



Beyond relocations and secondary movements: Enhancing intra-EU mobility for refugees

Alberto-Horst Neidhardt

- Under the Long-Term Residents Directive, refugees must wait for five years before they can move to an EU member state different from that of asylum. The entitlements attached to refugee status, which include social welfare and health care, are not recognized in countries other than that of asylum.
- By contrast, when EU states activated the Temporary Protection Directive to assist people fleeing Russia's war on Ukraine, they made it possible for temporary protection holders to benefit from their status wherever they decide in the EU. This de facto free-movement regime has also facilitated their socioeconomic integration.
- Enhanced mobility for refugees could potentially bring similar systemic benefits. The European Commission proposed a set of reforms in 2020 and 2022 to facilitate (regular) intra-EU mobility and reduce secondary movements. The reforms, as they stand, will not realize these goals. They could nevertheless become a useful bargaining chip in the negotiations on broader asylum reforms.

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1. Introduction

Questions concerning the mobility of refugees within the EU have acquired new salience since the activation of the Temporary Protection Directive (TPD) in March 2022.¹ While already enjoying visa-free travel across the EU, beneficiaries of temporary protection who escaped from the war in Ukraine have been able to enjoy their status and rights everywhere in EU territory from day one of the TPD's activation.

This de facto free-movement regime afforded to displaced Ukrainians is, in the eyes of many, one of the key advantages of the EU response to Ukraine's humanitarian emergency.² It has enabled beneficiaries of temporary protection to reunify with their family members abroad and seek jobs

anywhere in the EU. This, commentators argue, facilitates socioeconomic inclusion.³ By avoiding contentious debates on relocations and responsibility sharing, it has also enabled EU countries to display a rare degree of unity on asylum matters.⁴

This liberal 'free-choice' model stands in marked contrast to the limited intra-EU mobility rights afforded to all other refugees and beneficiaries of subsidiary protection (hereafter referred to as protection holders or refugees without distinction). Only after five years of legal residence and by meeting additional income-related requirements set by the Long-Term Residents Directive (LTRD or 'Directive') are other refugees allowed to move to a country different from that of their residence—in most cases the country responsible for their asylum application under the Dublin system.⁵

¹ For example, Daniel Thym, "[Temporary Protection for Ukrainians: The Unexpected Renaissance of 'Free Choice.'](#)" EU Migration Law Blog (March 7, 2022); Daniela Vitiello, "[The Nansen Passport and the EU Temporary Protection Directive: Reflections on Solidarity, Mobility Rights and the Future of Asylum in Europe.](#)" *European Papers* (2022).

² Bernd Parusel and Valeriia Varfolomeieva, "[The Ukrainian Refugee Situation: Lessons for EU Asylum Policy.](#)" Swedish Institute for European Policy Studies (September 2022).

³ See Esin Küçük, "[The odd couple: Free choice of asylum and temporary protection.](#)" *EU Law Analysis* (May 16, 2022); Thomas Gammeltoft-Hansen and Florian Hoffmann, "[Mobility and legal infrastructure for Ukrainian refugees.](#)" Commentary, *International Migration* (2022).

⁴ Marie De Somer and Alberto Neidhardt, "[EU responses to Ukrainian arrivals—Not \(yet\) a blueprint.](#)" European Policy Centre Discussion Paper (October 14, 2022).

⁵ [Council Directive](#) 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents, OJ L 016, 23.1.2004, P. 0044–0053.

Unlike beneficiaries of temporary protection, once they move to a second member state under the LTRD, mobile refugees lose the entitlements attached to their protection status, including social support and access to health care. On top of the stringent eligibility conditions, limited awareness about the rights afforded by the LTRD and poor implementation have led the European Commission to acknowledge that the Directive remains an underused instrument.⁶

That said, numerous refugees—alongside asylum seekers—do move across the EU, although against the premises of the current EU legal framework and the conditions set by the LTRD, whether for the purpose of applying for international protection again or finding another basis to reside legally in a second state.

Countering such unauthorized onward movements has become a key priority for the EU and led to the introduction of punitive measures in the hope that this would disincentivize them. But the measures have not stopped them. Secondary movements have become a sticking point between EU states, particularly the northern, richer countries and southern states.

Against this background, in April 2022, the European Commission put forward a proposed reform of the LTRD.⁷ If adopted, the recast Directive would facilitate access to EU long-term resident (EU LTR) status and the corresponding permit.⁸ The proposed LTRD reform complements an earlier proposal, currently under negotiation, which would reduce from five to three years the waiting period before refugees can qualify for EU LTR status.

These reforms aim to strengthen the socioeconomic integration of refugees and (regular) intra-EU mobility on the one hand and to discourage secondary movements on the other. Yet, can they achieve this two-fold objective? Can they effectively incentivize refugees to remain in the country of asylum while opening up tangible opportunities for moving elsewhere later on? And has the response to the arrivals from Ukraine and the adoption of a de facto free-movement model for beneficiaries of temporary protection led to a stronger impetus for the proposed facilitation of intra-EU mobility for all other refugees?

As European Commission President Ursula von der Leyen pointed out in her 2022 State of the Union address, the EU should be able to pursue asylum policies and reforms building on the welcoming response to Ukrainian refugees. In her words, Europe's actions "towards Ukrainian refugees must not be an exception.

They can be our blueprint for going forward" on all EU asylum policies.⁹

This Policy Study shows that, as far as the intra-EU mobility of refugees is concerned, the Commission's aspirations fall short, legally, practically, and politically.

