



Council of the
European Union

Brussels, 12 October 2021
(OR. en)

12742/21

JAI 1083
ASIM 82
MIGR 226
RELEX 839
FRONT 355
VISA 208
CADREFIN 436

COVER NOTE

From: Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director

date of receipt: 30 September 2021

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union

No. Cion doc.: COM(2021) 590 final

Subject: COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS on the Report on Migration and Asylum

Delegations will find attached document COM(2021) 590 final.

Encl.: COM(2021) 590 final



Brussels, 29.9.2021
COM(2021) 590 final

**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN
PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL
COMMITTEE AND THE COMMITTEE OF THE REGIONS**

on the Report on Migration and Asylum

1. INTRODUCTION

With the adoption of the New Pact in September 2020, the Commission proposed a fresh start, with a comprehensive package to ensure a strong and balanced migration and asylum system equal to the challenges of the future. It builds on a major stepping-up of work on migration in recent years. This has brought investment and operational support to Member States under pressure; new tools for a stronger external border and more effective EU agencies; and deeper cooperation with key external partners to address EU migration goals across routes as a whole, as well as new legislative developments.

The Pact set out a detailed roadmap¹ of essential steps. Many of these have been implemented or advanced over the past year, but work remains incomplete.

Rapidly changing migratory situations can lead to considerable pressure on the EU's external border. Any Member State, regardless of its geographical situation, can be confronted with complex migration challenges. Sometimes this is due to vulnerable people leaving their homes as a result of conflict, climate change, demography, human rights violations or lack of access to basic needs. But there is always a risk of new challenges. The recent state-sponsored migration movements, with the use of migration by Belarus as a political tool to destabilise the European Union and its Member States, are a vivid example. Established routes such as the Central Mediterranean have seen new surges in 2021. The crisis in Afghanistan may further increase the risk of forced displacement, migratory flows in the region and migrant smuggling towards the EU. It has also sparked a major global effort to address the crisis through humanitarian support² on the ground, evacuations and resettlement of those in need of international protection, as well as support to Afghanistan's neighbours who are hosting refugees. The EU and Member States should play their full part through the Afghan Support Package announced in President von der Leyen's State of the Union Address, both in the immediate future and with a view to the medium- to long-term needs.

These events show that the imperative need for a sustainable European asylum and migration framework remains as strong as ever. This common framework must deliver on the multiple challenges faced by the EU: to provide certainty, clarity and decent conditions for the men, women and children arriving in the EU; to strengthen the EU's capacity to effectively manage its borders; to combat migrant smuggling; to reduce irregular routes, and ensure more effective returns in close cooperation with partner countries of origin, transit and destination; and to foster sustainable and safe legal pathways. It should demonstrate to citizens that migration is a normal and manageable part of modern life, which can be handled by working together in an effective and humane way.

There is unfinished business at EU level, both internally and externally. While progress on the external side is essential, it must be complemented by progress internally to complete the EU's comprehensive migration and asylum policy. Above all this means completing legislative work

¹ The latest state of play of the roadmap is set out in Annex 1 of this Communication.

² EU humanitarian assistance is delivered according to principles of humanity, impartiality, neutrality and independence, and solely on the basis of needs. It is not influenced by any political, strategic, military or economic objective (Communication on the EU's humanitarian action: new challenges, same principles, (COM (2021) 110).

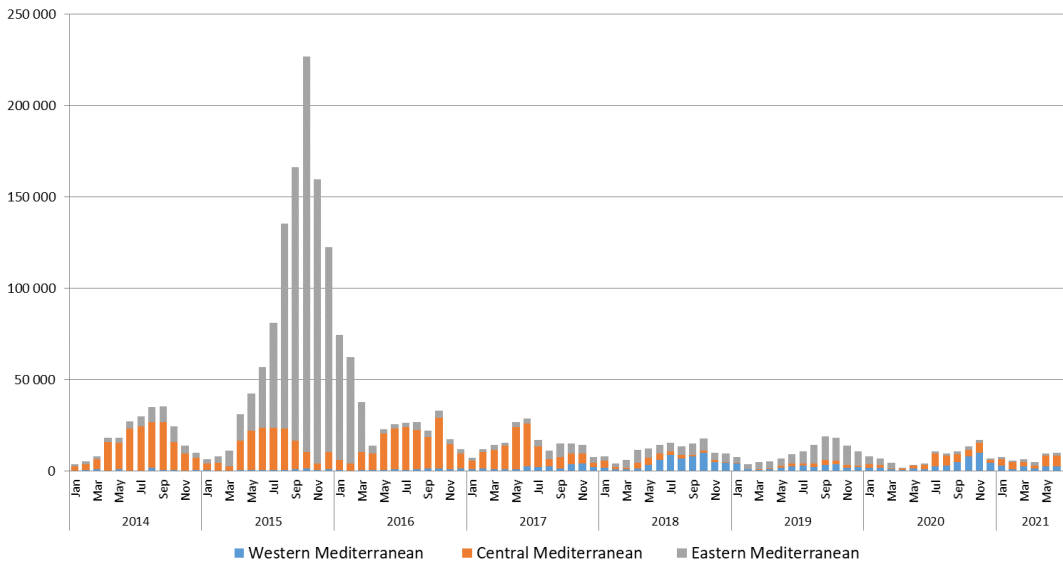
on the proposals under the New Pact on Migration and Asylum³. A further key building block will come by following up on the Schengen strategy set out in June 2021⁴. In the coming months the Commission will propose the remaining initiatives outlined in the roadmap.

This report takes stock of progress achieved and key developments in migration and asylum policy over the past year and a half, outlines the context in which progress is pursued, identifies the key challenges, and highlights the prospects for progress, setting out the steps that will lead to a more robust, viable and fair migration and asylum policy.

2. STATE OF PLAY OF THE KEY ROUTES

Overall, the total number of irregular migrants across all the routes remains significantly below the levels prior to the 2015 crisis – even taking into account the impact of the pandemic depressing all activity in 2020-2021. However, arrivals have started picking up, with the number of illegal border crossings at all EU external borders in the nine months of 2021 reaching around 120 000, compared to nearly 77 000 in same period of 2020 and just over 91 000 in the same period of 2019.

Irregular border crossings on the three main routes (source: Frontex)



The **Central Mediterranean** experienced the highest increase (+82%) of all routes in the course of 2021. While the total number of arrivals in **Malta** in 2021 was 470, a 78% decrease from the same period in 2020, this should be seen in the context of a steep increase of arrivals in **Italy** with over 41 000 total arrivals, almost half of these from Libya. Migration from Tunisia also remains high in comparison to previous years, accounting for almost 40% of irregular migrants arriving in Italy so far this year. One other significant trend is the increased numbers arriving directly in Italy, as opposed to landing following search and rescue.

³ COM(2020) 609, 23.9.2020.

⁴ COM (2021) 277, 2.6.2021.

The total number of arrivals in **Spain** in 2021 is 25 852 (as of 19 September 2021), which is 54% more than in the same period in 2020. This is due primarily to arrivals in the Canary Islands having more than doubled. The main country of departure of migrants arriving in mainland Spain through the Western Mediterranean route is Algeria, followed by Morocco. The main departure countries on the Atlantic route to the Canary Islands are Morocco, Mauritania, and Senegal.

On the **Eastern Mediterranean route**, the overall figure in 2021 is lower than last year, with a significant decrease of 58% of arrivals to Greece in 2021 so far. In contrast, 2021 has seen a rise in arrivals in Cyprus of some 47%, and a notable 208 % increase in arrivals directly from Turkey to Italy, with 6 175 to Italy from Turkey in 2021, compared to 2 007 in 2020.

In **Cyprus**, to date in 2021, 6 026 arrivals were reported at the government-controlled areas, 5 413 after having crossed the Green Line and 613 directly by boat, compared to approximately 4 100 arrivals through the Green Line and by boat in the same period last year, where 5 400 arrivals were recorded via the Green line and 496 by boat directly to Cyprus government-controlled areas, from either Lebanon, Syria or Turkey (334 from Turkey).

A worrying development has been the instrumentalisation of migration for political ends at different EU external borders⁵. However, the most striking came in June 2021, when the state of **Belarus** organised state-sponsored smuggling of migrants into the EU. This followed political upheaval in Belarus and the international reaction to the forced landing of a passenger aircraft in Minsk. Flights and internal travel were organised to facilitate the transit of migrants first to Lithuania and then to Latvia and Poland, a majority being Iraqi nationals. Irregular arrivals in Lithuania in 2021 are more than fifty times higher than arrivals in 2020, and Poland and Latvia have also seen vastly increased irregular border crossings from Belarus.

