refugee Teams Network, a sports tournament aimed at unaccompanied foreign minors, with the purpose of promoting interaction between peers and the processes of social and intercultural inclusion through football.
- **Luxembourg:** On 2 September 2021, Bill n° 7877 amending the Electoral Law [was introduced](#) to Parliament. In light of the municipal elections on 11 June 2023, the Luxembourgish government plans to facilitate access to voting for foreign nationals by abolishing the five-year residence requirement and extending the deadline for them to be registered on the electoral roll by 32 days.
- The Ministry of National Education, Children and Youth [informed](#) about the creation of a “*Service de l’intégration et de l’accueil scolaires*” (“School Integration and Reception Service” - SIA), which will replace the Ministry’s current “*Service de la scolarisation des enfants étrangers*” (“Service for the Education of Foreign Children” - SECAM). The SIA will provide more holistic care for the student.
- The municipality of Schiffflange [has adopted](#) a “*Plan communal intégration*” (“Communal Integration Plan” - PCI), thus joining municipalities such as the City of Luxembourg or the City of Esch-sur-Alzette.
- On 6 July 2021, the municipality of Junglinster [signed](#) the new “*Plan communal intégration*” (“Communal Integration Plan” - PCI).
- From 19 to 21 July 2021, the Minister for Family and Integration [presented](#) the results of a study on the functioning and needs of the “*Commissions consultatives communales d’intégration*” (“Communal advisory commissions on integration” - CCCI).

- **Malta:** The Malta College of Arts, Science and Technology (MCAST), main professional vocational education and training (PVET) institution, organised an online debate on multiculturalism among staff and students. Furthermore, a continuous professional development (CPD) session on integrating migrant students at MCAST was organized.
- **Netherlands:** On 7 July 2021, former asylum seekers who received a residence permit under a 2007 [pardon scheme](#) (RANOV) will be exempted from the documents requirement and to renounce any other citizenships for naturalisation. The ‘grace period’ for British nationals to apply for legal residence in the Netherlands after Brexit was extended from 1 July to 1 October 2021. On 3 September, it was [decided](#) that the grace period will not be extended again. Since the withdrawal of the UK from the EU, an extensive campaign was conducted to inform all British residents in the Netherlands on how to arrange their residency under the Brexit agreement.
- **Poland:** On 23 August, a working group was established to develop a concept for integration and education of Afghan citizens, in response to the evacuations from Afghanistan conducted. The group was developed in accordance with findings reported by the Interministerial Team for Assessment of the Situation in the Islamic Republic of Afghanistan, led by the Ministry of Interior and Administration (Order No. 146 of the Prime Minister of 20 August 2021). The working group prepared a document entitled "*Integration Action Plan for Evacuated Afghan Nationals*". Its actions should be implemented by the Ministry of Family and Social Policy, which is the leading body on this subject. The Action Plan concentrates on educational activities, as well as on the social integration, labour market integration, assistance in obtaining housing, integration into the local community.
- **Portugal:** E-Learning course on Migration and Health IOM Portugal, in partnership with the Portuguese Directorate-General of Health (DGS) and selected experts, developed the e-learning course "Migration and Health". More than 200 health professionals took part in this training. As well, IOM Portugal was invited by High Commission for Migration to provide training for Portuguese host institutions that work towards the initial reception, accommodation, and integration of unaccompanied migrant children.
- **Slovenia:** The following regulations are under preparation: (i) Regulation on the methods and scope of providing assistance programs for the integration of foreigners who are not citizens of the European Union, (ii) Regulation on methods and conditions for granting rights to persons with recognized international protection and (iii) Regulation on integration house rules. New projects in the field of integration for a new EU perspective are also being prepared.
- **Georgia:** From July to September 2021, 25 foreigners have been enrolled in the State Language and Integration program. As for September 2021, 68 foreigners are studying state language at A1 and A2 levels.

## 6. MANAGEMENT OF THE EU EXTERNAL BORDERS

### EU DEVELOPMENTS AND UPDATES

- In July 2021, the European Parliament adopted a € 6.24 billion [fund for external border management](#).
- On 20 July 2021, the European Commission adopted a '[Practical Handbook](#)' on European cooperation on coast guard functions to facilitate cooperation of EU civilian and military authorities on activities related to increasing safety and security at sea. The document was developed by Frontex, the European Border and Coast Guard Agency, the European Maritime Safety Agency, and the European Fisheries Control Agency, in close collaboration with EU Member States.

- In August 2021, Frontex published the [first annual report](#) describing the activities of its fundamental rights office.
- Between 3-13 September 2021, Frontex led an [international operation](#) called EMPACT against serious and organised crime in Central and South Eastern Europe together with Austrian authorities. The operation completed the arrest of 144 suspected smugglers, detection of 6 656 irregular migration, detection of 76 fraudulent documents, and detection of 13 stolen cars.