While enhanced mobility would increase refugees' agency, as they stand, the reforms will only create symbolic mobility opportunities for refugees. As such, they will not reduce secondary movements. Beyond the legal shortcomings and the reforms' limited practical effects, the proposals may also fail to provide a convincing answer to northern countries fearing greater arrivals from other EU states. At the same time, they may not garner sufficient support from southern states concerned about the prospect of investing integration resources in refugees whose main goal is to move elsewhere.

This, however, does not mean that the proposed enhancement of intra-EU mobility is of no importance. Although it would not supplant relocations or resolve asymmetries in responsibility sharing, if complemented with additional targeted measures—such as a mechanism for the cross-border recognition of rights attached to refugee status—it could constitute a useful, complementary measure with systemic benefits for the whole EU asylum system. It could also represent a bargaining chip, as negotiations on the asylum reforms introduced by the New Pact on Migration and Asylum in September 2020 progress slowly.

Amid this backdrop, this Policy Study first examines the advantages provided by the free choice-based model adopted to welcome refugees from Ukraine. It then analyses current rules governing intra-EU mobility for refugees under the LTRD and looks at the potential added value of enhanced mobility for improving their socioeconomic integration and increasing flexibility in the EU asylum system. After examining the revisions advanced by the Commission and possible contentious issues in the negotiations of the Parliament and Council, it concludes with targeted recommendations.

2. Intra-EU mobility for refugees from Ukraine under the Temporary Protection Directive

Following Russia's invasion of Ukraine in February 2022, EU member states unanimously decided to activate the TPD for the first time. This provided those who fled from Ukraine with a secure status and a clear set of socioec-

⁶ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, "Attracting skills and talent to the EU," COM(2022) 657 final, Brussels (2022).

⁷ Proposal for a Directive of the European Parliament and of the Council concerning the status of third-country nationals who are long-term residents (recast), COM(2022) 650 final, Brussels (2022).

⁸ See Steve Peers, "Poundshop free movement? Long-term resident non-EU citizens: The EU Commission's new proposal (part 2)," *EU Law Analysis* (May 15, 2022).

⁹ Ursula von der Leyen, "2022 State of the Union Address by President von der Leyen," European Parliament (September 14, 2022).

onomic rights, among others in relation to housing and work. Meanwhile, the enactment of the TPD avoided further pressure on asylum systems by dropping the need for individual assessments of protection claims.¹⁰

The specific circumstances of the TPD activation in March 2022 are also significant from an intra-EU mobility perspective. Under the TPD, member states could issue a take back request to the country where beneficiaries of temporary protection first obtained the protection, if they moved onwards without authorization.¹¹ When activating the TPD, EU states nonetheless decided to forego this prerogative.¹² Considering that Ukrainians already enjoyed visa-free travel across the EU, this means that they have been able to enjoy their rights in any EU state where they registered and received a residence permit under the TPD, with the possibility of multiple subsequent registrations.¹³ This unique regime therefore allows for de facto free movement while also creating what comes close to a single EU protection space.¹⁴

The free-choice model adopted offers additional practical and political advantages. As to the latter, all EU states were able to show a degree of solidarity while bypassing divisive debates on refugees' relocations and responsibility-sharing mechanisms.¹⁵ The model is also relevant from the viewpoint of secondary movements: allowing Ukrainian refugees to 'self-relocate' has made it possible to avoid 'double voluntarism,' the need for national authorities as well as the individuals concerned to consent to taking up residence in a specific state.¹⁶

From a practical perspective, the model adopted also facilitates socioeconomic integration. As several commentators have underlined, the current regime enables Ukrainians to move to countries whose language they speak or know, or where family, friends, or members of the Ukrainian diaspora can help them settle.¹⁷ Although

it does not erase cultural or social obstacles altogether, this makes integration easier.

Arguably, the free-choice model also facilitates access to different labour markets, with advantages for member states as well. Facing structural labour gaps, several European countries have proactively looked for ways to recruit Ukrainian nationals, including residents abroad, since the activation of the TPD.¹⁸ In this sense, encouraging employment statistics have emerged from the EU and even beyond.¹⁹ According to the OECD, the share of working-age Ukrainian refugees in employment in several European countries (including, for example the Netherlands) was already over 40 percent in December 2022.²⁰

Better professional prospects constitute a win-win for both refugees and host countries, which can use the additional resources for more targeted reception and integration assistance. Admittedly, many Ukrainians have not yet found jobs in line with their personal needs or (high) educational levels.²¹ Significant variations exist in employment rates across European countries, reflecting structural differences in how member states have implemented the TPD.²² Adapting to the demographic characteristics of refugees from Ukraine also remains a challenge, and so is matching prospective employers with their skillsets and qualifications.²³

These structural obstacles to accessing European labour markets therefore mean that intra-EU mobility may have contributed to greater employment opportunities for some, but not for all. That said, the innovative decision to let refugees from Ukraine move freely across the EU has played a role in their swifter socioeconomic integration and simultaneously made it easier for member states to come together to face the challenge of welcoming millions of people seeking protection.

¹⁰ Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof, OJ L 212, 7.8.2001.

¹¹ Ibid., Article 11.

¹² Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection, OJ L 71, 4.3.2022.

¹³ Thym, footnote 1 and Küçük, footnote 3.