As a result of concerted EU efforts (see below), the number of daily irregular arrivals has dropped sharply, but migratory pressure from Belarus persists.

Another illustration of how changing patterns need constant attention is the rise in the number of crossing from the EU to the United Kingdom over the English Channel. By September 2021, 13 500 people had been recorded as having undertaken this crossing, compared to 8 500 in the whole of 2020.

Irregular arrivals from **Afghanistan** in the EU have not shown a marked change since the recent upheaval. The EU and the Member States have nevertheless shown a determination to learn from past experience, working in a coordinated manner to handle the humanitarian challenge as well as preparedness for potential migratory movements and new security risks.

Situation in Afghanistan – the EU’s immediate response

Following the dramatic events in Afghanistan, the political and security situation remains highly volatile. Some **635 000 Afghans have been internally displaced** this year alone, while more than 2 million registered refugees were already estimated to be hosted in the region, along with an estimated 3 million non-registered refugees. A range of EU action is under way.

- **Evacuations** have included all EU local staff with dependents, as well as a significant number of those with close contacts with the EU or Member States. Member States should make full use of

⁵ Statement of the Foreign Affairs Council of 6 March 2020 and the European Council conclusions of 24-25 June 2021.

existing possibilities to address immediate needs of evacuated Afghans, including by using the unspent amounts within existing national programmes. Further cooperation is needed to continue evacuations of those Afghans most in need of protection, in particular those whose lives are at risk such as human rights defenders, judges and professionals of the justice system, journalists, and civil society activists

- EU **humanitarian partners** remain operational on the ground, where the security situation allows. The assistance provided includes health services, food distribution, emergency water and sanitation activities, as well as rapid response for newly displaced people. At the **UN High-Level Ministerial Meeting on the Humanitarian Situation in Afghanistan**, on 13 September, the EU and its Member States announced a total pledge of some €677 million. This includes EU humanitarian aid of over €200 million in 2021.
- An EU **High-Level Forum focusing on providing protection to Afghans at risk** will take place on 7 October, bringing together Ministers of Foreign Affairs and Ministers of Interior to discuss comprehensive sustainable solutions for Afghans most in need of international protection. These include future EU resettlement efforts as well as complementary legal pathways such as family reunification, community sponsorship or admission for studies or work, with additional EU financial support to match political commitments and integration efforts of the Member States. It should give particular attention to Afghan human rights defenders, judges and professionals of the justice system, journalists, and civil society activists whose lives are at stake.
- In line with the Council conclusions of 21 September 2021, the EU will also initiate a **regional political platform** of cooperation with Afghanistan's direct neighbours to help prevent the negative spill-over effects in the region, and support the economic resilience and regional economic cooperation, as well as humanitarian and protection needs.
- To ensure that the situation in Afghanistan does not lead to new security threats for EU citizens, a Counter-terrorism Action Plan on Afghanistan has been developed and presented to the EU Standing Committee on Internal Security (COSI). In one of the recommended actions, COSI is called upon to endorse a Protocol setting out a three-level procedure for enhanced security checks on all persons crossing or having crossed the EU's external borders following developments in Afghanistan, that will allow for timely, uniform and enhanced **security checks**, with the support of EU agencies, designed to identify individuals who might pose a risk to EU internal security.

In line with the European Council Conclusions of 24-25 June, the Commission together with the High Representative has put forward a migration Action Plan responding to the events in Afghanistan and highlighting immediate and short term EU actions, reflecting the statement adopted by the Ministers at the extraordinary JHA Council on 31 August. EU work on the medium and longer actions responding to the statement are described later in this report.

3. MIGRATION MANAGEMENT IN THE EU

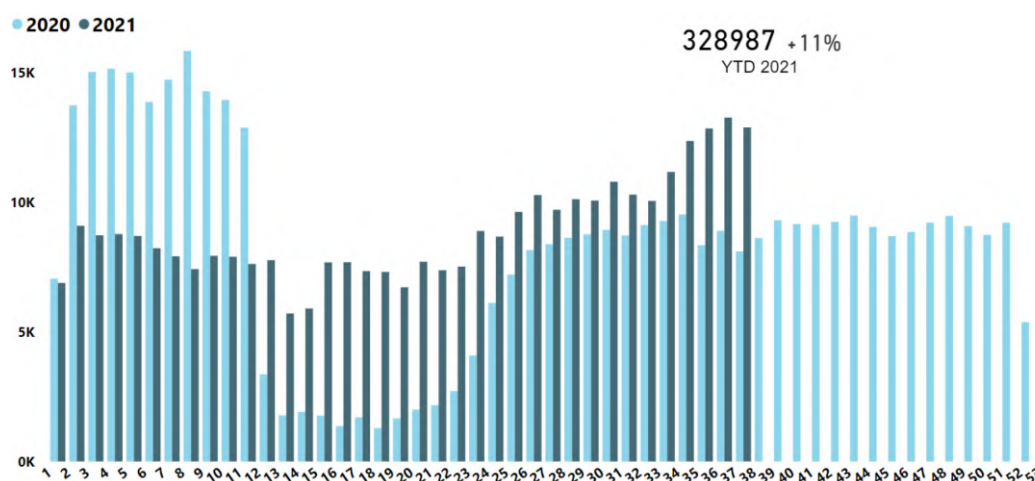
Impact of COVID-19 on migration management

The COVID-19 pandemic significantly affected migratory arrivals in 2020, both legal and irregular, and created several new challenges for migration management: at the same time, the pandemic also showed that foreign workers play a key role in the EU economy and that such legal pathways for migration are essential.

A worldwide fall in **visa applications** was also felt in the EU, with 2.9 million short stay visa applications in Member States in 2020, 83% fewer than in 2019. Several Member States adopted measures to ensure that third country nationals unable to leave the EU due to travel

restrictions would not fall into irregularity. The pandemic also temporarily stalled the registration of new **asylum applications**. The 485 000 applications for international protection lodged in EU+ countries⁶ in 2020 were around a third less than in 2019, and the overall level of applications in 2021 remains below pre-pandemic levels⁷, although some Member States have seen increases. The pandemic also meant that fewer asylum applicants were channelled into the **Dublin procedure** to transfer to the responsible Member State, with numbers halving from 2019 to 2020⁸. 2021 has seen continued low levels of transfers.

Asylum applications in 2020-2021 in the EU+ (source: EASO)



The travel restrictions introduced to contain the pandemic also made it difficult to successfully carry out **returns**. The number of return decisions issued in Member States in 2020 decreased by 19% compared to 2019, but effective returns to third countries more than halved⁹. The return rate fell to under 18% in 2020, compared to 29% in 2019. Return operations are starting to resume as restrictions are progressively lifted. Some countries however maintain restrictions introduced during the pandemic. Turkey suspended return operations from Greece in March 2020 on the grounds of the pandemic and the EU will continue urging Turkey to resume returns, in line with the commitment taken under the EU-Turkey Statement.

During this period, the Commission sought to help Member States to minimise the impact of the pandemic. This included guidance¹⁰, practical support from agencies and sharing of best practice in areas such as conducting interviews remotely and undertaking procedures online¹¹. Funding rules were also changed to minimise the risks of delay and to adapt requirements for

⁶ EU+ refers to the 27 EU Member States, Norway and Switzerland.

⁷ As in 2020, Germany received the highest number of applications, followed by France and Spain. As a proportion of the population, Cyprus received the most applications, followed by Malta and Greece. In 2021 so far Syrian nationals lodged the highest number of first-time applications, followed by nationals from Afghanistan, Pakistan, Iraq and Turkey.

⁸ The overall acceptance rate for decisions on Dublin requests in 2020 was 59%, showing a decrease for the third successive year. Four countries – France, Germany, Greece and the Netherlands – implemented over three-quarters of all transfers.

⁹ Almost 400 000 return decisions were issued in Member States in 2020, with over 70 000 effective returns.

¹⁰ Communication from the Commission COVID-19: Guidance on the implementation of relevant EU provisions in the area of asylum and return procedures and on resettlement (2020/C 126/02, 17 April 2020).

¹¹ For example, the work of the European Migration Network and the European Web Site on Integration.

controls and audits to allow for steps such as more use of digital evidence¹². Funding was also directed at particular needs, with a €25.3 million grant to reinforce Greece's capacity to address COVID-19 in reception facilities and public hospitals, also complemented by support under the **Union Civil Protection Mechanism (UCPM)**, with contributions from 14 Member States.

Overall, the experience of the pandemic underlined once more the importance of building up a more modern and coherent approach in migration management. Timely information sharing proved essential, with the EU Migration Preparedness and Crisis Blueprint¹³ shown to be a valuable platform to exchange about the response to the pandemic.