## NATIONAL DEVELOPMENTS

- **Cyprus:** In September, the Working Party of Schengen Matters (SCHEVAL) of the Council of Europe, approved the Recommendations to the Republic of Cyprus related to the weaknesses identified during the Schengen evaluation in the field of management of the external borders, police cooperation and returns. In the coming months, the final Action Plans should be submitted to the European Commission for their evaluation.
- Feedback from the Member States were requested on the proposal for temporary access in the Schengen Information System for the Republic of Cyprus. The proposal will then be submitted to the Council of Europe and the Committee of Permanent Representatives (COREPER) for the final decision taking into consideration the opinion of the European Parliament.
- **Estonia:** As a [response to the influx of refugee Iraqi citizens](#), Estonia has deployed an ESTPOL5 unit of ten police officers to Lithuania each month. Estonia is also supporting Lithuania in the framework of the EU Civil Protection Mechanism and Frontex joint operations. The country supports Lithuania in field operations and equipment.
- **Italy:** On 10 September 2021, the European Commission issued, with the option of providing comments, the draft report of the assessment of Italian management of external borders from 27 June to 5 July 2021, as part of the five-year cycle of the Schengen Evaluation Mechanism. With regard to the flow of migrants across the Mediterranean, of the 46 391 persons who landed and registered on arrival on the Italian coast by 1 October 2021, 6 678 were unaccompanied foreign minors (source: [Statistical dashboard of the Interior Ministry](#)). Between 1 July and 20 September 2021, 46 311 migrants landed and were registered after arrival on the Italian coast, including 6 879 unaccompanied minors.
- **Hungary:** From 7 August 2021, as a result of the improving situation in the COVID-19 pandemic, and vaccination rate, third country nationals [are exempted](#) from sanitary measures excepting for those arriving by plane.
- Hungary started the preparation of its new Integrated Border Management Strategy for the period of 2022-2025.
- **Latvia:** From 11 August 2021 to 10 November 2021 [“Declaration of Emergency Situation”](#) was announced by the Cabinet of Ministers and approved by the Parliament due to increase of irregular border crossings on the Latvia’s border with Belarus.
- On 10 August 2021, the Cabinet of Ministers approved [an amendment](#) to Cabinet Order No. 312 of 4 July 2012, entitled [“Regarding the Action Plan for Co-ordinated Action of Institutions in Relation to Possible Mass Influx of Asylum Seekers in Latvia from the Countries Affected by Crisis”](#), which extends the powers of the Minister for the Interior to decide on measures and their implementation in the field of asylum. The Minister for the Interior established an [operational management center](#) in order to prevent threats and to coordinate the situation on the Latvian-Belarusian border.
- On 19 August 2021, Parliament approved amendments to [the Construction Law](#), [State Border Law of the Republic of Latvia](#) and to [the Law on Forests](#) in order to urgently develop infrastructure on Latvia’s border with Belarus.

- **Lithuania:** On 2 July 2021, the Ministry of the Interior announced a state of emergency on 7 July 2021, the Ministry of the Interior announced the [deployment of Lithuania's Armed Forces](#) to the border with Belarus.
- On 12 July 2021, Frontex launched a [rapid border intervention](#) at Lithuania's border with Belarus to assist with the growing migration pressure, and on 30 July 2021, the agency [reported the deployment](#) of 100 officers, 30 patrol cars, and two helicopters in Lithuania.
- On 23 August 2021, the Government [approved a proposal](#) by the Ministry of the Interior to allocate up to € 152 million to install a 508-kilometre-long physical barrier on the border with Belarus.
- On 3 September 2021, the Ministry of the Interior [prepared proposals for the EU legal framework](#), emphasising the protection of the EU's external border, the prevention of irregular migration, and the abuse of EU's asylum policy by undemocratic regimes.
  
- **Luxembourg:** The Grand Ducal Regulation of 17 September 2021 [extended the temporary restriction](#) of entry for third-country nationals who are residents outside the EU until 31 December 2021, with exceptions made for those holding a certificate proving complete vaccination considered equivalent in Luxembourg. An updated list of third countries not affected by this restrictions is available [here](#).
  
- **Netherlands:** On 9 August 2021, the Netherlands [announced the provision of material and expert support](#) to Lithuania to assist with the increased influx of migrants. The assistance is organised at the EU level and is aimed at addressing the high number of migrants entering Lithuania via Belarus since July 2021.
- On 4 September 2021, [important changes](#) came into effect for travelers entering the Netherlands from abroad. Individuals traveling from countries designated as 'high-risk areas' regarding COVID-19 require a certificate and a health declaration. Travelers from 'very high-risk areas' are also obliged to present a negative test result and to quarantine. The designation 'very high-risk country with virus variant' no longer exists.
  
- **Poland:** A [state of emergency was declared](#) in part of the Podlaskie and Lubelskie provinces due to the migration pressure on the Belarusian- Polish border which is an EU external border. The Polish border is protected primarily by the Border Guard, and by the Polish Army, and a fence is under construction at the border with Belarus.
  
- **Portugal:** The Government resolution is renewed every 15 days; restrictions on entry into the country are in place. These resolutions are applied to air and sea borders.
  
- **Slovenia:** The [new passenger terminal](#) at the Brnik Airport has been opened and the passenger flows have been adjusted according to the additional capacity of the border-crossing point.
  
- **Georgia:** From July to September 2021, 174 employees of Patrol Police Department (PPD) of the MIA participated in [capacity building activities](#) to enhance the border cross points, with the support of the EU funded project "[Prometheus](#)". Under the MIA-Frontex cooperation (for international airports security), Frontex officers were deployed in the country, while Georgian patrol police officers were placed in EU Member States. Based on the requirements of new amendments to the Entry/Exit Law, from July to September 2021, 714 citizens of Georgia intending travel to EU/Schengen area were refused to leave the country.



