

# Migration Update

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The purpose of these news summaries is to provide a factual base for migration debates within the European centre-right. [Vít Novotný](#) is responsible for the selection of information items from the media, governments and social media. The value of these summaries is in the categorisation of information items and in listing those items that readers might have missed. Facts and opinions are conveyed as they are reported. Original comments are kept to a minimum. These news summaries are not subject to a formal editorial process. Matúš Babulík and Erik Swärdh provided background research for the Judicial Observatory. Matúš also drafted the table with the voting breakdown on the New Pact. Claudia Masi supplied a news item. Should you have any questions or comments, please contact Vít Novotný at [vn@martenscentre.eu](mailto:vn@martenscentre.eu).

- [According](#) to the UNHCR, at the end of February, **almost 6 million refugees from Ukraine** were recorded across Europe, with 5.7 million registered for asylum, temporary protection or similar national protection schemes. Out of this number, on 31 March 2024 about **4.2 million refugees** from Ukraine [had](#) temporary protection status in EU countries. [It follows that some 1.8 million war refugees resided in Russia and other non-EU countries in Europe.]

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## LABOUR IMMIGRATION

[According to](#) the EUObserver, ‘the EU fishing industry increasingly relies on migrant labour due to an ageing workforce and declining work conditions, making it less attractive for EU nationals....’

- In France, one-fourth of seafarers in the deep-sea fishing industry are foreigners, according to data from the *Observatoire prospectif des métiers et des qualifications de la pêche*.
- According to the Social Data in Fisheries from 2019, up to 28 percent of fishermen in Spain are non-EU citizens. Other countries like Ireland, Malta, Cyprus, Germany, Greece and many more profit from migrant fishermen.

## NEW PACT

On 14 May, the Council [provided](#) the final approval for 10 laws ‘which reform the entire European framework for asylum and migration management’. (The European Parliament had adopted the pact on 10 April 2024.)

- See below our summary of the **voting record** [released](#) by the Council.

Voting on the New Pact, Council of the European Union, 14 May 2024

	Screening regulation	Regulation on consistency amendments related to screening	Eurodac regulation	Qualification regulation	Asylum procedure regulation	Asylum and migration management regulation	Regulation addressing situations of crisis and force majeure	Reception conditions directive	Regulation establishing a return border procedure	Regulation establishing a resettlement and humanitarian admission framework
Belgium	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Bulgaria	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Czechia	abstain	abstain	abstain	abstain	abstain	abstain	abstain	abstain	abstain	abstain
Denmark	-	-	-	-	-	-	-	-	-	-
Germany	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Estonia	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Ireland	-	-	-	-	-	-	-	-	-	-
Greece	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Spain	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
France	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Croatia	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Italy	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Cyprus	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Latvia	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Lithuania	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Luxembourg	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Hungary	no	no	no	no	no	no	no	no	no	no
Malta	yes	yes	yes	yes	yes	abstain	yes	yes	yes	yes
Netherlands	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Austria	yes	yes	yes	abstain	yes	abstain	no	no	yes	yes
Poland	no	no	no	no	no	no	no	no	no	no
Portugal	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Romania	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Slovenia	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Slovakia	abstain	abstain	abstain	abstain	abstain	no	no	abstain	abstain	abstain
Finland	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Sweden	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes

- Member states will now have two years to put the laws that were adopted today into practice. The European Commission will soon present a common implementation plan to provide assistance to member states in this process.

The European Commission’s summary of the new rules is [here](#).

## SCHENGEN

On 24 May, the Council [gave](#) its final approval to a new **Schengen Borders Code**.

- The regulation introduces the possibility to adopt EU-wide measures that restrict the access of third-country nationals to the EU **in the event of a large-scale public health emergency**.
- In order to fight **the instrumentalisation of migration**, the amended Schengen Borders Code will offer member states the possibility **to limit the number of border crossing points or reduce their opening hours** and allows for enhanced border surveillance measures.
- The revised Schengen Borders Code clarifies the existing framework for the reintroduction and prolongation of **internal border controls**, which is possible when there is a serious threat to public policy or internal security. Member states will need to assess the necessity and proportionality of this decision and assess whether the objectives pursued cannot be attained by other means. The possibility to use **alternative measures**, typically consisting of police checks and cross-border cooperation, should encourage member states to substantially limit the reintroduction of temporary border controls. These measures must be clearly distinct from systematic checks on persons at external borders.
- Additionally, a new transfer procedure will allow a member state to **transfer third-country nationals apprehended in the border area** and staying illegally in its territory to the member state from which they arrived directly. The apprehension should take place in the context of a bilateral cooperation framework.
- This regulation enters into force on the twentieth day following that of its publication in the Official Journal of the European Union. It is directly applicable in the EU countries.