¹⁴ This space is not perfectly harmonized, as there are differences in how member states have transposed and implemented the TPD. See European Union Agency for Fundamental Rights, "How do EU countries apply the EU Temporary Protection Directive?" (August 2, 2022); United Nations High Commissioner for Refugees, "The Implementation of the Temporary Protection Directive: Six Months On," UNHCR Regional Bureau for Europe (October 2022).

¹⁵ De Somer and Neidhardt, footnote 4.

¹⁶ Hanne Beirens et al., "Study on the Temporary Protection Directive Final report," Directorate-General for Migration and Home Affairs, European Commission (January 2016).

¹⁷ Küçük, footnote 3.

¹⁸ Flávia Calçada and Rosária Salvado, "Portugal to open platform for temporary protection of Ukrainian refugees," *Euractiv* (March 14, 2022).

¹⁹ *The Local*, "Over a quarter of Ukrainian refugees in Denmark now working" (August 24, 2022); Valentina Romei and William Wallis, "Large jump in number of Ukrainian refugees securing work in UK," *Financial Times* (August 26, 2022).

²⁰ Organisation for Economic Co-operation and Development, "What we know about the skills and early labour market outcomes of refugees from Ukraine" (January 6, 2023).

²¹ Claudia Ciobanu and Tim Gosling, "Labour Pains in Central Europe," *Balkan Insight* (June 7, 2022).

²² See European Migration Network, "Access to services for beneficiaries of temporary protection," EMN Inform (November 2022).

²³ See the proposal for the launch of a 'Talent Pool' in the Communication on Attracting Skills, footnote 4.

3. Intra-EU (im)mobility of refugees under the Long-Term Residents Directive

The permissive framework for moving in the EU enjoyed by beneficiaries of temporary protection who escaped from the war in Ukraine appears in stark contrast with the conditions set by EU rules for all other refugees.²⁴

Refugees other than those fleeing Russia's war on Ukraine who aim to move to a country different from that of asylum can in principle pursue three main routes without having to apply for a visa first: qualifying under the LTRD, acquiring the nationality of the hosting country, or moving abroad under the Blue Card Directive.²⁵

Taking the nationality of the hosting state enables access to EU free movement as EU citizens. Still, naturalization involves long waiting times.²⁶ The Blue Card Directive has limited attractiveness for most refugees since it is only open to those with exceptional qualifications and high skills.²⁷ In this light, the LTRD is potentially the most attractive framework allowing for intra-EU mobility. Yet, the Directive suffers from legal as well as practical shortcomings.

The LTRD sets out harmonized rules that govern the eligibility conditions as well as the rights of long-term residents. In short, the Directive establishes that non-EU citizens—including protection holders—can acquire EU-wide long-term residence status and a corresponding permit after five years of lawful and uninterrupted residence. To acquire the status, applicants must also have a stable and regular source of income, and health insurance.

Refugees benefit from targeted measures for calculating the required residence period: at least half the time spent waiting for an answer to their asylum claim is included in the five-year calculation. Overall, however, their waiting period is effectively longer compared with other categories of non-EU citizens, since the other half is in general terms not to be considered.²⁸

If their application is successful, EU LTR status nevertheless gives refugees a right to equal treatment, compared with national residents, in terms of working conditions, social security, and public services in the country

of residence. These rights complement those conferred by the Qualification Directive, which include access to employment (including employment-related education opportunities and vocational training), social welfare and health care.²⁹

Most crucially, long-term residence potentially equips refugees with the possibility to move to other EU member states. After acquiring EU LTR status in the first country, generally the country where they are awarded protection, refugees can in principle move to another state to exercise an economic activity, pursue studies or vocational training, or for “other purposes”.³⁰ But to do so, further conditions—other than the general requirements that refugees need to fulfil in order to obtain EU LTR status in the first state—apply.

More specifically, after the acquisition of EU LTR status in the first state, refugees must apply for a residence permit in the ‘second’ country where they wish to live. National authorities of the second state can reject the application by setting maximum quotas of entries or carrying out labour market tests. In addition, EU LTR status is not ‘portable.’ To have the same status in the second state—and the rights and entitlements that flow from it—the LTRD requires a fresh application, with the conditions being the same as in the first state. These also include (a further) five years of continued lawful residence.

Fitness checks and independent studies have emphasized that these eligibility conditions are too difficult to meet for non-EU citizens and make their intra-EU mobility prospects especially unrealistic.³¹ In particular, the required residence period of five years has been subject to criticism for being over-long, from independent researchers as well as the European Parliament.³²

Besides the complex and stringent rules governing the acquisition of EU LTR status in the first and second states, the LTRD is also undermined by poor records of implementation. To begin with, many member states prefer promoting national long-term permits over EU-wide residence. Although it brought member states' legislation closer by setting harmonized rules, the

²⁴ Küçük, footnote 3.

²⁵ Directive (EU) 2021/1883 of the European Parliament and of the Council of 20 October 2021 on the conditions of entry and residence of third-country nationals for the purpose of highly qualified employment, and repealing Council Directive 2009/50/EC.

²⁶ Maria Margarita Mentzelopoulou and Costica Dumbrava, “Acquisition and loss of citizenship in EU Member States. Key trends and issues,” European Parliamentary Research Service, PE 625.116 (July 2018); David Owen, “Refugees, EU Citizenship and the Common European Asylum System A Normative Dilemma for EU Integration,” *Ethical Theory and Moral Practice* (2019).

²⁷ Steve Peers, “The revised Blue Card Directive: The EU's search for more highly skilled non-EU migrants,” *EU Migration Law Blog* (June 4, 2021).