## 7. IRREGULAR MIGRATION

### EU DEVELOPMENTS AND UPDATES

- On 11 August 2021, the European Commission announced the [provision of an emergency funding](#) of € 36.7 million to Lithuania in supporting migration management, including the setting up of shelters, medical care and asylum procedures.



- On 25 August 2021, the European Court of Human Rights [published and interim order](#) requesting Latvia and Poland to provide Iraqi and Afghan refugees trapped at their border with Belarus with “food, water, clothing, adequate medical care and, if possible, temporary shelter”, without requiring those Member States to “let them enter in their territories”.
- The EU adopted a renewed [EU action plan against migrant smuggling](#) (2021-2025). The action plan has four key pillars: (i) improving the law enforcement and judicial response to migrant smuggling; (ii) gathering and sharing information; (iii) improving the prevention of migrant smuggling and the assistance to vulnerable migrants; (iv) and reinforcing cooperation with partner countries.

## NATIONAL DEVELOPMENTS

- **Czech Republic:** On 23 August 2021, the Czech Republic’s government, Ministry of the Interior’s programme Aid in Place, granted the Republic of Lithuania with a [monetary donation](#) of 13.5 million CZK (approximately € 530 000) to support the country’s migration system concerning the situation on the Lithuanian-Belarusian border.
- **Estonia:** As a response to the migration influx of Iraqi citizens arriving from Belarus and moving onwards to the Belarusian-Lithuanian border, the Police and Border Guard Board announced, that the [border control on the Estonian-Latvian](#) border and ports will be strengthened in form of increased random checks to prevent irregular border crossings. In July, the Estonian Police and Border Guard Board carried out [trainings](#) in the Southern border in cooperation with the Latvian State Border Guard. The aim was to providing training to detect irregular migrants, determine their identity and circumstances for reaching Estonia, assess the need for international protection, and depending on the circumstances, initiating either the asylum procedure or return.
- Additional [trainings](#) were also carried out in the South-Eastern border with the aim to prepare for situations when large groups of irregular migrants enter Estonia. The training included processes for detention, how to conduct proceedings, as well as tactical tracking, apprehension of armed criminals, and how to manage situations that are resource-intensive.
- **France:** [Adoption of the law of 5 August 2021](#) on the management of the health crisis generated a provision in the Code on Entry and Residence of Foreign Nationals and Right of Asylum (CESEDA) allowing to sentence a foreign national refusing to comply with the health obligations (Covid-19 screening tests) with three years of imprisonment and ten years of exclusion from the territory.
- **Italy:** Since 14 August 2021, the National Centre of Coordination for Immigration (established at the Central Immigration Directorate and Border Police) has been operational as a contact point for direct communication between Italy and Tunisia. The purpose of the centre is to enable the rapid exchange of information to combat cross border crimes perpetrated on that route. Maritime surveillance operations by means of Falco Evo Drones began on 3 August 2021, financed through the Internal Security Fund 2014-2020 (the “Remotely Piloted Aircraft Systems – RPAS” project).
- **Latvia:** On 10 August 2021, the Cabinet of Ministers granted [funding for the construction of infrastructure](#) necessary for the guarding of the State external border of the Republic of Latvia for the prevention of irregular border crossings.
- On 1 September 2021, the Cabinet of Ministers approved amendments to the Order [“Regarding the Declaration of Emergency Situation”](#), which provide for the State Border Guard to issue food and essential goods to persons who have crossed the border of Latvia irregularly. The amendments shall provide the Emergency Medical Service, at the request of the State Border Guard, to provide the necessary medical assistance to those who need it.

- The Office of Citizenship and Migration affairs of Latvia [recruited 16 new employees](#) and translators from the European Asylum Support Office to increase the speed of asylum application examination.
- **Lithuania:** On 2 July 2021, in response to the growing influx of irregular migrants via the Belarus-Lithuania border, the Government declared an [emergency situation](#) to facilitate decisions on logistics, funding, and cooperation with municipalities and other relevant authorities
- In August 2021, a [decision by the Ministry of Interior](#) has been adopted requiring persons to use the legal means of border crossing points or applying for asylum and a decision by the Ministry of Interior has been adopted requiring persons to use the legal means of border crossing points or applying for asylum.
- **Malta:** Another important milestone was achieved during the summer of 2021 with the launch of the Media Protocol and subsequently the first two independent media visits.
- The Migrant Health Service has continued to expand and improve (i.e. with the setup of CCTV cameras for security, welcome packages, and easier access to outdoor spaces) and includes a number of specialty clinics such as an Ophthalmic and Genitourinary (GU) Clinic. A medical pathway was also introduced for all admissions of persons to the Detention Service.
- **Slovenia:** Slovenia has purchased 22 vehicles for compensatory measures that are implemented on internal borders and within the country. The measures serve to control entry conditions, verify the legality of residence in the territory of the Republic of Slovenia with a view to identify possible abuses of legal residence in the country, undeclared work, abuse of foreign workers and detection of victims of trafficking. Compensatory measures are implemented in accordance with Schengen Borders Code. The concept of the standing corps deployment has been enhanced and the pool has been increased. The contract for the temporary obstacles at the green borders has also been signed.