In the [vote](#) in the Council, Spain and Slovenia abstained. Denmark and Ireland did not vote. The remaining EU countries were in favour of the legislation.

## UKRAINIAN REFUGEES

In Germany, criticism [is growing](#) of the unconditional acceptance of Ukrainian war refugees into the **citizen's allowance system** (Bürgergeld). According to a CDU member of Tübingen council, "the change in legal status from asylum seeker benefits to the higher citizen's allowance for refugees from Ukraine was a mistake, which means that **far fewer people from Ukraine are in work here** than in other European countries. The German government's motivation was certainly positive, namely to support people from Ukraine as much as possible. However, good intentions do not [automatically] mean good outcomes."

- 65% of war refugees who came to Poland from Ukraine are [in employment](#). The figure is 61% in the UK. In Germany it is 18%.

## EU-LEBANON

During her visit to Beirut on 2 May, Commission President Ursula von der Leyen [announced](#) that the EU would provide a financial assistance package for Lebanon worth **€1 billion for 2024 to 2027**. On her visit, von der Leyen was accompanied by the President of the **Republic of Cyprus, Nikos Christodoulides**.

The announcement follows the [European Council Conclusions](#) from 17-18 April. Among other things, these Conclusions:

- confirmed 'the EU's determination to support the most vulnerable people in Lebanon, including refugees, internally displaced persons and host communities in need, as well as providing support to combat human trafficking and smuggling'
- reaffirmed 'the need to achieve conditions for safe, voluntary and dignified **returns of Syrian refugees**, as defined by UNHCR.'

[The amount of assistance announced is [significantly above](#) the EU support to Lebanon so far.]

According to the [Commission announcement](#), 'this continued EU support will strengthen basic services such as education, social protection and health for the people in Lebanon. It will accompany urgent economic, financial and banking reforms. Furthermore, support will be provided to the Lebanese Armed Forces and other security forces with equipment and training for border management and to fight against smuggling.

The EU's support will focus on:

- support to basic services such as education, health, social protection and water to the **most vulnerable people in Lebanon, including refugees**, internally displaced persons, and host communities;
- assisting urgent domestic reforms, in particular those requested by the International Monetary Fund (IMF), including in the banking sector, contributing to an improved economic situation and business environment;
- support for border and migration management, including combating human trafficking and smuggling, strengthened support to the Lebanese Armed Forces.'

The acting **Lebanese PM** Najib Makati, [said](#) "since the outbreak of fighting in Syria in 2011, Lebanon is facing the greatest burden in the world in the matter of hosting displaced people - it's greater than Lebanon's ability to cope, it represents one third of our population"... Lebanon would **use the EU money to encourage "voluntary returns"** to Syria and... [the] country was not "an alternative homeland" for the 1.5 million Syrians there. "Most Syrian areas have become safe ... people who came after 2016 for purely economic reasons don't qualify as displaced." He also warned Lebanon risked becoming a "transit country" for EU-bound migrants, such as Cyprus, if the situation was left to rot.

[In contrast] Cypriot president Nikos Christodoulides said the main priorities for the new wave of EU **spending would be to secure Lebanon's borders and fight people smuggling.**

## **BORDERS**

Following Estonia, Latvia and Lithuania, the **Polish** government has announced its intention to [build a defence zone](#) along the border with Russia and Belarus. The construction is expected to cost ten billion zloty (€ 2.34 billion). It is to include massive fortifications, anti-tank trenches and barricades, minefields and 70-metre-high guard towers with a view of up to four kilometres.



- The first step, to be started in 2025, is to **expand and improve the current border fence** built to protect against migrants entering from Belarus... "It will be a shield that will protect us from possible attacks from the east. Its purpose will also be to deter the enemy" according to PM Donald Tusk (EPP).
- Critics claim the plan is poorly devised and the costs are not supported by evidence.

**Belgium's** parliament [authorised](#) the deployment of up to **100 Frontex agents** at airports, seaports and the Eurostar terminal at Brussels Midi train station. The new law also sets the legal basis for Frontex staff to accompany foreign nationals who are deported. Currently, only airport police are able to perform that task.

The OSCE Office for Democratic Institutions and Human Rights (**ODIHR**) is organising a [course for human rights defenders](#) 'working at international borders in the Central, Northern and Eastern Europe region. The course is open to applicants operating in Austria, Belarus, [Czechia], Estonia, Finland, Germany, Hungary, Latvia, Lithuania, Moldova, Poland, Russian Federation, Romania, Slovakia and Ukraine (the applicant's citizenship is not decisive)'.