²⁸ According to Article 4(2), at least half of the period between the date of the lodging of the application for international protection and the date when a residence permit to the protection holder is awarded, shall be taken into account in the calculation of the required residence period. However, the whole period must be considered if it exceeds 18 months

²⁹ Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast) OJ L 337, 20.12.2011.

³⁰ Article 14 of the Directive, footnote 2.

³¹ See the “Report from the Commission to the European Parliament and the Council on the Implementation of Directive 2003/109/EC concerning the status of third-country nationals who are long-term residents,” Brussels, COM(2019) 161 final, 29.3.2019; see also the Commission Staff Working Document, “Fitness Check on EU legislation on legal migration,” SWD(2019) 1056 final.

³² Elspeth Guild et al., “Enhancing the Common European Asylum System and Alternatives to Dublin,” Study for the LIBE Committee, PE 519.234 (2015).

Directive left the door open for national long-term residence permits under parallel schemes. These national long-term permits continue to be issued in greater numbers than EU LTR ones (see figure 1 below). Between 2017 and 2021, 10 million non-EU nationals acquired a long-term residence permit in the EU, of which about 3 million were for the EU residence permit, while 7 million permits were received under a national scheme (table 1, p. 14).³³

To qualify under these parallel national schemes, member states can set lighter requirements compared with those imposed by the LTRD. For example, there may be no integration requirements or the required period of continued residence before becoming eligible can be shorter than five years. But these national schemes do not afford the same rights as EU LTR status. More specifically, they do not provide intra-EU mobility rights.

The existence of parallel national schemes contributes to making an already complex legal framework harder to understand, and more difficult to implement. In this sense, it is no surprise that many national administrations do not have knowledge of the applicable proce-

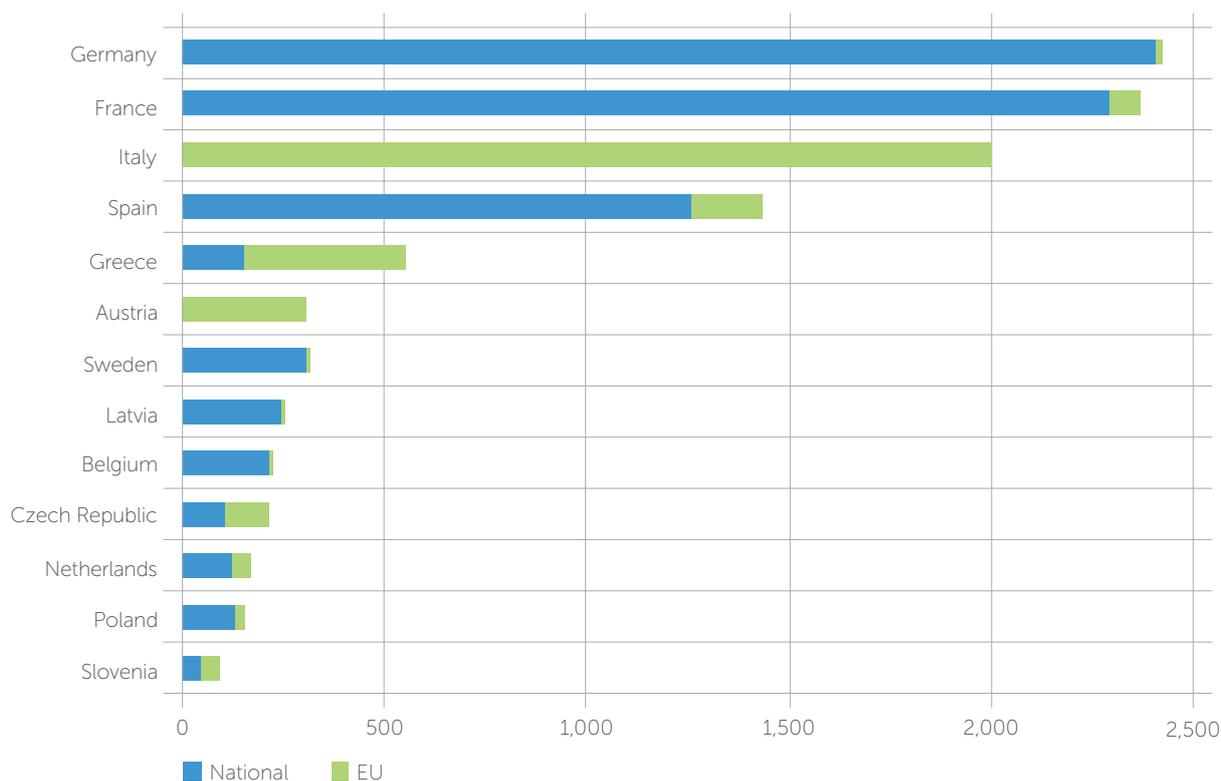
dures, or there is insufficient cooperation with their counterparts in other member states.³⁴ Legal shortcomings are furthered by a lack of awareness among non-EU nationals about the existence of EU LTR status and the rights attached to it.