Border Management and Frontex

The entry into force of the **European Border and Coast Guard Regulation** in December 2019 marked a major step forward in border management and a true example of European integration in the area of external border management. The first teams of the European Border and Coast Guard standing corps have been successfully deployed since 1 January 2021.

However, recruitment and training of the standing corps need to be accelerated. Three quarters of the 700 statutory staff foreseen to be deployed by January 2021 have been deployed to date. Additional efforts should be made to reach the target set for 2021, as well as to ensure the recruitment of the additional 500 statutory staff foreseen for 2022. Secondment of border guards and other officers from Member States also needs to be speeded up. The number of staff made available to the Agency by Member States is still well behind the targets agreed in the Regulation. By 2027 at the latest, the Agency should be able to mobilise 10 000 operational staff for the standing corps. To ensure effective support by the Agency to Member States in challenging situations and until the standing corps is being fully built up, a Reserve for Rapid Reaction (i.e. Category 4 of the standing corps) of 1 500 officers is available until 2024¹⁴.

The importance and added-value of Frontex operational support to Member States affected by irregular migration continues to be clear. Recent events on the border with Belarus confirmed the strong need for the new mandate of Frontex, both for preparedness and for the reaction capacity required for an immediate operational response. In the framework of **ongoing operational activities**, large numbers of border and coast guards, experts and equipment are currently deployed in Greece, Italy, Spain, Bulgaria, Romania, Lithuania and Western Balkan countries¹⁵.

¹² Commission Implementing Regulation (EU) 2020/1019 of 13 July 2020. Regulation (EU) 2020/1543 was revised to align the deadlines for submission of accounts and decommitment to lower the risk of decommitment.

¹³ Commission Recommendation on an EU mechanism for Preparedness and Management of Crises related to Migration (Migration Preparedness and Crisis Blueprint), C(2020) 6469, 23.9.2020.

¹⁴ Organised into three categories of staff, at the latest by 2027: 3 000 operational statutory staff (Category 1), and 7 000 short and long-term seconded national experts from Member States (Categories 2 and 3). The 1500 officers of the Reserve for Rapid Reaction (Category 4 of the standing corps) can be activated when the operational staff available under Category 1, 2 and 3 have already been fully deployed.

¹⁵ Ongoing operations involve the deployment of a total of 1 982 standing corps officers and other experts, 4 off-shore patrol vessels, 19 coastal patrol vessels, 32 coastal patrol boats, 13 border surveillance vehicles, 3 thermo-vision vehicles, 121 patrol cars, 3 airplanes, 8 helicopters, 21 cameras, 75 night vision goggles, 29 mobile offices, 27 CO2 detectors and 8 heartbeat detectors are deployed.

The Commission has taken allegations of inappropriate conduct of European border and coast guards at the EU's external borders very seriously. While it is important to protect the external border, it is imperative that any measures taken be proportionate, necessary and uphold fundamental rights and values, including the right to asylum.

In 2021, the **Agency's activities and procedures** were subject to review by several EU control bodies, notably the European Parliament LIBE Committee's Frontex Scrutiny Working Group, the EU Ombudsman, the European Court of Auditors and the Frontex Management Board's Working Group on Fundamental Rights and Legal Operational Aspects of Operations. While no violation of human rights by Frontex staff was confirmed, the respective control bodies pointed to various shortcomings and made recommendations for improvements. The Agency is currently addressing these recommendations.

The Commission welcomes the Agency's reinforced framework for **fundamental rights monitoring** and the appointment of Frontex's Fundamental Rights Officer, who took up his duties on 1 June 2021. He is currently assisted by 20 out of the total of 40 Fundamental Rights Monitors. The Agency should now fully implement this framework and swiftly recruit the remaining 20 Fundamental Rights Monitors.

Frontex' **cooperation with partners in third countries** now includes Status Agreements with Albania, Montenegro and Serbia¹⁶, with a status agreement with North Macedonia awaiting signature. A Status agreement with Bosnia and Herzegovina was initiated in January 2019, but has not yet been signed by Bosnia and Herzegovina. To further accelerate cooperation with partner countries, the Commission will adopt by the end of 2021 a model working arrangement and a model status agreement to frame Frontex' cooperation with the third countries¹⁷. It is envisaged that the new model status agreement will operationalise the possibility of joint operations along borders between third countries. Since 2020, working arrangements have been approved between Frontex and the Republic of Guinea and Georgia, and were revised with Albania, allowing for structured cooperation between the Agency and these countries¹⁸.

The recent establishment of a dedicated **return** division, and the future appointment of a Deputy Executive Director responsible for return, will reinforce the Agency's capacity to provide support to Member States in all areas related to return, readmission and reintegration. The soon to be appointed Return Coordinator will promote coordination and coherence of Member States' practices on returns, ensure that these are aligned with readmission processes, and promote the implementation of solidarity measures in the area of returns, acting as a facilitator in the context of return sponsorship. The Return Coordination will steer a HighLevel Network of Member States' representatives and will work closely with the Frontex Deputy Executive Director responsible for return.

¹⁶ Frontex is currently deploying 110 standing corps officers in its land and maritime Joint Operations in Albania, 25 officers in its land and maritime Joint operations in Montenegro and around 50 officers in its land Joint Operation in Serbia.

¹⁷ The Commission is also developing model provisions to harmonise the exchange of information between Member States and third countries within the European Border Surveillance System (EUROSUR) framework.

¹⁸ Status agreements negotiated by the Commission and concluded by the Union with third countries are required for Frontex to deploy border guards exercising executive powers on the territory of third countries. Any other type of cooperation between Frontex and third countries is usually based on bilateral working arrangements signed between the Agency and the competent authorities of the non-EU country in accordance with Article 73 (4) of the EBCG Regulation.

Despite the restrictions due to the pandemic, the number of return operations conducted by Frontex is returning to pre-COVID numbers. So far in 2021, Frontex has coordinated 232 return operations undertaken by Member States through charter flights to 28 non-EU countries, returning almost 8 000 third country nationals. This is broadly double the activity that took place in 2020¹⁹. Frontex also supports voluntary returns and voluntary departures and in 2021 as of 5 September 2 741 Frontex facilitated returns had taken place, all by scheduled flights.

Recent events at the external borders have confirmed Frontex' essential role in assisting Member States and promoting, coordinating and contributing to the development of a common EU-integrated border management. A strong, effective, and well-functioning European Border and Coast Guard must be a common EU objective and the European Parliament, the Council and the Commission all have a role in ensuring an accountable and effective Agency. Member States also play a key part through the Management Board to ensure the Agency's good governance, sound management and full transparency, all the more important as the Agency's responsibilities increase.

The Commission will continue working with Frontex and its Management Board to ensure that there are appropriate checks and balances within the Agency, to strengthen a culture of transparency and accountability, and to ensure respect of fundamental rights. The Commission's long-standing efforts towards the correct implementation of the Agency's mandate will continue.

Finally, by the end of 2021, the Commission will table a policy document launching the Multiannual Strategic Policy Cycle, which will steer discussions on European Integrated Border Management at EU level over the next five years.

Asylum and operational support provided by the European Asylum Support Office

2020 marked 10 years since the European Asylum Support Office became fully operational. EASO provides operational support to Member States under pressure in accordance with the bilateral operating plans it has concluded with seven Member States, Cyprus, Greece, Italy, Malta, Spain, Lithuania, and Latvia. Currently, there are 1 007 experts and staff deployed to these EASO operations. Assistance is adapted to the needs of each Member State and can cover either support to accelerate the processing of asylum applications, or to national reception systems, to ensure that standards meet the requirements of the EU asylum acquis.

The shortage of experts deployed by Member States remains a challenge and prevents EASO from fulfilling its role to the full. Member States are encouraged to increase deployment of experts in EASO operations.

Agreement has now been reached on a new, strengthened mandate for a new **European Union Asylum Agency**. This should allow entry into force by the end of the year. The reinforced agency will contribute to more efficient and consistent asylum systems through greater operational and technical support to Member States, and common operational standards, indicators, guidelines and best practices to help implement EU asylum law. It will also mean better monitoring on Member States' asylum and reception systems to ensure more consistent practices, and will introduce extra guarantees and measures to ensure compliance with fundamental rights. The new mandate also sets up an asylum reserve pool of 500 Member

¹⁹ 7 952 returns to 28 destinations using charter flights and 3 981 using scheduled flights took place in 2020.

States' experts to be placed at the immediate disposal of the Agency. The contribution of each Member State to the pool is set out in the Regulation on the new mandate.

Direct support to Member States confronted with migration challenges

Over the past six years, the Commission has provided continuous operational, technical and financial support to Member States most affected by irregular migration. EU funding has been critically important and the increased resources agreed for migration and border policies over the next financing period are a testament to the effectiveness of this solidarity.