## REPATRIATIONS

Despite a 'repatriation offensive' announced by **Germany's** Chancellor Olaf Scholz (PES), the number of deportations rose [only slightly](#) in the first quarter of 2024. According to a confidential analysis by the Federal Ministry of the Interior, 4,791 people without residence status were deported by the end of March, 1,225 more than in the previous year. However [...] there were around 234,000 people in Germany who were required to leave the country in March, 46,000 of whom were without tolerated status.

- This is despite the introduction of more stringent rules introduced recently. For example, the maximum duration of detention pending deportation has been extended from 10 to 28 days. Search options for the police have also been extended.
- However [...] deportations still often fail due to a lack of identity papers because people have gone into hiding or other EU countries refuse to take back migrants who have already been registered in these countries.

## EU-AFRICA

'In a year-long investigation with the *Washington Post*, *Enass*, *Der Spiegel*, *El País*, *IrpiMedia*, *ARD*, *Inkyfada* and *Le Monde*', the Lighthouse Reports [revealed](#) 'that Europe knowingly funds, and in some instances is directly involved in **systematic racial profiling**, detention and expulsion of Black communities across at least three North African countries.' The findings 'shows that in **Morocco, Mauritania and Tunisia**, refugees and migrant workers, some of whom were on their way towards Europe, as well as people who had legal status and established livelihoods in these countries, are apprehended based on the colour of their skin, loaded onto buses and driven to the middle of nowhere, often arid desert areas. There, they are left without any assistance, water or food, leaving them at risk of kidnapping, extortion, torture, sexual violence, and, in the worst instances, death. Others are taken to border areas

where they are reportedly sold by the authorities to human traffickers and gangs who torture them for ransom.’ For example, ‘EU is directly funding the Moroccan paramilitary auxiliary forces, who we filmed **rounding up people with black skin** in the capital.’

Tunisia’s leader Kais Saied has [‘launched](#) a new crackdown on dissent, targeting lawyers, journalists and civil society activists ahead of presidential elections later this year... Detainees include **officials in non-governmental groups helping undocumented migrants** from sub-Saharan African countries. Those detained in the crackdown include Sonia Dahmani, an outspoken lawyer and television commentator, who had made sarcastic remarks casting doubt on assertions by the president that sub-Saharan migrants wanted to settle in Tunisia... Saied himself has called civil society groups “traitors” and claimed they are “driven by foreign wages”. “If you look at all the people who have been summoned, it is all for financial reasons. But if you look closer [...] they have all helped migrants,” said an employee of a Tunis-based NGO that works with migrants, who asked not to be named for fear of reprisals.’

- The UN High Commissioner for Human Rights [raised concerns](#) about the “increased targeting” of migrants.

On 29 April, the [Council](#) ‘decided to **temporarily suspend** certain elements of the EU law that regulates the issuing of **visas to Ethiopian nationals**. In particular, it will no longer be possible for member states: to waive requirements with regard to the evidence to be submitted by Ethiopian visa applicants; to issue multiple entry visas; to waive the visa fee for holders of diplomatic and service passports. Furthermore, the standard visa-processing period now becomes 45 calendar days instead of 15. This decision follows an assessment by the Commission, which concludes that cooperation by Ethiopia in the field of readmission of its nationals illegally staying in the EU is insufficient.’

## UK-RWANDA

[According to](#) Reuters, on 1 May British authorities announced they started to **detain migrants** in preparation for them to be sent to Rwanda in the next nine to 11 weeks. Parliament in April approved a law that paves the way for sending asylum seekers to Rwanda if they arrive in Britain without permission. PM Sunak [...] wants the first flights to take off in July. “Our dedicated enforcement teams are working at pace to swiftly detain those who have no right to be here so we can get flights off the ground,” IM James Cleverly said. [Details on timing and who would be selected for initial flights were unclear.]

The UK’s law to deport asylum-seekers **shouldn’t apply in Northern Ireland**, because parts of it violate human rights protections, according to a [ruling of a court in Belfast](#). The Illegal Migration Act was incompatible with the European Convention on Human Rights and undermines rights provided in the Good Friday peace agreement of 1998, High Court Justice Michael Humphreys said. UK PM Rishi Sunak said that the government would appeal the judgment.

On 23 May PM Rishi Sunak [confirmed](#) that **no flights will take off** before the general election on 4 July.

## FUTURE OUTLOOK FOR THE EU

The Council of the EU [adopted](#) the 2024 [Ageing Report](#). *Economic and Budgetary Projections for the EU Member States (2022-2070)*. According to the report, **net migration** is projected to be positive in nearly all EU countries, at an annual average of 0.3% of the EU population in 2022-2070.