On top of these problems pertaining to all non-EU citizens who fall within the Directive’s scope, refugees face further challenges due to the interplay between the different legal frameworks to which they are subject. Most of all, the lack of cross-border recognition of the rights attached to their protection status can have a negative impact on intra-EU mobility. As seen above, protection holders benefit from social rights in the country of asylum under the Qualification Directive. This generally makes it easier for them to acquire long-term residence there. However, the rights afforded by the Qualification Directive are not available in the second state. This is because EU law does not require the recognition of positive asylum decisions in states other than that of asylum. In general terms, entitlements attached to refugee status are only available in the responsible country as defined

³³ Tesseltje De Lange et al., “[The EU legal migration package: Towards a rights-based approach to attracting skills and talent to the EU](#),” European Parliament, Directorate-General for Internal Policies of the Union (December 2022), p. 116.

³⁴ Report from the Commission to the European Parliament and the Council on the Implementation of Directive 2003/109/EC, footnote 12.

Figure 1 Number of long-term residence permits issued by selected EU member states, 2021
(thousands)



Source: Eurostat (MIGR_RESLONG), own compilation.

by the Dublin III Regulation. Once the refugee moves abroad under the LTRD, these entitlements no longer apply.

At present, only the Agreement on Transfer of Responsibility for Refugees, a convention introduced under the aegis of the Council of Europe, partly addresses the transfer and recognition of rights attached to refugee status.³⁵ Under the Transfer Agreement, responsibility is transferred after two years of continuous stay in a signatory state, the period taken to indicate the refugee's intention to settle and the second state's consent to it.³⁶ Yet, the Agreement cannot fill the gaps in EU law: few member states are bound by it.³⁷ In addition, only rights flowing from the 1951 Convention Relating to the Status of Refugees are transferred, and not those conferred by the Qualification Directive.

Due to the absence of a dedicated EU framework, some member states have entered into bilateral agreements regulating the transfer of responsibility and rights.³⁸ But these only increase the fragmentation and uncertainty mobile refugees face.

The lack of an instrument governing the cross-border recognition of entitlements attached to refugee status inevitably reduces the attractiveness of lawful transfers abroad under the LTRD.³⁹ Since they no longer enjoy their entitlements under the Qualification Directive, it can be presumed that many of those moving abroad would also find it harder to satisfy the requirements for sufficient resources and health insurance in the second state.

4. The costs of non-mobility for refugees under the Long-Term Residents Directive

Even from a cursory reading, it is self-evident that the Directive establishes rules which are at once difficult to meet and complex to navigate. While the LTRD does not afford realistic opportunities for refugees to move their residence abroad, protection holders—alongside asylum seekers—do move across the EU. But they do so against the general premises of the Dublin system and of the

Common European Asylum System (CEAS).

The EU asylum framework is based on the idea that asylum seekers and refugees, if they are granted protection, are to remain in the country responsible for their asylum application. The Dublin III Regulation establishes the criteria for determining the responsible state. These include, in hierarchical order, family links, regular stay or entry, irregular entry and previous asylum applications. In principle, the existence of family links should trump other considerations. In practice, the most frequently applied criterion is irregular entry. This translates into great pressure on the asylum and reception systems of countries at the EU's external borders, especially those in southern Europe.

The preferences of asylum seekers carry little or no weight for determining which state should process their claim and, if their application is successful, host them. This contributes to further inefficiencies in the CEAS. While refugees should only be able to move abroad if they qualify under the LTRD or other frameworks establishing mobility rights, many opt to move abroad without authorization.⁴⁰ This can be for a host of reasons, for example, the existence of cultural or family links not considered in the Dublin process, better economic prospects abroad or the poor reception systems in countries of first arrival.

The Dublin Regulation includes mechanisms to deal with such secondary movements, setting procedural rules to take asylum seekers back to the responsible state if they move and apply for asylum again in a second state. But member states must refrain from transferring an applicant to the responsible state if its asylum procedures or reception conditions are undermined by 'systemic flaws.'⁴¹ In addition, Dublin transfers have become subject to closer judicial scrutiny over fundamental rights protection. And insufficient coordination between the respective national authorities makes it harder to carry out Dublin transfers.⁴²

Secondary movements have become a source of contention among member states in this context. Northern countries have pointed their fingers at southern states for allegedly failing to counter unauthorized onward move-

³⁵ Council of Europe, [European Agreement on Transfer of Responsibility for Refugees, Strasbourg](#), European Treaty Series, No. 107 (October 16, 1980).

³⁶ *Ibid.*, Article 2; on the duration, see Parliamentary Assembly of the Council of Europe (PACE), "Explanatory Report to the European Agreement on Transfer of Responsibility for Refugees," Assembly Document 3703, para. 21.

³⁷ The agreement has been ratified by the following EU countries: Belgium, Denmark, France, Germany, Ireland, Italy, Luxembourg, the Netherlands, and Sweden. The agreement has been signed, but not ratified, by Cyprus and Portugal.

³⁸ See also European Migration Network, "[Secondary movements of beneficiaries of international protection](#)," EMN Inform (September 2022).

³⁹ N.M. Lassen, N. Egesberg, J. van Selm, E. Tsolakis, and J. Doomernik, *The Transfer of Protection Status in the EU, against the background of the common European asylum system and the goal of a uniform status, valid throughout the Union, for those granted asylum*, Luxembourg: Publications Office of the European Union (2004), pp. 127–39.

⁴⁰ Martin Wagner, Jimmy Perumadan, and Paul Baumgartner Chemnitz, "[Secondary Movements](#)," CEASEVAL Research on the Common European Asylum System, No. 34 (August 2019).

⁴¹ [Regulation \(EU\) No 604/2013](#) of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast), OJ L 180, 29.6.2013, Article 3(2).