## 8. RETURN

### EU DEVELOPMENTS AND UPDATES

- On 25 September 2021, the Med5 which includes the Interior Ministers of Cyprus, Greece, Italy, Malta and Spain – released [a joint statement](#) calling on the need “for common European participation in returns, and an active role of the EU's organisations in the external dimension”. More EU's preventative action should be undertaken regarding the increased number of irregular migrants arriving, especially by sea.

### NATIONAL DEVELOPMENTS

- **Belgium:** Because of the changed situation in Afghanistan, it was decided that for the time being, there will be no forced returns to Afghanistan.
- **Finland:** On 9 July 2021, the Finnish Immigration Service [suspended the return decision-making processes](#) for Afghan citizens. Decision-making on positive cases will continue, and new country information and the prevailing situation will also be taken into account when assessing the conditions for granting asylum.
- **Germany:** On 11 August 2021, the Federal Ministry of the Interior decided to [suspend return operations](#) to Afghanistan for the time being. Accordingly, the planning for the imminent repatriations to Afghanistan was also suspended.
- **Italy:** The Italian Return Case Management System (RECAMAS) is continuing to be developed. A disembarkation system has been developed in line with the RECAMAS gap analysis document. It will enable return decisions for landed migrants to be issued in a simplified manner. All personal data of landed persons will be shared with the RECAMAS system and the IT Asylum

system. The Asylum system will be able to communicate decisions rejecting asylum applications issued by the Asylum Commission in real time. The Far platform has been implemented nationally for ticketing DEPU return operations (when a third-country national is not escorted during the removal) as well as voluntary departures.

- In June 2021, Italy joined the European Return and Reintegration Network (ERRIN) and is developing strategy and initiatives in the field of reintegration. Regarding pre-return activities, the RCMS platform with Bangladesh is fully operational, and the one with Pakistan will be used in the very near future.
- Between 28 June and 4 July 2021, Italy was involved in the Schengen Evaluation in the field of return. Return operations (charter/commercial) are ongoing, with the usual difficulties created by the pandemic.
- **Lithuania:** Since 16 August 2021, [mobile teams](#) consisting of specialists from the Migration Department, State Border Guard Service, Ministry of Foreign Affairs, Ministry of Social Security and Labour and translators, began working in migrant accommodation facilities to gather information on irregular migrants' needs and to inform on the possibility of returning to their country of origin voluntarily with the [support](#) of Lithuania's government. On 1 October 2021, the Ministry of the Interior [reported](#) that 176 migrants who irregularly crossed the Belarus-Lithuania border returned to their countries of origin.
- **Malta:** Two officers from the Returns Unit attended ERRIN's CADRE [Training for Trainers](#) in Berlin on 6-10 September 2021. Training on Return Counselling is expected to be given in the first quarter of 2022.
- **Netherlands:** A decision and departure moratorium was installed for third-country nationals from the [Tigray](#) area in Ethiopia or from the Tigrayan population group (on 10 July), and for people from [Afghanistan](#) (on 26 August 2021), due to the situation in these countries. Both measures are effective for a six-month period, meaning that these foreign nationals whose application for asylum has been rejected will temporarily not be removed.
- On 10 August 2021, Sierra Leone was [added to the list](#) of destination countries for the remigration benefit scheme of the Dutch Social Insurance Bank, to facilitate the remigration of an individual to this country. The remigration benefit scheme is intended for people who live in the Netherlands but who want to return to their country of origin. Under this scheme, they can get a monthly payment for their living costs.
- **Portugal:** In the framework of the Assisted Voluntary Return and Reintegration project (ARVoRe VIII), co-funded by the Asylum, Migration and Integration Fund (AMIF) and the Portuguese Foreigners and Border Service (SEF), IOM Portugal signed a Project Implementation Agreement with ISPA – University Institute for the provision of psychosocial support to returnees in the preparation of their return. Between July and September 2021, the ARVoRe VIII Project assisted 50 migrants returning to their countries of origin, 43 of whom returned to Brazil.
- **Slovenia:** The Slovenian Police formally joined the ERRIN program on reintegration projects within the program. However, most of the returns are made to countries where ERRIN is not

### Judgment of the European Court of Justice

Case C-768/19 SE v. Bundesrepublik Deutschland

On 9 September 2021, the CJEU issued a judgment on the interpretation of Article 2(j) of Directive 2011/95 in Germany. The German Federal Office for Migration and Refugees refused to grant the applicant, an Afghan national, refugee status or subsidiary protection based on family reunification with his son, who benefits from subsidiary protection status. The Court concluded that the date of application for asylum submitted by the parents would not be consistent with the principle of the bests interest of the child. The relevant date for assessing whether the beneficiary of international protection is a minor, for the purpose of deciding on the asylum application lodged by his father, is the date on which the latter lodged such an application.

(yet) present. Forced returns to third countries are still limited due to COVID-19 measures in aviation and entry conditions. In September, Slovenia hosted representatives of Pakistan with a view to establishing the NADRA system in order to improve cooperation between countries in the identification and issuance of documents for Pakistani citizens.