## PUBLIC OPINION IN THE EU

[According to](#) a [survey](#) carried out by BVA Xsight for ARTE Europe Weekly, a project led by the French-German TV channel ARTE GEIE:

- Immigration is seen as a problem by more than 1 in 2 Europeans. The percentage of those who said that **immigration was a problem for their country** reached 74% in Bulgaria, 73% in Czechia and 68% in Hungary. In Denmark, the figure was 40%, in Spain 39% and in Luxembourg 33%.
- 7 out of 10 Europeans believe that their country takes in **too many migrants (highest percentage in Greece, 90% and lowest in Hungary, 54%)** and they are broadly in favour of greater control on immigration.
- ‘Tend to agree’ that the EU needs to take more action to **combat illegal immigration**: Portugal 91%; Austria and Greece 89%; **lowest percentage: Luxembourg and Denmark 79%**.
- ‘Tend to agree’ Europe needs immigration: Portugal and Spain 50%; Bulgaria 19%, Estonia 17%. Average: 39%.
- Those who are in favour of more immigration: 56% to compensate for a shortage of labour, 35% to alleviate the birth rate crisis, 34% to show solidarity with suffering peoples.
- The main concerns overall were: 1. Health, 2. War in Ukraine, 3-4. Purchasing power and the Environment, 5. Security, 6. Taxes, **7. Immigration**. The highest percentage given to immigration: Austria (29%), the Netherlands and Germany; the lowest percentage given to immigration: Bulgaria, Lithuania and Romania (5%).

The survey was carried out online between 27 March and 9 April in the 27 member states, where 22,726 people over 15 years of age were interviewed, with a representative sample from each country. In addition to *El País*, the contributing media organizations were *Gazeta Wyborcza*, *Internazionale*, *Ir*, *Kathimerini*, *Le Soir* and *Telex*.

[According to](#) the latest **Standard Eurobarometer**, immigration has dropped from first to second place of main concerns for EU citizens, behind the war in Ukraine. Immigration sits in first position in two countries - Cyprus (52%) and Bulgaria (32%), down from seven Member States in autumn 2023. It ranks second in ten countries including the Netherlands (40%), Germany (36%), and Ireland (35%) and is the third most mentioned issue in seven countries including Poland and Croatia (23%) as well as Austria and Latvia (22% each).

## THE US

The number of **illegal immigrants evading Border Patrol agents** has [skyrocketed](#) under the Biden administration, according to data obtained by *Fox News*. This



concerned the number of “gotaways” -- illegal immigrants who avoided agents but were detected by other forms of surveillance such as cameras and sensors. Between the fiscal year 2010 and the fiscal year 2020 inclusive, there were over 1.4 million gotaways. In comparison for the three fiscal years 2021-23, there were **1.6 million gotaways**.

## GLOBAL

The IOM [published](#) the *World Migration Report 2024*.

- ‘International migration remains a driver of human development and economic growth, highlighted by a more than **650 per cent increase in international remittances from 2000 to 2022**, rising from USD 128 billion to USD 831 billion. The growth continued despite predictions from many analysts that remittances would decrease substantially because of COVID-19.’
- In 2020, there were 281 million international migrants, or 3.6 per cent of the world’s population. Out of this figure, 169 million were migrant workers.
  - In contrast, in 2000, the estimated proportion of world population who were migrants was 2.8%, or 150 million.
- The top countries with the largest **populations of internally displaced persons** by conflict and violence at the end of 2022 were:
  - Syria
  - Ukraine
  - DR Congo
  - Colombia
  - Yemen.
- The top European countries by total refugees and asylum-seekers were:
  - Germany
  - Russia
  - Poland
  - France
  - UK.

## JUDICIAL OBSERVATORY

### The High Court of Ireland rules that Ireland’s designation of the UK as a ‘safe third country’ is unlawful

On 22 March 2024, the High Court of Ireland [ruled](#) that Minister for Justice Helen McEntee exceeded her power when designating the UK as a safe third country. The decision was made in December 2020 in response to the UK’s exit from the EU. The consequence of this government decision was that applicants for asylum arriving from the UK could be [returned](#) to that country.

According to the High Court ruling, the minister’s decision was in breach of EU law, specifically Article 3(3) of the [Dublin III Regulation](#). Ireland has its own rules on determining eligibility for international protection (encompassed in the [International Protection Act 2015](#)); the Court stated that a breach arises from the gap in safeguard requirements between Irish and European legislation. The 2015 Act does not require the Minister for Justice to [ascertain](#) that there is no risk of a “serious harm” to a transferee, whereas the Dublin III regulation does.