⁴² Cathryn Costello, "[Dublin case NS/ME: Finally, an end to blind trust across the EU?](#)" *Asiel & Migrantenrecht*, Number 2 (2012), pp. 83–92.

ments.⁴³ Several have also kept internal border controls in the Schengen area in place since 2015 for the same reason.⁴⁴ For their part, southern states have called for mandatory relocations, arguing that this would improve the balance between solidarity and responsibility, and for making intra-EU mobility for refugees easier.⁴⁵ Such calls for mandatory relocations have nevertheless met with the staunch opposition of a third group of states, most notably the so-called Visegrád Four (Czechia, Hungary, Poland, and Slovakia). This has slowed down the negotiations on all asylum and migration reforms at the EU level.

Against this backdrop, sanctions have been introduced in EU asylum law, including the withdrawal of reception conditions and increased use of detention for those engaging in unauthorized onward movements, to try to prevent them.⁴⁶ But this strategy has not brought about the desired results, as secondary movements have continued in high numbers. In 2021, for example, Eurodac—the EU fingerprint database—processed a total of 510,696 applications for international protection. Among them, 37 percent (188,886) were from people who had already applied in another state.⁴⁷ This shows that such deterrent measures have failed at bringing them to a halt.

Meanwhile, opposing positions on mandatory relocations have become entrenched in the negotiations on asylum reforms. And it is the inability to find a solution to these issues on the one hand and the need to come together with a unified response to Ukrainian arrivals on the other hand that can explain the circumstances behind the TPD's activation in March 2022. More specifically, they explain the member states' decision to bypass divisive discussions on secondary movements and mandatory relocations by granting to refugees from Ukraine a de facto free-movement right.

Enhanced intra-EU mobility for all other refugees under the LTRD would be unlikely to bridge political divides in the same way. Nor, on its own, would it be a pan-

acea for all conundrums in EU asylum policy. Although some argue that a free-choice system at the base of intra-EU mobility for all protection holders would facilitate responsibility sharing,⁴⁸ the free movement for refugees from Ukraine, for example, has not translated into a balanced distribution of responsibilities, as demonstrated by the significantly higher numbers of Ukrainians in a few European countries.⁴⁹

That said, enhanced mobility would increase refugees' agency, compensating in part for the rigidity of the Dublin system. Giving refugees a realistic prospect of moving abroad regularly could also create greater incentives for them to remain in the state of asylum, realigning personal preferences with legal entitlements. This would bring significant systemic benefits to the overall functioning of the CEAS.

When compared with the free-choice model for Ukrainians, other shortcomings deriving from the lack of effective intra-EU mobility for all other refugees can be identified, as well as potential lessons learnt from that same model.

From a socioeconomic perspective, the strict conditions for acquiring EU LTR status and moving to a second state coupled with the rigidity of the Dublin system mean that many refugees have no option but to pursue a job in countries where they may not wish to stay, for example, because the job opportunities are better elsewhere.

Tellingly, refugees face higher unemployment rates, in comparison with both mobile EU citizens and other non-EU nationals in their country of residence.⁵⁰ They also have higher chances of ending up in temporary occupations. This can be explained by a range of factors, such as restrictions to their right to work in the country of asylum or a mismatch between their skills and labour shortages. Their ability to access recruitment channels is further reduced by a lack of language skills and an absence of cultural or social links with the country of asylum, while these links may be stronger in other states.⁵¹

⁴³ Recently, see the letter of June 1, 2021 from Horst Seehofer, Federal Minister of the Interior, Building and Community, Germany, Gerald Darmanin, Minister of Home Affairs, France, Sammy Mahdi, State Secretary for Asylum and Migration, Belgium, Jean Asselborn, Foreign Minister for Foreign Affairs and Minister for Immigration and Asylum, Luxembourg, Ankie Broekers-Knol, Minister for Migration, the Netherlands, Karin Keller-Sutter, Head of the Federal Department of Justice and Police, Switzerland to the European Commission (last accessed December 16, 2022), <https://www.statewatch.org/media/2485/letter-six-schengen-states-to-european-commission-secondary-movements-1-6-21.pdf>; see also Jacopo Barigazzi, "EU powerhouses ask Greece to do more to take back migrants," *Politico* (June 3, 2021).

⁴⁴ Although member states have also accumulated different legal bases for introducing and maintaining what are presented as 'temporary' controls. See Marie De Somer, "Schengen and internal border controls," in *From Tampere 20 to Tampere 2.0: Towards a new European consensus on migration*, edited by Philippe de Bruycker, Marie De Somer, and Jean-Louis De Brouwer, Brussels: European Policy Centre (2020).

⁴⁵ Notably, in response to criticism from northern countries of the letter to the European Commission cited at footnote 44, the Greek Minister of Migration and Asylum, Notis Mitarachi, highlighted on June 4, 2021, that "[w]e wonder whether the solution to the situation described in the letter is more mobility, as it were, as opposed to less. If we want to create a system based on solidarity, then the right to mobility of refugees would be the way forth" (last accessed December 16, 2022), <https://www.politico.eu/wp-content/uploads/2021/06/06/20210604-YMA-Ministers.pdf>. See Nikolaj Nielsen, "Greece dismisses EU states' objections on refugee travel," *EUobserver* (June 23, 2022).

⁴⁶ Daniel Thym, "Secondary Movements: Overcoming the Lack of Trust among the Member States?" *EU Migration Law Blog* (October 29, 2020).

⁴⁷ European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice, *Eurodac 2021 Annual Report* (December 2022).