- **Sweden:** As a consequence of developments in Afghanistan, the Swedish Migration Agency adopted a [new legal position](#) on 16 July 2021 to suspend the enforcement of all return decisions to Afghanistan. This also applies to forced returns, which are under the responsibility of the Police Authority. The Migration Agency also decided to suspend the decision-making in Afghan asylum claims with a legal decision adopted on 23 July.
- **Georgia:** The Migration Department of the Ministry of Internal Affairs participated in six Collecting Return Operations coordinated by Frontex. As a result, 246 citizens of Georgia were safely returned from EU Member States. On 4 August 2021, the [Governmental Ordinance n°426 was amended](#) allowing voluntary returnees to Georgia to electronically obtain Emergency Travel Document, when this is requested by the competent authorities of the sending country. Expulsion decisions on 45 foreigners were issued and 21 decisions were executed by the MIA.

## 9. ACTIONS ADDRESSING TRAFFICKING IN HUMAN BEINGS

### EU DEVELOPMENTS AND UPDATES

- On 30 July 2021, Ghada Waly, Executive Director of the United Nations Office on Drugs and Crime (UNODC), and Ylva Johansson, European Commissioner for Home Affairs, delivered a [joint statement](#) at the World Day Against Trafficking in Persons. The EU-UN cooperation is built around the EU Anti-Trafficking Coordinator and the Inter-agency Coordination Group against Trafficking in Persons (ICAT), coordinated by the UNODC and brings together 30 UN agencies and regional organisations.
- For the period between 2021-2025, the EU has developed the [Strategy on Combatting Trafficking in Human Beings](#). The Strategy identifies key priorities aiming to combat trafficking in human beings more effectively and proposes concrete actions. It also aims to support Member States and non-EU partner countries in the implementation of the United Nations Convention against Transnational Organized Crime and the Trafficking in Persons Protocol, to which the EU and its Member States are parties.

### NATIONAL DEVELOPMENTS

- **Austria:** On 28 July 2021, the Council of Ministers adopted the [National Action Plan to Combat Trafficking in Persons 2021-2023](#).
- **Finland:** The Non-Discrimination Ombudsman published a [study](#) concerning residence permits and asylum decisions made by the Finnish Immigration Service in 2018–2020 with indications of possible victims of human trafficking. The results of the investigation showed that trafficking in human beings was rarely the main reason for granting international protection or a residence permit in positive decisions.
- The National Assistance System for Victims of Human Trafficking has started giving [training courses](#) to the victims of human trafficking in order to develop working life skills, and to inform about working life in Finland.
- The Ministry of Justice has made [new operational commitments](#) and to develop legislation as well as activities of public authorities to combat trafficking in human beings.
- **Italy:** In September 2021, the first national survey was launched on the housing conditions of migrants who work in the agri-food sector. The initiative is part of the project 'InCas' – Action Plan in support of local entities in the field of Foreign Citizens' Inclusion processes and interventions to Combat the Exploitation of labour in agriculture and the gangmaster system – supported by the Ministry of Labour and Social Policies. The aim of the survey is to map all

situations of precariousness and housing hardship on national territory, in order to combat illegal settlements, criminality and the exploitation of agricultural workers. The mapping will serve to activate 200 million euros of funds provided by the National Plan of Recovery and Resilience in support of the Municipalities and the strategic partners active in the territories.

- **Malta:** As part of the discussion on the creation of a [National Multiagency Strategy](#) with human rights perspectives, a focus has been placed on victims of trafficking in human beings. Some stakeholders have been identified as primary actors for the success of the National Strategy and Action Plan and are considered as experts, namely: (i) Agency for the Welfare of Asylum Seekers (AWAS), (ii) Commission on Domestic Violence (CGBVDV), (iii) Department for Industrial and Employment Relations (DIER), (iv) Foundation for Social Welfare Services – *Agenzija Appogg / Agenzija Sedqa*, (v) Identity Malta, (vi) International Organization for Migration (IOM), (vii) Ministry of Health, (viii) Ministry of Home Affairs, National Security and Law Enforcement (MHSE), (ix) National Statistics Office (NSO), (x) United Nations High Commissioner for Refugees, (xi) and Victim Support Agency.
- On the 30 July 2021, the day chosen by the United Nations as the World Day against trafficking in persons, Malta joined the global Blue Heart Campaign to raise awareness about this heinous crime, and the various forms it takes.
- The Human Rights Directorate will publish soon a study on the model of the 3P's (Prosecution, Prevention and Protection) of persons who are victim or potential victims of trafficking.
- Under the campaign 'Victims Voices lead the Way', several human trafficking cases has been studied with analyses of the social differences on vulnerabilities. As for prosecution, the legal definition of the term 'human trafficking' has been examined under the criminal code and a set of reliable recommendations for measures of protections for the victims of THB has been provided.
  
- **Poland:** On 6 July 2021, a meeting took place of the working group for guidelines for labour inspectors on the methodology of carrying out inspection activities in cases where there is a suspicion of trafficking in human beings, focusing on forced labour (operating under the Team for Counteracting Trafficking in Human Beings). The guidelines are expected to be finalised soon.
- On 14 July 2021, a meeting of the working group for the handbook for the judiciary and law enforcement authorities, as well as other bodies involved in combating trafficking in human beings, was held in the scope of proceedings in cases of trafficking in human beings operating under the Anti-Trafficking Team.
- In the third quarter, THB training for the cabin crew of PLL LOT was continued, ordered by the Ministry of Interior and Administration by the International Organization for Migration (IOM), as well as at the request of the Ministry of Interior and Administration.
- Also, the research agency KANTAR launched in September 2021 a survey of public awareness of trafficking in human beings.
  