Support comes in a variety of forms. In some cases, such as in Greece, long term support has allowed for new working structures and a solid and sustainable basis for cooperation.

EU Support to Greece

Since the migratory crisis of 2015, the EU has provided major operational and financial support to Greece.

- **EU funding** has amounted to more than €3.3 billion. This funding has helped to improve reception capacities, living conditions and medical care for refugees and migrants, as well as accelerating asylum procedures, increasing returns, and improving border protection. It has allowed an extra focus on the most vulnerable, such as unaccompanied minors. For the first time since 2016, the number of migrants present on the Aegean Islands has fallen to approximately 5 000, compared to 30 000 in June 2020.
- After the fires that destroyed the **Moria Reception and Identification Centre on Lesbos** in September 2020, the Commission acted immediately to offer support and protection. It funded the immediate transfer of unaccompanied minors to the mainland and over 8 400 refugees and vulnerable migrants have now been transferred from Lesbos to the mainland. Just as importantly, major works have taken place to ensure the winterisation of the temporary Mavrovouni site.
- In addition to bilateral contributions, 14 countries²⁰ showed solidarity to Greece by sending assistance through the **Union Civil Protection Mechanism** following the fire. The EU coordinated the delivery of over 171 000 shelter items and co-financed transportation to Greece.
- In September 2020, cooperation entered a new phase with a new **European Task Force Migration Management**. The Task Force works closely with the Greek authorities and EU Agencies to set up new Multi-Purpose Reception and Identification Centres and to improve reception conditions in line with EU law and standards. A €276 million grant is supporting the construction of reception centres on five Greek islands, including a construction of a major new facility on Lesbos. The new centre in Samos was inaugurated on 18 September 2021. The centres on Kos and Leros will be open by the end of 2021, and works will start in autumn for the centre in Lesbos.
- A key part of this work is an independent and credible **monitoring mechanism** being developed by the Commission and the Greek authorities that will help prevent fundamental rights violations at the borders and ensure that procedures are in place to effectively investigate any allegations of such violations. This should be followed up EU-wide through the Commission proposal on the Screening Regulation to establish an independent monitoring mechanism for all Member States at the external borders.

²⁰ Austria, the Czech Republic, Cyprus, Germany, Denmark, Finland, France, Hungary, the Netherlands, Poland, Slovakia, Slovenia, Sweden and the United Kingdom

An independent monitoring mechanism for border monitoring entered into force in Croatia over the summer, with the aim of increasing the transparency of investigations and ensuring full compliance with fundamental rights.

EU support has also come in the form of swift response to a rapidly-changing situation. In the recent case of a sudden increase in irregular border crossings from Belarus, the EU provided a combination of operational, financial and diplomatic support in record time to address an unexpected crisis on the EU's eastern external border.

The EU reaction to arrivals from Belarus

Lithuania faced a sudden increase of migratory pressure at its border with Belarus in summer 2021. Belarus later also encouraged irregular border crossings into Latvia and Poland. The EU has strongly condemned Belarus' actions and acted swiftly to deploy a wide variety of tools:

- **EU agencies** swiftly provided concrete support. Within days of Lithuania's request for a Rapid Border Intervention, Frontex started deployment of additional support. Deployments in the three Member States now amount to 103 Frontex officers. EASO also started first deployments to Lithuania in July, and 56 EASO experts are currently deployed there, in addition to 10 experts in Latvia.
- **EU emergency support** has been provided to Lithuania with over €36.7 million to address the most urgent needs of asylum seekers, material aid and temporary shelter. This will also help work to detect potential victims of human trafficking and assist persons in need of international protection. Evolving needs will be kept under constant review. Lithuania also activated the **Union Civil Protection Mechanism** and 18 Member States and Norway have responded to the call.
- The Commission and Frontex are working closely with the relevant authorities in Lithuania to reinforce Lithuania's **return** capacity, facilitating exchange of best practice with other Member States and providing technical and operational guidance on return procedures.
- Joint efforts with the **main countries of origin and transit involved** have intensified, leading in particular to the decision by Iraq to temporarily suspend flights to Minsk and facilitate voluntary returns from Lithuania.
- **Diplomatic pressure on Belarus** has been stepped up, while remaining conscious of the need to support the Belarussian people. Using migration as a political tool is not acceptable to the EU and will not lead to the lifting of sanctions. The Commission is also today proposing the partial suspension of the **EU Visa Facilitation Agreement** with Belarus.

The Commission also supports Member States by facilitating and coordinating **voluntary relocations**. Through the mechanism agreed in the framework of the 2019 Malta Declaration, the Commission, with the support of EASO, coordinates relocations when Search and Rescue operations have led to disembarkations in Italy and Malta. Since early 2019, over 2 100 applicants have been transferred to other EU Member States²¹. The Commission constantly urges Member States to contribute to voluntary relocation, pending a more predictable solidarity mechanism, and regularly coordinates efforts to that effect. The process will continue, including to finalise outstanding pledges received prior to 2021 and to implement the limited new pledges made for disembarkations in 2021.

²¹ 1 145 from Italy and 959 from Malta.

As part of the Action Plan presented in March 2020 for immediate measures to support **Greece**²², a total of 4 307 persons have been relocated from Greece under this scheme by early September 2021, including 984 unaccompanied minors.

These efforts demonstrate a concrete step towards European solidarity in practice. However, such ad hoc measures are neither sufficient nor sustainable. They highlight the need for a more predictable solidarity mechanism, as foreseen in the proposal for an Asylum and Migration Management Regulation.

Unauthorised Movements inside the EU

Unauthorised movements of asylum applicants inside the EU undermine the credibility and integrity of the asylum system. The situation has also been complicated by the pandemic, including by the difficulties in taking forward Dublin transfers (see above). In the first eight months of 2021, 131 000 asylum applications registered by national authorities generated a “Category 1 - Category 1 hit” in Eurodac, meaning that the person has already registered at least one asylum application in another Member State²³. In the same period, over 23 000 asylum applications (Category 1 data in Eurodac) generated a hit with data registered following an illegal crossing of the external border (Category 2 data in Eurodac). However, some of these registrations of applications in two or more Member States or in another Member State than the one registering the illegal crossing may occur following a Dublin transfer, and hence cannot be considered as “unauthorised movements”. Finally, during the same period, 71 620 searches in Eurodac in connection with fingerprints of illegal stayers (Category 3 data in Eurodac) generated hits with Category 1 data, meaning that following a registration of an asylum application in one Member State a person moved to another Member State where he/she was apprehended as illegally staying. It is difficult to collect reliable data on the level of unauthorised movements within the EU, but data from Eurodac provides some indications of departures and destinations.

Some Member States are also faced with an increase in **unauthorised movements of those who are already beneficiaries of international protection**, where beneficiaries move legally to another Member State with legal travel documents delivered by the Member State that granted them status, and then apply for international protection a second time, staying beyond the 90 day authorised period. Both kinds of unauthorised movement hamper the well-functioning of the Common European Asylum System which is based on mutual trust between Member States and put unnecessary strain on national asylum systems.

The Commission is working with the Member States concerned to find short-term solutions. Such solutions have included facilitating transfers under the Dublin rules during the pandemic, and increased support for the integration of beneficiaries of international protection.

Addressing unauthorised movement was an important objective of the proposals of the Pact to reinforce trust among Member States. The proposed Qualification Regulation aims to mitigate existing incentives for unauthorised movement, such as significant differences in the recognition rates in the Member States, as well as the uneven level of rights and integration