⁴⁸ Francesco Maiani, "The Reform of the Dublin III Regulation," PE 571.360 (June 2016).

⁴⁹ As of December, over 1.5 million refugees from Ukraine were being hosted by Poland, over 1 million by Germany, and about 460,000 by Czechia. See Refugees Operational Data Portal, "Ukraine situation Flash Update #36," United Nations High Commissioner for Refugees (December 2, 2022).

⁵⁰ European Commission, Directorate-General for Employment, Social Affairs and Inclusion, Organisation for Economic Co-operation and Development, "How are refugees faring on the labour market in Europe? A first evaluation based on the 2014 EU Labour Force Survey ad hoc module" 1/2016, Publications Office (2016).

⁵¹ Organisation for Economic Co-operation and Development, "The potential contribution of Ukrainian refugees to the labour force in European host countries" (July 27, 2022).

EU labour markets could also benefit from easier intra-EU mobility for refugees. EU states face structural labour shortages in various sectors, including the tourism, hospitality, and logistics industries where a range of skills are necessary.⁵² Enhanced mobility could make it easier to fill these gaps, if a suitable legal framework is put in place.⁵³

An easier pathway enabling refugees to match their skills with professional opportunities across the EU will not in itself address all labour shortages, or dramatically reduce unemployment among refugees. Many will continue to face structural obstacles connected to, for example, their skills or the slow recognition of qualifications obtained abroad. The case of beneficiaries of temporary protection is instructive in this sense, as many Ukrainians are still struggling to find jobs in line with their skills notwithstanding the free-choice regime and good educational levels. From the opposite vantage point, however, refugees would no longer be discouraged from choosing a work and life path that involves moving to other EU states.

5. The Commission's 2020 and 2022 reform proposals

Intra-EU mobility for refugees could bring benefits in several areas, including to the CEAS and to their socioeconomic integration and, to a certain extent, EU labour markets. Yet, a combination of legal shortcomings, practical obstacles, and implementation flaws has undermined the potential added value of the Directive, leading the Commission to admit that, in its current form, it “does not provide for an effective right to mobility within the EU.”⁵⁴

Comprehensive data relating to mobile long-term residents are missing. Accurate information concerning the number of refugees who move abroad under the LTRD framework is even harder to come by. Still, it is hardly surprising that the European Commission's Implementation Reports and the Fitness Check on Legal Migration both estimated in 2019 that few long-term residents have exercised their right to move to other member states.⁵⁵

Given the additional barriers they face, it is not unreasonable to assume that even fewer refugees exercise this right than the overall number of mobile non-EU nationals.

To address the existing shortcomings, the Commission put forward two key reforms. The first was a specific provision included in the Regulation on Asylum and Migration Management (RAMM), which was launched in September 2020 with the New Pact on Migration and Asylum. More recently, in April 2022, the Commission put forward a proposal for a recast of the LTRD as part of its ‘legal migration package’.

With the RAMM proposal, the Commission aims to reduce to three years the waiting period before refugees become eligible for long-term residence.⁵⁶

Speedier access to long-term permits would strengthen the rights of refugees in the country of asylum and facilitate their socioeconomic integration there. But with the reduction of the waiting period to three years, the Commission also hopes to discourage unauthorized movements of refugees, which suggests that this change would have implications for intra-EU mobility as well. This indicates a welcome shift of attention from the punitive sanctions to deter secondary movements to a system of positive incentives to try to convince refugees—and asylum seekers—to remain in the country of asylum.⁵⁷

In this context, the question is whether the incentives created would suffice to convince refugees—and asylum seekers during the review of the application—to remain in the country of asylum while also giving them concrete opportunities to move abroad later. And the answer, also considering that no impact assessment was carried out, is most likely negative. When looked at together with the proposed recast LTRD, it becomes especially clear that this would mostly be a symbolic change: only a few refugees would benefit from intra-EU mobility, especially if the reforms were to be adopted in their current form.

Notably, by the Commission's own admission, the LTRD amendments it put forward do not constitute a “major legislative revision” doing away with all obstacles to mobility altogether.⁵⁸ To begin with, the Commission's proposal does not ‘abolish’ national long-term residence schemes, one of the main causes of the Directive's unsatisfactory implementation.⁵⁹ Instead, member states would have to extend to applicants for EU LTR status any more favorable rules that applicants for national schemes benefit from, for example, in relation to required resources and integration conditions.

Although this amendment attempts to bring greater harmony, it does not eliminate uncertainties and con-

⁵² Communication on Attracting Skills, footnote 6, p. 2.

⁵³ Lucia Della Torre and Tesseltje de Lange, “The ‘importance of staying put’: Third country nationals’ limited intra-EU mobility rights,” *Journal of Ethnic And Migration Studies*, Vol. 44, No. 9 (2018).

⁵⁴ Communication on Attracting Skills, footnote 6.

⁵⁵ Footnote 31.

⁵⁶ [Proposal](#) for a Regulation of the European Parliament and of the Council on asylum and migration management and amending Council Directive (EC) 2003/109 and the proposed Regulation (EU) XXX/XXX [Asylum and Migration Fund], COM (2020) 610 final, Article 71.

⁵⁷ See Thym, footnote 47.

⁵⁸ Footnote 7.