- **Portugal:** On 10 September 2021, three Training Actions were held for the National Republican Guard (GNR) on the prevention of trafficking in human beings, with 678 participants: ePortugal Portal new section on Trafficking in Human Beings, which has the following information directed to migrants (only in Portuguese - translation into English remains 'work in progress'): "Migrants: support to trafficking in human beings situations"; "Asking support to THB victims"; and "Present a complaint for trafficking in human beings".
- Two inspection visits were carried out covering 2 employer entities, involving 8 foreign workers from India and Indonesia in order to combat trafficking in human beings for labour exploitation.
  
- **Slovak Republic:** Between July and September 2021, the [Information Centre for Combating Trafficking in Human Beings and Crime Prevention](#) of the [Slovak Mol](#) conducted intensive



networking and awareness raising activities on THB and on identification of potential victims including foreign nationals. Among different stakeholders were mainly field workers, operators of emergency system and employees of the Centres for children and families.

- **Georgia:** On 26-27 July 2021, [training](#) on the use of technology to optimise the fight against sexual exploitation was held for Georgian investigators and prosecutors by a Dutch expert. The training focused on Georgia's online sex markets, intelligence collection within this online area, applying investigative techniques supported by technology and partnership strategies on cooperation with public and private partners.

## 10. EXTERNAL DIMENSION

### EU DEVELOPMENTS AND UPDATES

- On 24 August 2021, at the G7 meeting, EU Commission President Ursula von der Leyen announced an [increase in EU funds](#), for humanitarian support to Afghanistan and the neighboring countries, to €200 million. She also recalled the importance for close cooperation with UN agencies such as the UNHCR for the resettlement operations of refugees and the necessity to develop condition-based humanitarian assistance, through the respect of fundamental values, human rights, and women's rights.
- On 24 July, the European Commission [celebrated the first anniversary](#) of the new way forward on the internal security initiative that encompasses three key components, (i) an EU strategy for a more effective fight against child abuse; (ii) a new EU Agenda and Action Plan on Drugs that was later developed as the EU Drugs Strategy 2021-2025, and (iii) an EU Action Plan on firearms trafficking.

### NATIONAL DEVELOPMENTS

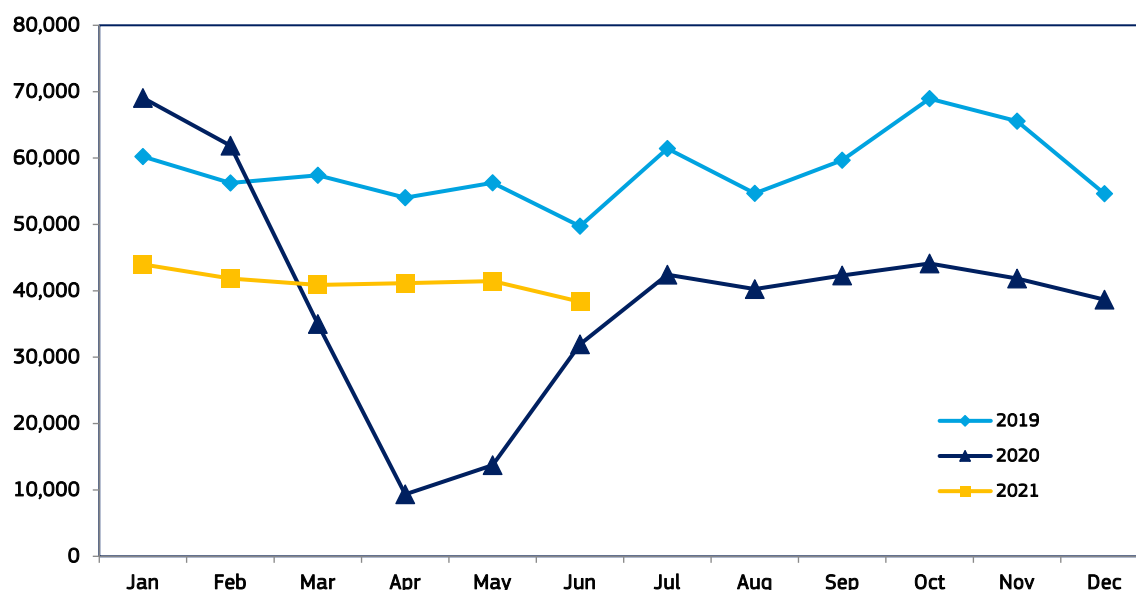
- **France:** [Law n°2021-889 of 5 July 2021](#) allows the approval of the partnership agreement for migration and mobility (of students, academics and researchers and skilled people) between the Government of the French Republic and the Government of the Republic of India.
- **Italy:** On 19 July 2021, the agreement was signed for the initiative "Reinforcement of labour intermediation services in support of the economic transformation in Ethiopia", with the aim of improving access to the labour market for young people and women in rural areas in Ethiopia, contributing to the fight against poverty and combatting some of the causes of illegal migration.
- On 14 September 2021, the International Organization for Migration and the Ministry of State for Emigration and Expatriate Affairs consulted with representatives of the expatriate Egyptian community in Italy. The project involves members of the Egyptian diaspora in Italy and has the aim of creating networks, platforms and guidelines.
- The Italian Mobi-TRE project continues to train and fund young people from marginal areas of Tunisia in the creation of new businesses. Thanks to the support of the Tunisian diaspora residing in Italy, around 34 entrepreneurial projects have been co-financed. At the end of September, the second edition was held of the "*Forum to promote entrepreneurship and investment of Tunisians residing abroad*", a meeting between experts and young entrepreneurs and an opportunity for young people to take part in the socio-economic development of Tunisia. In July, the "*Une Autre Voie Possible*" campaign was launched with the aim of making young people aware of the risks of illegal migration and inform them about the opportunities and advantages of legal migration. The "*Round table of coordination on Afghanistan with Civil Society Organisations*" was activated in September, established at the Ministry of Foreign Affairs and International Cooperation.