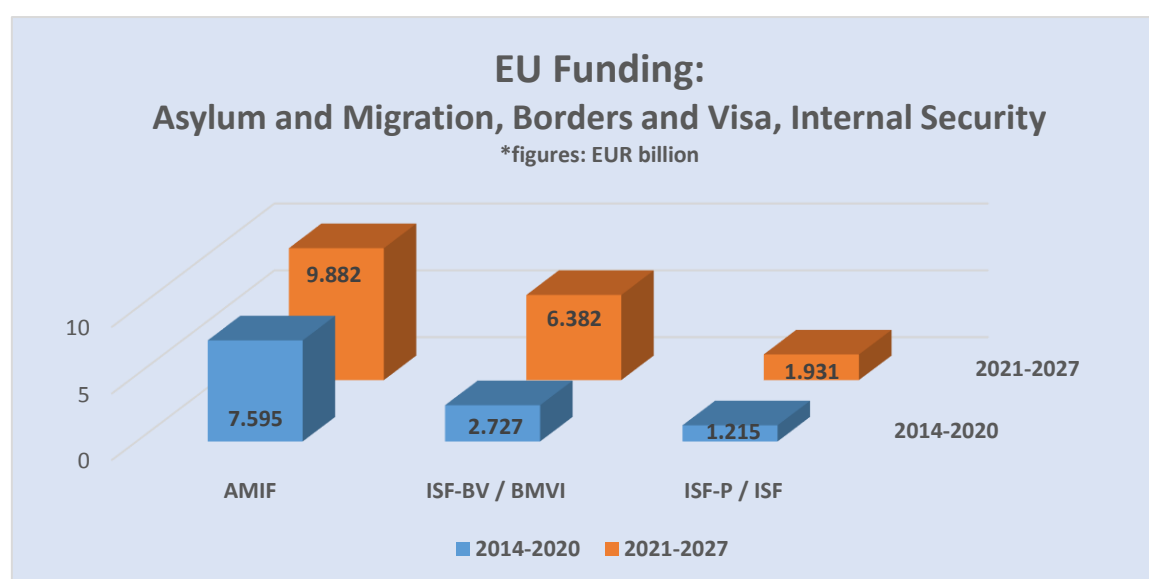
²² IP/20/384 [Situation at Greek borders \(europa.eu\)](#)

²³ Source: Eurodac. In the same period of last year only 97 000 hits were registered, while 153 000 hits were registered in the same period of 2019. The number of hits does not correspond to the number of persons (the same person may trigger multiple hits) but these numbers give a good indication of the trends.

prospects for beneficiaries of international protection. The amendments proposed to the Reception Conditions Directive would establish that reception conditions should be provided in the responsible Member State only. The Asylum and Migration Management Regulation, would reduce incentives to unauthorised movement by allowing Dublin transfers for recognised refugees, as well as by extending the definition of family members to include siblings and families formed in transit, and eliminating the procedural incentives for unauthorised movements and absconding. The proposed recast of the Eurodac Regulation includes a series of improvements that, in addition to being essential for the interoperability framework, would contribute to better prevention and tracking of unauthorised movements.

Funding

EU financial support to Member States for migration and asylum has been reinforced in the 2021-2027 financing period to support the objectives of the New Pact. The relevant basic acts for the Asylum, Migration and Integration Fund (AMIF), the Border Management and Visa Instrument (BMVI), and the Internal Security Fund (ISF) entered into force on 15 July 2021²⁴. The next step is for Member States to formally submit their programmes for the 2021-2027 period for Commission approval within five months. The Commission will continue to support Member States during this programming phase to ensure that funds are allocated in a structured and strategic manner, in line with the needs identified and corresponding to EU priorities. The new Funds amount to €18 billion (compared to the previous period’s amount of €12.4 billion), reinforcing financial capacity to respond to needs on the ground. A Thematic Facility has been introduced to address the problem of insufficient flexibility, covering between 30% and 42.5% of the funds, to support unforeseen financial needs and new priorities. For the first time the three Funds will be part of the Common Provision Regulation covering other shared management funds, allowing better coherence in EU spending and a greater focus on horizontal goals and fundamental rights.



²⁴ Asylum, Migration and Integration Fund (EU) 2021/1147; Border Management and Visa Instrument (EU) 2021/1148; Internal Security Fund (EU) 2021/1149.

The share of funding allocated to the programmes of Member States amounts to up to 70%, depending on the Fund. Approximately 10% of total funding will be allocated to Member States at mid-term, based on updated criteria including absorption rates. This will allow Member States to invest in strategic, well-structured systems for migration management and ensure that emergency assistance can focus on its proper vocation of unforeseen crises.

4. STRENGTHENING THE LEGISLATIVE FRAMEWORK

The continued migratory challenges at different parts of the EU's external borders but also within the Schengen area have continued to highlight existing shortcomings. The experience with Belarus has been a vivid illustration of the fact that irregular migration can affect all Member States. Until there is a comprehensive reform of the EU's asylum and migration system, as set out in the new Pact in September 2020, the EU will remain more vulnerable and less prepared to react to changing circumstances.

The legislative proposals framed by the Pact represent an overarching approach covering all aspects of migration and asylum policy, fostering a balance of interests and needs of all Member States. The Pact provides guarantees that each Member State will deal with the asylum applications it is responsible for, and that a structured, predictable mechanism for solidarity will ensure that no Member State bears a disproportionate burden. To achieve a truly common migration and asylum policy requires political will and vision, and the engagement and commitment of all. A year after the presentation of the New Pact, there has been good progress at technical level, but political agreement on some key elements is still distant.

An important step forward on legal migration was achieved with the political agreement reached on the new **Blue Card** Directive in May 2021. The new scheme will introduce efficient rules to attract highly skilled workers to the EU, including more flexible admission conditions, enhanced rights and the possibility to move and work more easily between Member States.

The progress made on the Blue Card and the **EU Asylum Agency** (described above) shows that it is possible to move forward and find compromises on reforms in the area of migration and asylum. Work with the European Parliament and the Council under the leadership of the Council Presidencies now needs to focus on making decisive progress, step by step, in the negotiations on the other pending legislative proposals.

Another important action in the roadmap to implement the Pact, **the Schengen Strategy**²⁵ to reinforce the Schengen area of free movement, was adopted in June and is now being implemented. Follow up will include the forthcoming proposal on the Schengen Borders Code. Other key work streams are under way, with meetings of both the new European Contact Group on search and rescue and the Schengen Forum. The support of stakeholders is key to ensure that the new policies will be effectively implemented and reach where they are most needed.

There are some Pact proposals which are well advanced and which would bring immediate benefits in terms of the security of our external borders and the coherence of the EU response to evolving challenges. The **Eurodac** proposal will be essential for the interoperability framework and is one of the last building blocks to complete our border management system, with added value both for internal security and for a better management of migration. The new Eurodac

²⁵ COM (2021) 277, 2.6.2021.

will help track unauthorised movements and irregular migration, and improve the prospects for returns. The European Commission looks forward to the adoption by the European Parliament of its report and encourages the Council to agree swiftly on a negotiation mandate.

The situation in Afghanistan is a reminder of the compelling need to provide a safe route to Europe for vulnerable people in need of international protection through a common EU approach. The provisional agreement on the **Union Resettlement Framework Regulation** reached by the European Parliament and the Council in 2018 needs to be taken forward so that the EU has a stable and predictable framework for resettlement and humanitarian admission policies in the future.

However, the EU's ability to put in place a sufficiently solid framework for migration and asylum will inevitably depend on tangible progress on the full range of proposals, including the core instruments of migration management and asylum. In the Council, ongoing work on the **Asylum and Migration Management Regulation** and the **Asylum Procedure Regulation** should be concluded as soon as possible, as well as the **Crisis and Force Majeure Regulation** which builds on these two instruments. In the European Parliament, the Commission looks forward to the rapporteurs' report being presented soon and to an agreement on the negotiation mandates by the end of the year. There may also be opportunities to advance discussions on the **Screening Regulation** so that both institutions adopt their mandates by the end of the year, given good progress at technical level.

A successful outcome of the negotiations will need to show that a comprehensive approach involves both **solidarity and responsibility**, so taking these forward with the right balance has to be discussed in more detail at political level. There is an overall common understanding on the need to move towards a predictable mandatory and flexible framework for solidarity, tailored to the specific needs of Member States under pressure, allowing for relocation, return sponsorship and capacity building. Deeper discussions on the different forms of solidarity are required. While a certain flexibility regarding the kinds of solidarity that Member States may provide is possible, a guarantee as to the impact of the actions concerned is essential, to ensure that the needs of Member States are met. The Commission presented to the European Parliament and to the Council quantitative simulations of different policy options in various hypothetical future scenarios to help anticipate the impact of the solidarity mechanisms and facilitate the discussions which need to continue.

Likewise, the level of responsibility of each Member State for managing migrants at their border or on their own territories has to be defined, building in flexibility where appropriate and backed up by support through the EU agencies. The Commission stands ready to work with both the European Parliament and the Council to calibrate this balance.

As regards the other pending legal proposals presented in 2016, provisional agreement was reached in June 2018 on the recast of the **Reception Conditions Directive** and the **Qualification Regulation**. Delaying the entry into force of these texts deprives the EU of significant improvements to the current framework.

Progress on these elements is closely related to the urgent need for progress on the proposal for a recast of the **Return Directive**, which will be key to building a common EU system for returns. A stronger returns system would reinforce the credibility of the migration and asylum system as a whole.