The High Court's decision was in response to submissions from two individuals who had their asylum applications [deemed](#) inadmissible in Ireland as they had 'sufficient connections' with the UK. The applicants [requested a judicial review](#) in light of the UK's policy to transfer asylum seekers to Rwanda. One of the men, an Iraqi of Kurdish origin, applied for international protection in Ireland in 2021. The other one was a Nigerian citizen who sought international protection after spending five months in the UK on a student visa. The High Court stated that the relevant inadmissibility decisions should be [quashed](#).

### **An Italian court dismisses charges against the crew of Luventa and provides justifications for NGO rescues of boats heading from Libya to Italy**

The Court of Trapani in Sicily [ruled](#) that the crew members of the ship Luventa, which was seized in 2017 at a port in Lampedusa, should be cleared from charges of aiding and abetting illegal migration from Libya to Italy between September 2016 and June 2017.

The ship was owned by the NGO Jugend Rettet, and the crew consisted of individuals from Save the Children, Médecins Sans Frontières, and Jugend Rettet. The prosecution charged a group of 12 individuals and organisations of 'conspiracy... in several acts executing the same criminal design, carried out the transport of foreigners and performed other acts aimed at illegally procuring their entry into the territory of the Italian State by transshipping the migrants from the Luventa onto other boats belonging to other NGOs, including the Vos Hestia, which then landed at the port of Trapani and other places in the territory of the State.'

The alleged acts took place in both Libyan and international waters. The prosecution claimed that, on some occasions, the individuals in question did not inform the relevant Maritime Rescue and Coordination Centre (MRCC) and on other occasions, they did not follow the instructions of the MRCC. If convicted, the crew members could have been sentenced to up to 20 years in prison, according to [France 24](#). In February the prosecutors [requested the charges to be dropped](#) due to a lack of evidence.

The court rejected the arguments that the prosecution originally lodged. The court stated, among other things, that:

- 'migrants, although lacking an appropriate title to enter Italy, at the moment of rescue at sea in a situation of danger are to be considered "shipwrecked" and maintain this legal status until disembarkation in a safe place...;
- the assessment as to the reasons for entry without a suitable title and the legality or illegality of such entry is not left to the rescuers or the ship's captain, but must be carried out later ashore, following the necessary border controls, when the foreigner is in a position to provide the competent authorities with any explanations and to access, if the prerequisites are met, the international protection procedures...;
- the so-called "intermediate bodies" - including associations of whatever nature - are unquestionably the holders of the inviolable rights (Article 2 Const.) enumerated in the first part of the Constitution and...the Non-Governmental

Organisations, due to the specificity of their social purposes, by carrying out their activities do not only exercise free economic initiative (art. 41 Cost.), but also the fundamental right to manifest one's own thought (art. 21 Const.) and the right to association (art. 18 Const.), inhibited by the prohibition to continue their sea rescue activities...

- escape from torture, arbitrary detention, sexual violence, mistreatment, sexual and labour exploitation, deprivation of basic human needs (food and medical care) is clearly indicative of the inevitability of escaping a situation of present danger of serious personal harm resulting from being held in Libyan detention centres for migrant transits.... From this perspective, any conduct materially capable of procuring the entry into Italy of migrants without an entry permit would in fact be necessary, insofar as it would serve to defend the fundamental interests of the human person and to remove migrants in transit in Libya from the inhumane conditions experienced in the detention centres.'

Overall, the court found there was a lack of evidence regarding the alleged crimes. Contrary to the claims of the prosecution, the court stated that the rescue operations were always ordered by the MRCC and carried out under the direction and constant coordination of the MRCC. Jugend Rettet has [requested](#) compensation from the Italian state.

## MARTENS CENTRE PRODUCTION

C.G. Blangiardo, 'The 'demographic winter' in Italy: Crisis factors, problematic issues and policy actions', *European View*, [Spring 2024](#), 14-21.

L. Teodorescu, 'Women on the move: Understanding the female face of migration to develop targeted policies', *European View*, [Spring 2024](#), 55-63.

A. Chrysogelos, 'Are UK & EU Migration Issues One & The Same?', *Bridge The Channel* YouTube series, [Martens Centre](#), 28 May 2024

## SELECT EXTERNAL PUBLICATIONS

F. Düvell, *Scenarios of War and Forced Migration from Ukraine*, [Prague Process](#), ICMPD, May 2024

International Crisis Group, *Egypt's Gaza Dilemmas*, [ICG](#), May 2024