- **Luxembourg:** On 23 August, in [a joint reply](#) to a parliamentary question three ministers of the Luxembourgish government indicated that Luxembourg's financial support to multilateral partners in Afghanistan for 2021 amounts to € 2.35 million, mainly on humanitarian aid. In total, Luxembourg has invested € 47.5 million between 2001 and 2020 for sustainable development in Afghanistan.
- On 24 August 2021, the Ministry of Foreign and European affairs stated that [two Luxembourgish representatives would be sent to Kabul airport](#). Together with the [Luxembourgish A400M military aircraft](#), they were to assist Luxembourg's partners in the collective evacuation efforts.
- On 31 August 2021, during an extraordinary reunion of the EU's Home Affairs Council, the Luxembourgish Minister of Immigration and Asylum committed to achieving a [collective effort in favour of international protection](#) and convinced the European Commission to organise a forum on resettlement to implement the commitments made at the G7 meeting of 24 August 2021.
- On 10 September 2021, the Minister for Immigration and Asylum, Jean Asselborn, answered to a [parliamentary question from 12 August 2021](#) and considered the protection of Afghan nationals who have worked for the EU and NATO as a duty for Luxembourg. Afghanistan's neighbouring countries will also play an important role in this context.
- **Spain:** In August 2021, a proposal for a Toolbox for Comprehensive migratory cooperation with countries of Northern Africa, Sahel and Western Africa (that was presented to the EU in January 2021) was adopted. The toolbox will be launched in October with the provisional funding amounts of € 942 million. The migratory cooperation will go through a Team Europe Initiative for the Atlantic and Central Mediterranean route.
- **Poland:** The tables of the [Demographic Yearbook 2021](#) with data for 2020 are available on the website of the Central Statistical Office including foreign migrations in excel format (file 12\_migracje\_zagraniczne\_RD'2021).
- **Georgia:** On 17 September 2021, an [award ceremony](#) for funding diaspora projects was held. A total of 64 projects were funded in following programs: a) "Be the Young Ambassador of Your Country" (18); b) "Support to Diaspora Initiatives" (22); c) "Support to Georgian Dance and Song Ensembles Abroad" (22).

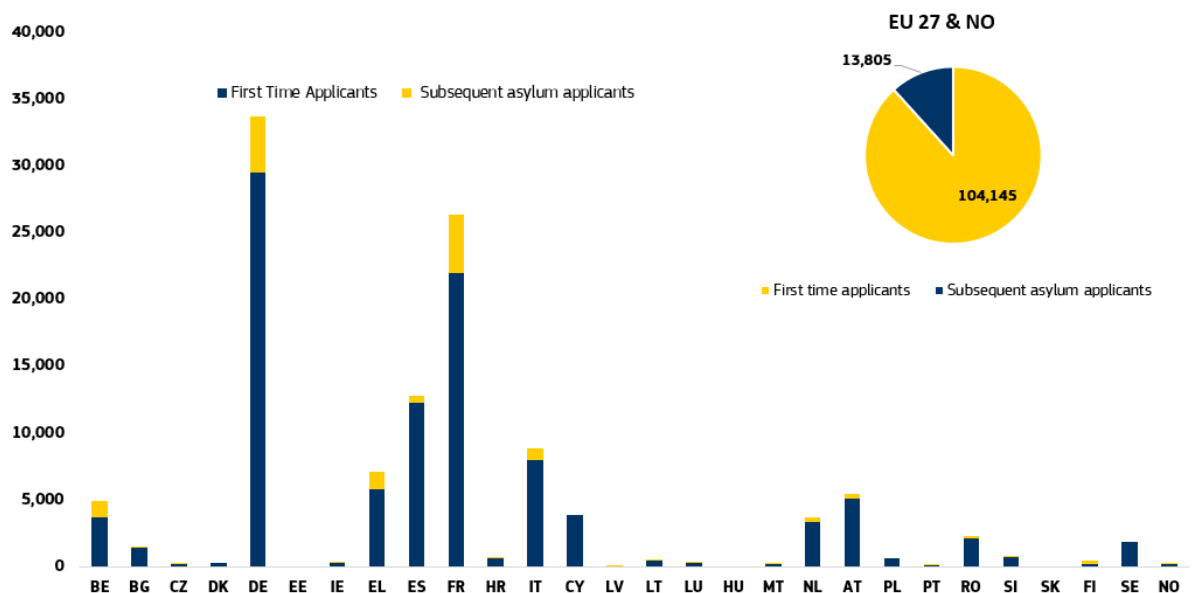
**ANNEX: EU & COMPLEMENTARY STATISTICS, ADDITIONAL INFORMATION, OTHER EMN OUTPUTS AND UPCOMING EVENTS**