The Commission will also present further proposals to complete the comprehensive reform set out in the New Pact. The upcoming **Skills and Talent package** will focus on addressing the key shortcomings in the current legislation on legal migration identified by the fitness check carried out in 2019. This package will include two legislative proposals: a revision of the **Directive on long-term residents** to improve the rights and the intra-EU mobility of those migrants who are already well integrated in our societies; and a review of the **Single Permit Directive** to streamline and simplify the admission procedures for the benefit of employers, migration authorities and migrants and improve the protection of third country workers. The Commission will also set out the options for developing an EU Talent Pool, an EU-wide platform for international recruitment that would help match the skills of migrant workers with the needs of EU employers.

In addition, the Commission will present a proposal for the **digitalisation of visa procedures**. This would reduce the costs attached to visa procedures for Member States and facilitate visa application by third-country nationals, while at the same time increasing both the security of the EU and its attractiveness as a travel destination. In addition to the numerous logistical, financial and implementation gains, there is political benefit in bringing the visa process under a Schengen-wide online platform, with the creation of a single entry point for visa applicants worldwide.

Key next steps

- The European Parliament and the Council to carry through the political agreement on the **European Union Asylum Agency Regulation** to formal adoption.
- The European Parliament and the Council should adopt as soon as possible the proposals that are close to finalisation, the **Eurodac Regulation** and the **Union Resettlement Framework Regulation**. **This is imperative given the evolving situation in Afghanistan.**
- The Council and the European Parliament to deepen the **political discussions on solidarity and responsibility** in order to **reach swift agreement** on the Asylum and Migration Management Regulation, the Asylum Procedure Regulation, the Screening Regulation and the Crisis instrument.
- Member States should ensure the **swift transposition and implementation of the Blue Card Directive**. The Commission stands ready to assist Member States in optimally transposing the directive.
- The Commission will present legislative proposals to follow-up on the **Schengen Strategy** presented in June 2021, including a proposal for a Regulation amending the **Schengen Borders Code**, as well as a **skills and talent package** and a proposal for a **Regulation on the digitalisation of visa procedures**.

5. WORKING WITH OUR INTERNATIONAL PARTNERS

The New Pact approach

Building comprehensive, tailor-made and mutually beneficial partnerships with countries of origin and transit is fundamental to ensuring the safe and orderly management of migration.

This is an essential component of the New Pact on Migration and Asylum and a key goal for the Commission in recent years. Experience shows migration policy will only be effective when built in as a core element in our external relations and the Commission and the High Representative have stepped up political dialogue with partners to underline that building strong partnerships on migration is an EU priority. Close exchange and coordination between Foreign Affairs and Interior Ministers is an important tool to achieve such a result. The joint Council of Foreign and Interior Ministers of March 2021 reflected this approach and agreed on the need for migration to be a key element in our overall bilateral relations with the key third countries.

Successful partnerships are **built on trust and awareness of the needs and objectives of our partners**. Work underway with many key partners provides a strong foundation for tailor-made partnerships focusing on the jointly identified priorities of the EU and its partners. This will be a continuous process that will achieve sustainable results only with long-term commitment on both sides.

The European Council Conclusions of 24-25 June set out three major elements of work on external aspects of migration, calling on the Commission and High Representative to reinforce actions with and support for priority countries of origin and transit without delay; to put forward action plans for priority countries, indicating clear objectives, further support measures and concrete timelines, in close cooperation with Member States by autumn; and inviting the Commission to report by November on how it intends to make the best possible use of 10% of the Neighbourhood, Development and International Cooperation Instrument-Global Europe financial envelope devoted to actions related to migration. This work is under way in the different strands identified in the New Pact.

- *Engagement with key partners on migration*

Dialogue and cooperation on migration with many key partners is already well established. Building on these existing structures, significant efforts have been made in developing **tailor-made partnerships** on migration, focusing on the jointly identified priorities of the EU and its partners. A summary of recent and ongoing engagement with key partners can be found in Annex II. Cooperation takes place through bilateral dialogues as well as in regional fora such as the Budapest, Rabat and Khartoum processes and with regional partners such as the African Union. The EU works through political dialogue and engagement coupled with EU-funded actions in the different areas highlighted in the Pact: protection of migrants and displaced persons, addressing drivers of irregular migration and forced displacement, migration governance and border management, return and reintegration of irregular migrants, and legal pathways. This work is closely connected with EU initiatives to boost investment and cooperation with partners more broadly, such as with the Western Balkans²⁶ and the Southern Neighbourhood²⁷.

- *Protecting those in need and supporting host countries*

Protection of vulnerable refugees and migrants is at the heart of EU policies. The EU and Member States are leading providers of humanitarian support for refugees, asylum seekers, internally displaced persons and host communities across the world. EU development assistance has increasingly also benefitted those forcibly displaced over a long period, supporting protection, livelihoods and self-reliance. Support from the EU and Member States to the Syrian

²⁶ An Economic and Investment Plan for the Western Balkans, COM(2020) 641 FINAL.

²⁷ A new Agenda for the Mediterranean, JOIN(2021) 2 FINAL.

crisis made it the biggest donor worldwide, with €24.9 billion mobilised since 2011. In June 2021, the European Council agreed to continue support to Syrian and other refugees and their host communities. The Commission has set out a four year package that will amount to over €5.7 billion, with over €3.5 billion targeted on refugees within **Turkey**, and €2.2 billion for beneficiaries in **Syria, Lebanon, Jordan, and Iraq**.

Turkey

- Despite some challenges, the **EU-Turkey Statement**²⁸ of March 2016 brought support to millions of refugees and migrants in Turkey, Syrians and others, as part of a broader package. The Statement has seen a significant decrease in the loss of human life making dangerous journeys to Europe, and a major reduction in irregular crossings from Turkey to the EU.
- The **Facility for Refugees in Turkey** (FRiT) is delivering €6 billion to support Syrian refugees and host communities. Tangible impacts include direct support to over 1.8 million vulnerable refugees to meet their basic needs, and allow over 680 000 children to attend school on a regular basis.
- To date, almost 31 000 persons have been **resettled to the EU Member States** under the EU-Turkey Statement.

The EU will continue to play its part and expects Turkey to stand by its commitments and to deliver on all elements in the Statement, including the prevention of irregular departures to all Member States, the prevention of new migratory routes and the swift resumption of readmission of returnees from the Greek islands, suspended by Turkey since March 2020. An EU-Turkey High-Level Dialogue on Migration and Security is planned in October.

The EU humanitarian and development budget, implementing a humanitarian-development-peace nexus, is deployed across **Africa** where millions are internally displaced, or refugees. Humanitarian funding supports in the short-term those affected by conflicts, epidemics, natural disasters and their host communities, and contributes to ensuring migrants are included in vaccination campaigns tackling the COVID-19 pandemic. Development assistance operates under longer multiannual planning, with the aim of fostering the resilience and self-reliance of forcibly displaced people through quality education, access to economic opportunities and social protection. In **Asia**, the EU is supporting Rohingya refugees in Bangladesh, as well as Afghans (see below). In **Latin America**, EU humanitarian and development aid supports those displaced in the Venezuela crisis, the biggest population displacement in the history of the Americas and the second worldwide today.

When it comes to the ongoing situation in **Afghanistan**, it is important to plan for all possible outcomes and work with a long-term vision, and to reinforce our cooperation and support to countries along the migration route from Afghanistan towards the EU.

Afghanistan was already a priority for the EU for migration and forced displacement, even before recent events. It will be necessary to continue addressing forced displacement challenges inside Afghanistan, where an already massive internal displacement is likely to worsen. Development funds for Afghanistan are currently suspended and will be subject to strict conditions related in particular to respect for fundamental rights. While the focus today is on humanitarian needs, other factors, including health, education and livelihoods, have to be borne in mind, as well as factors for stabilisation.

²⁸ <https://www.consilium.europa.eu/en/press/press-releases/2016/03/18/eu-turkey-statement/>

Over 5 million Afghans (15% of the population) is estimated to be already displaced in Pakistan and Iran, including millions who are not registered. The EU's engagement on displacement within and out of Afghanistan includes acting as chair of the Core Group of the Solution Strategy for Afghan Refugees' support platform in 2021. From this position the EU will seek to strengthen the international response to the Afghan refugee situation and to stimulate further political, financial and material commitments.

The EU's focus in the coming months should include concrete proposals for addressing the challenges along the whole route. This will include addressing the needs of countries in Afghanistan's neighbourhood, with goals including support to protection systems, the needs of host communities, and reinforced programmes on law enforcement cooperation to counter migrant smuggling and trafficking networks (with the support of Europol), as well as stepping up legal pathways. The European Asylum Support Office will explore possibilities for stepping up its external operations for asylum capacity building. The Commission will also prioritise dedicated information campaigns to provide clear and consistent information on the risks of embarking on dangerous irregular journeys.

As agreed by EU Ministers of Foreign Affairs, the EU will work towards developing a regional political platform of cooperation with Afghanistan's neighbours to address, among other issues, management of migration flows from Afghanistan, prevention of the spread of terrorism, and fight against organised crime, including narcotics. The extraordinary JHA Council of 31 August also called for a Team Europe approach to work with Afghanistan's neighbours to address the impact of displacement in the region.

The EU will also work with countries of transit towards the EU, including the Western Balkans and Turkey, to strengthen their protection systems, reinforce border management capacity, and prevent migrant smuggling and irregular migration from the region, including through support from EU agencies.

- ***Building economic opportunity and addressing root causes of irregular migration***

Tackling the root causes of irregular migration and forced displacement requires sustained cooperation with partners to promote efforts on conflict prevention, protection of fundamental rights, economic and social development, and climate action. This work overlaps with many priorities of EU development policy. For example, **Sub-Saharan countries**, impacted by economic, social and political crisis, remain major countries of origin and transit to the EU. EU support focuses on economic and employment opportunities, as well as the resilience of communities, governance and improved migration management. Considering recent developments, security has emerged as a major preoccupation. Similarly, **North African** countries – as countries of origin, transit and destination – face a variety of challenges in migration management and forced displacement, which are exacerbated by broader political and economic challenges which EU bilateral support seeks to address with tailor-made approaches.

- ***Partnerships to strengthen migration governance and management***

Supporting the development of adequate **frameworks for migration governance** is a major focus of EU action with partner countries. These promote an orderly migration management policy in the partner countries concerned, and protect the rights of individuals on the move. For example, with substantial EU support, Western Balkans partners have strengthened and aligned their national asylum and migration systems to the EU standards over the last decade in the framework of the EU accession negotiations. In recent years, new legislation on counter-

smuggling of migrants and trafficking in human beings has been adopted in countries like Niger and Mauritania, with the support of the EU. Strengthening migration management, asylum, and return capacities will remain a major focus of cooperation going forward.

Capacity building on border management is another key area of work. The European Border and Coast Guard Status Agreements between the EU and the Western Balkans partners represent a new phase for border cooperation with partners in the region. These agreements help to build work to prevent irregular migration and fight migrant smuggling, in the interests of both the EU and its partners. Border management has also been a major theme of the North of Africa window of the EU Emergency Trust Fund for Africa, supporting provision of training and equipment in Libya, Morocco and Tunisia, and this will continue after the expiry of the Trust Fund. Tailor-made partnerships in the area of migration are also developed using Budget Support actions, which strengthen areas such as border management capacity in partner countries such as Morocco.

EASO's support to third countries contributes to strengthening asylum and reception systems and protection-sensitive migration management. Activities include trainings, on-the-job coaching, contributions to technical documents, workshops etc. Currently EASO cooperates with Western Balkan countries and Turkey, notably through the implementation of agreed roadmaps to strengthen the asylum and reception systems, in addition to capacity building support in the Middle East and North Africa region.

Libya

A decade of violent conflict has created significant migration challenges in Libya, with migrants and refugees subject to major human rights violations and precarious conditions, and a wave of migrant smuggling risking major loss of life at sea. A comprehensive range of actions is in place to assist Libya to improve its management of migration, which received a portfolio of €455 million migration-related support under the North of Africa window of the Emergency Trust Fund for Africa. EU action has sought to protect those in need and combat migrant smuggling, as well as trafficking in human beings. This includes:

- Working with UN Agencies and International non-governmental organisations to provide protection and strive for alternatives to detention to address the needs of the most vulnerable, namely, children, women, victims of trafficking or gender-based violence. Support is also provided to improve living conditions for refugees, migrants, and for host communities.
- Direct help to those in need of international protection support by enabling legal pathways, including resettlement. Work with UNCHR and the African Union has meant that some 6 379 vulnerable refugees and asylum-seekers have been evacuated since November 2017. The Emergency Transit Mechanisms facilitate the evacuation of the most vulnerable refugees and asylum-seekers from Libya to Niger and Rwanda. Access to refugee status determination, resettlement or even local integration are provided.
- Support to migrants to voluntarily return and reintegrate in their countries of origin, with over 53 000 migrants having benefited so far from the voluntary return and reintegration programme. The EU's work in Libya has also built on joint work through the EU-African Union-UN Task Force addressing protection-related issues since 2017.
- Work with the Libyan Coastguard to tackle migrant smuggling, save lives and provide border management capacity in respect for human rights.

- The Team Europe Initiative planned for the Central Mediterranean route will be important in taking forward work on Libya's many migration challenges.

- ***Fostering cooperation on returns, readmission and reintegration***

Effective returns, readmission and reintegration are important elements of the comprehensive approach to migration and asylum set out in the Pact and contribute to mutually beneficial migration partnerships. Extending and improving implementation of existing EU agreements²⁹ and arrangements³⁰ on readmission is an important part of relationships with key partners³¹.

On 10 February 2021, the Commission presented its first-ever **assessment report on the level of readmission cooperation** with partner countries under the Visa Code, concerning 2019. The objective is to provide a structured approach to improving cooperation on readmission where clear shortcomings have been identified, as part of ongoing dialogue with partners on this issue. The report was followed up in July 2021 with proposals to the Council to adopt specific temporary measures on short-stay visa, to be applied to visa applicants who are nationals of Bangladesh, Iraq and The Gambia. The Council will now take a decision on the Commission's proposal taking into account the developments in readmission cooperation. With the support of Frontex and based on the input received from Member States, the Commission is currently preparing the second report to assess the cooperation on readmission in 2020.

In April 2021, the Commission adopted the **EU strategy on voluntary return and reintegration**³² to improve the effectiveness, coordination and impact of EU and national programmes in this field. The strategy sets out practical measures to strengthen the legal and operational framework for voluntary returns from Europe and from transit countries, improve the quality of return and sustainable reintegration programmes, establish better links with development initiatives and strengthen cooperation with partner countries. In the context of the implementation of this strategy, Frontex has achieved good progress in operationalising its mandate on reintegration, working with Member States to launch its pilot Joint Reintegration Services in several third countries in May 2021, paving the way for the transfer of activities from the European Return and Reintegration Network to be finalised in June 2022.

Work in this area addresses not only returns from the EU to third countries, but also support for returns from transit countries along the migratory routes to countries of origin. An important example of such work is the **EU-IOM Joint Initiative**. From May 2017 until April 2021, this initiative supported the assistance to over 50 000 migrants rescued or intercepted at sea or in the desert. In addition, over 95 000 migrants returned voluntarily, mostly from Libya and Niger, as well as from Mali and Djibouti. In the countries of origin, this Joint Initiative has already provided EU support to reintegration for over 112 000 migrants.

- ***Developing legal pathways to Europe***

Supporting legal pathways is another key pillar of work with external partners. This is not a new priority for the EU: since 2015, more than 81 000 people have found protection in the EU through **resettlement**. Between January 2020 and June 2021, despite the disruptions caused by

²⁹ Hong Kong, Macao, Sri Lanka, Albania, Russia, Ukraine, North Macedonia, Bosnia and Herzegovina, Montenegro, Serbia, Moldova, Pakistan, Georgia, Armenia, Azerbaijan, Turkey, Cape Verde, Belarus.

³⁰ Afghanistan, The Gambia, Guinea, Bangladesh, Ethiopia and Ivory Coast.

³¹ Readmission agreement negotiations with Nigeria, are on hold since 2018, were resumed in January 2021.

³² COM(2021) 120, 27.4.2021.

the pandemic, Member States resettled approximately 13 500 people in need of protection. At the 11th Forum on Resettlement, Humanitarian Admission and Complementary Pathways in July 2021, the Commission invited the Member States to make pledges for the next ad hoc resettlement programme in 2022. The High-Level Forum organised for the first time with the ministerial participation of Canada and US agreed to step up the joint resettlement efforts. The EU is also part of the G7 work to cooperate, including with neighbouring and other countries in the region hosting refugees, on a coordinated approach to safe and legal routes for resettlement. The forthcoming EU High-Level Forum focusing on providing protection to Afghans at risk in October is a key opportunity to define the contribution to the Afghan Support Package as regards resettlement and other safe and legal pathways to protection as alternatives to irregular migration for Afghans most in need of protection.

In line with the **Commission Recommendation on legal pathways to protection** in the EU³³, the Commission has started outreach to promote, in addition to resettlement, complementary pathways linked to study and work. Six projects on complementary pathways have been selected for funding with the aim to promote admissions of refugees and build capacity in the Member States³⁴. EASO is developing work on a European approach to community sponsorship, to help Member States roll out or scale up community sponsorship schemes to give a more structured role to civil society and communities in the reception and integration of refugees.