**Figure 1: Asylum applications in the EU-27, Q2 2021 (April– June)**



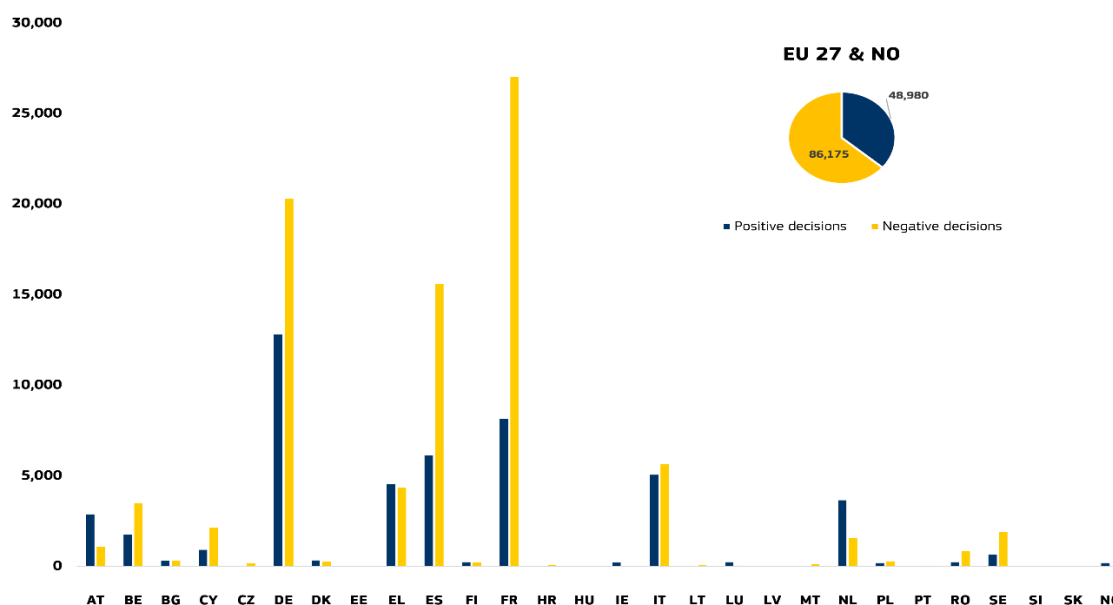
Source: Eurostat [[migr\\_asyappctzm](#)], total asylum applicants, extracted on 26 October 2021.

**Figure 2: First time asylum applicants and subsequent applicants (together, total asylum applicants) in the EU-27 and Norway, Q2 2021 (quarterly data)**



Source: Eurostat [[migr\\_asyappctzm](#)], accessed on 20 Septembre 2021.

Figure 3: First instance asylum decisions in EU-27 and Norway for non-EU citizens, Q2 2021



Source: Eurostat [[migr\\_asydcfstq](#)], accessed on 26 October 2021.

### Updates on EU legislation transposition

- Luxembourg:** On 10 September 2021, [Bill n°7881](#) was introduced to Parliament. The objective of the Bill is to transpose Directive (EU) 2019/884 and to implement Regulation (EU) 2019/816 of the European Parliament and of the Council of 17 April 2019 by establishing a centralised database containing conviction information on third-country nationals and stateless persons (ECRIS-TCN).

### Other EMN outputs and past/upcoming events (see also the [EMN website](#))

- On 28 September 2021, the EMN hosted a roundtable in collaboration with the World Bank entitled: ‘**Circular Migration for Low- and High- Skilled: A New Paradigm?**’. The panel discussed future approaches to migration with regard to circular migration schemes with a diverse set of speakers from Canada, Germany, Morocco, New Zealand, Nigeria, and the United States.
- Luxembourg:** At the IMISCOE Conference 2021, EMN Luxembourg organised a workshop on naturalisation conditions in selected EU Member States. Representatives of the EMN contact points from Austria, Ireland, Finland, Luxembourg, the Netherlands and Sweden, participated in two panel discussions. More information can be found on the [national EMN website](#). In September, EMN Luxembourg released another edition of the newsletter “[EMNews](#)”, which provides an overview of different past and future events that have been organised or attended by the EMN Luxembourg team, as well as recent publications produced by the Network.
- On 30 September 2021, EMN Luxembourg successfully hosted a national conference on detecting and protecting vulnerable migrants in the international protection procedure. The conference consisted of two panels with expert speakers from the European and Luxembourgish contexts. More information can be found on the [national EMN website](#).
- Slovakia:** On 24-26 August 2021, EMN Slovakia held its 8th EMN Educational Seminar on Migration, entitled “Migration in a Multilateral World” in online virtual studio format. The

seminar welcomed 22 experts from 15 countries representing international organisations, non-governmental sector, research institutions and academia. Lecturers discussed how migration and multilateralism are intertwined in the context of policies, politics and field work as well as how the international cooperation affects migrants and refugees in transiting or destination countries. The seminar reflected on how migrants and refugees impact a country's economy, exploring links between labour migration, remittances and development of source and host countries. Additional legal avenues for people on the move were also discussed. 125 participants from 25 countries were registered for the event. More information including podcasts and other outputs will be available on [seminar webpage](#).