In the area of **legal migration**, a number of pilot projects exploring options for targeted labour migration in the interests of Member States and partners are under way, chiefly in North Africa³⁵. The talent partnerships will draw on this experience.

New financial and operational tools

- Tackling migrant smuggling and addressing the drivers of irregular migration

The Commission is adopting today a renewed **EU action plan against migrant smuggling for 2021-2025**³⁶ setting out actions to counter smuggling and to protect the fundamental rights of migrants, building on important work on anti-smuggling already under way, and addressing new challenges, including the exploitation of migration for political purposes. The Commission will work together with partner countries to put in place tailored anti-smuggling operational partnerships, as an important part of the comprehensive partnerships under the New Pact. The prospect of employment, even illegal employment, is a key factor that incentivises irregular migration. Under the New Pact, the Commission announced that it would assess how to strengthen the effectiveness of the **Employers Sanctions Directive** and a Communication³⁷ adopted today proposes a way forward to strengthen implementation, focusing on sanctions against employers, measures to protect the rights of irregular migrants, and inspections.

³³ C(2020) 6467, 23.9.2020.

³⁴ These projects will co-finance consortia of non-governmental organisations, in some cases with international organisations, to exchange good practices and capacity to develop complementary pathways for persons in need of protection to be admitted in the EU to study, work or to rejoin family members already in the EU.

³⁵ For example, a pilot project “Addressing Labour Shortages through Innovative Labour Migration Models” is boosting cooperation between Belgium and Morocco in the management of regular migration, offering a safe and lawful option to young professionals willing to gain qualified working experience in the ICT sector.

³⁶ COM (2021) 591.

³⁷ COM (2021) 592.

- ***Talent Partnerships***

Talent Partnerships, launched at a high-level conference on 11 June, can help the EU act strategically in developing strong, balanced, mutually beneficial partnerships on migration with key partner countries, while attracting the talent Europe needs. They will provide a comprehensive policy and funding framework to better match skills and needs between the EU and targeted partner countries, bringing together EU and Member State tools for cooperating on legal migration and mobility. The Commission will work with Member States and employers, social partners, and educational agencies to launch the first Talent Partnerships, building on existing experience with some North African countries, and following Member States' interest, further Talent Partnerships could gradually be rolled out elsewhere.

- ***Team Europe Initiatives***

Team Europe consists of the EU, its Member States, as well as the EIB and the EBRD, and aims to strengthen coordination, coherence and complementarities of actions to scale up the EU's impact. Country and multi-country Team Europe Initiatives, embedded into EU funding programming, can engage Member States in the implementation of the EU's migration policy priorities. Two multi-country Team Europe Initiatives on migration are currently under development, one for the Western Mediterranean and Atlantic route based on a proposal by Spain, and another for the Central Mediterranean route proposed by Italy and France. A third is proposed by the Commission to respond to the Afghan regional displacement crisis.

- ***Funding***

The NDICI-Global Europe Regulation establishes that indicatively 10% from the overall € 79.8 billion financial envelope should be dedicated particularly to migration-related actions in third countries. It sets out key goals³⁸ and specific areas of cooperation and intervention to be covered. The preparation of the country, regional and thematic multi-annual indicative programmes (MIPs) is under way and should be finalised by the end of the year. This will also allow decisions on the first actions before the end of 2021. The Commission will report how it intends to make use of the indicative 10% allocation for migration, as requested by the European Council, in November.

Preparations so far mean that migration and forced displacement will have an important role in programming documents, and be treated as a priority area of engagement in the country MIPs prepared for the key countries of interest and engagement for the EU. Where migration and forced displacement is not identified as a priority at national level, such actions will be mainstreamed into other priority areas of work. Migration will feature prominently also in all the regional MIPs, particularly in those covering Sub-Saharan Africa, Asia and the southern Neighbourhood. These will include dedicated programmes across several countries of the region, for example covering migratory routes or where countries share similar challenges. The regional MIPs will also be able to provide additional funding for specific countries, on the basis of a flexible approach which can also incentivise engagement and partnership with the EU.

³⁸ The Regulation indicates that the NDICI-Global Europe funds “*should contribute to ensuring access to international protection, addressing the root causes of irregular migration and forced displacement, enhancing border management and pursuing efforts to prevent irregular migration and forced displacement, fighting against trafficking in human beings and migrant smuggling, and working on dignified and sustainable returns, readmission and reintegration where relevant, on the basis of mutual accountability and full respect of humanitarian and human rights obligations under international and Union law, and by engaging with diasporas and supporting legal migration pathways*”.

Some actions in the areas of migration and forced displacement will be implemented jointly as Team Europe Initiatives, by combining the efforts of the EU and the Member States. All the migration routes will be given adequate attention and funding will match the enhanced ambitions and level of challenges of EU migration policy. For the Neighbourhood area, investments in migration can be expected to surpass the indicative 10% indicated in the NDICI-Global Europe.

Future migration programmes in pre-accession countries funded under the **Instrument for Pre-accession Assistance (IPA III)** will also come through both bilateral and regional programmes. Planned actions in the Western Balkans will continue to strengthen migration management and asylum systems, as well as border management. Continued attention will have to be paid to the reception situation in Bosnia and Herzegovina.

6. INTEGRATION AND INCLUSION

The EU has also sought to support Member States in tackling the important challenge of **integrating migrants and EU citizens with a migrant background**. Effective integration policies support sound migration management, and are also a key feature of the EU social policy through the European Pillar of Social Rights which stresses that improvements to the situation of people with a migrant background will be key to meeting the targets it sets out³⁹.

The Commission adopted an **action plan on integration and inclusion 2021-2027**⁴⁰ in November 2020 as the first key deliverable following the New Pact, with nearly 60 actions in the fields of education, employment and skills, health and housing. Its implementation is well underway, including publication of a toolkit with practical guidance on inclusion in early childhood education and care⁴¹. In March 2021, the Commission launched a partnership with the Committee of the Regions to start a political dialogue and promote learning and exchanges on integration for local and regional authorities⁴². It also published a toolkit on the use of EU funds for the integration of people with a migrant background for 2021-2027⁴³. In cooperation with the European Economic and Social Committee, the Commission engages in regular consultation and dialogue with civil society organisations at the European Migration Forum⁴⁴.

Actively involving migrants, asylum applicants and refugees in the design and implementation of migration, asylum and integration policies is essential to make them more effective and better tailored to needs on the ground. The Commission has set up an expert group composed of organisations representing the interests of migrants and of migration experts with a migrant background to advise the Commission on policies in the field of migration, asylum and integration of migrants. The first meeting of the expert group took place in November 2020, with regular meetings after that.

³⁹ <https://op.europa.eu/webpub/empl/european-pillar-of-social-rights/downloads/KE0921008ENN.pdf>

⁴⁰ COM(2020) 758 final.

⁴¹ Published in February 2021: <https://op.europa.eu/s/pcwI>

⁴² [Integration of migrants: Commission and Committee of the Regions partnership for EU support to local action \(europa.eu\)](https://op.europa.eu/webpub/empl/european-pillar-of-social-rights/downloads/KE0921008ENN.pdf)

⁴³ In addition, the Commission organises mutual learning events on migrants integration and inclusion for benefit of the EU Member States authorities and stakeholders. The outcomes are available on its website.

⁴⁴ The next meeting takes place in October 2021. <https://www.eesc.europa.eu/en/sections-other-bodies/other/european-migration-forum>

7. CONCLUSION

The ultimate aim of the EU's migration policy is to ensure that migration takes place in a safe, regular and well-managed manner, to enable the EU and its partners to tackle the challenges of irregular migration and forced displacement, and to reap the many benefits migration offers. To this end, the EU continues to pursue policies to achieve the best outcome for its Member States and its partners in a world where irregular migration, forced displacement and legal mobility are a constant challenge, and to build an effective system that manages migration, safeguards fundamental rights and attracts much-needed talent and skills.

Routes and movements of migrants, many of them vulnerable, continue to shift. These will be closely monitored, and where possible anticipated, to ensure the EU is ready to react to new trends. Recent developments in Belarus and Afghanistan show that the EU must constantly assess and be ready to react to new trends, adapting current regulations and foreseeing new measures to stop the abuse of the migration and asylum system by state-sponsored migrant smuggling or criminal networks.

The EU has already taken many actions to improve its capacity to live up to these challenges. **Swift and constructive progress on the legislative files under the New Pact is now crucial** and will serve to further strengthen Europe's ability to manage migration, provide for legal pathways, protect its borders, receive those who have a right to come in humane conditions as well as treat those who do not enjoy this right with dignity, in line with EU values and principles.