⁵⁹ Footnote 31.

fusion deriving from the existence of parallel schemes.⁶⁰

To understand the reasons behind the Commission's cautious approach, the general conditions to become eligible for EU LTR status should also be considered. In contrast with the three-year waiting period for refugees in the RAMM, the LTRD proposal does not envisage a reduction to three years for to three years for any non-EU nationals. This is because it would lead to an unfavorable treatment of EU citizens who, to acquire permanent residence in another EU country, must have lived there for a continuous period of five years.⁶¹

While the separation of refugees from other non-EU nationals allows for facilitated access to EU LTR status by former group, it makes it harder to avoid inconsistencies and include additional targeted improvements.

In fact, a reduction of the required residence period for refugees is not even mentioned in the LTRD proposal, under the assumption that this provision would either be adopted as part of the RAMM or later be reintroduced by the European Parliament during negotiations on the Directive.⁶² But this also means that the Commission has not proposed further measures to streamline acquisition of EU LTR status for refugees. For example, the LTRD proposal does not revise how the required residence period is calculated, even though the full time spent by refugees waiting for an answer to their asylum claim could be included in the three-year calculation.

By contrast, the revised Directive would make it possible for non-EU nationals to cumulate residence periods they spent in multiple member states, provided they lived for at least two consecutive years in the same country before applying for the status. According to the Commission's proposal, any period of residence abroad where the visa or residence permit is issued under EU or national law should be fully taken into account.

This provision aims to stimulate mobility within the EU and avoid a situation where non-EU nationals remain in the same country waiting for several years to become eligible. While this general measure may make it easier for mobile non-EU nationals to acquire EU LTR status, its impact on the intra-EU mobility of refugees will be limited. More specifically, the cumulation of residence periods is of no relevance for refugees who cannot move

their residence abroad lawfully, being required to remain in the state of asylum until they have reached the five—or three, as proposed—years of permanent residence.

The Commission's LTRD proposal does include some welcome improvements to the framework that could also, potentially, benefit refugees and their mobility prospects.

For example, the Commission's proposal aims to make it easier for refugees to be informed about their rights under the LTRD.⁶³ Also, the Commission has proposed to abolish labour market tests. This could theoretically make it easier for refugees to compete for open positions in the labour market of the second state.⁶⁴

Even so, other pre-existing obstacles to refugees' mobility would remain in place, such as integration conditions, and so would the requirement to file for another residence permit in the second state. In connection with this, the Commission's proposal does not envisage the portability of EU LTR status (see the section above on the intra-EU mobility of refugees under the LTRD). The 2022 recast LTRD would instead shorten to three years the waiting period that all non-EU nationals covered by the Directive would have to wait to acquire EU LTR status in the second state. This would constitute an improvement for non-EU nationals in general, also considering that the required residence period of five years in the first state would remain, as per the Commission's proposal. But this change makes less sense for refugees who would only need to wait for three years to become eligible for EU LTR status in the first state, if the RAMM amendment is adopted.

Yet, to examine whether the EU framework may effectively discourage refugees from engaging in secondary movements, one must also look beyond the RAMM and the LTRD proposals. Despite calls to this end, the Commission did not address the issue of cross-border recognition of entitlements by proposing a dedicated instrument.⁶⁵

The absence of an instrument for recognizing the entitlements attached to refugee status in the second state deprives lawful mobility of one of its greatest potential advantages compared with unauthorized movement. Put differently, if both lawful and irregular movements lead refugees to lose essential rights under the Qualification

⁶⁰ See Steve Peers, "Long-term resident non-EU citizens: The EU Commission's new proposal," *EU Law Analysis* (May 13, 2022).

⁶¹ See the discussion at the European Parliament's Committee on Employment and Social Affairs (EMPL) meeting on October 25 on "The status of third-country nationals who are long-term residents" (last accessed December 16, 2022), https://multimedia.europarl.europa.eu/en/webstreaming/empl-committee-meeting_20221025-1000-COM-MITTEE-EMPL.

⁶² Interview with a European Commission official.

⁶³ This is the case especially in connection with national schemes, e.g., Recital 29: "Member States should engage in the same level of information, promotion and advertisement activities with respect to the EU long-term residence permit as they do for national residence permits of permanent or unlimited validity."

⁶⁴ See Meijers Committee, "Comment on the Commission's Proposal to Recast Directive 2003/109 on the Status of Long-Term Resident Third-Country Nationals," CM2205 (June 2022).

⁶⁵ Guild et al., footnote 32.

Directive, there would be very limited incentives to stay put and wait for years—whether five or three—to become eligible for EU LTR status.

In this light, notwithstanding some welcome improvements to the overall framework that these amendments would entail, most refugees will likely opt for moving irregularly to their preferred destination in the EU, instead of trying to meet the requirements set by the LTRD.

6. The uncertain future of intra-EU mobility for refugees

Realizing the potential benefits of intra-EU mobility is contingent on tailor-made but also ambitious reforms. The proposed recast LTRD falls short of this, at least as far as refugees' mobility is concerned. That said, the Commission's proposal only constitutes the first step in the EU legislative process, also involving the European Parliament and the Council. The negotiations could address the proposal's limits exposed above and introduce further positive changes to the current EU framework.

The European Commission has acknowledged that reaching a broad consensus is the hardest task ahead, however.⁶⁶ This is particularly the case as the window of opportunity for adopting the reforms will close with the European Parliament elections of May 2024.⁶⁷ Reactions by states and the European Parliament confirm that achieving a consensus may be difficult.

When it comes to state responses to the Commission's LTRD proposal, some European governments have welcomed the possibility of recruiting workers who already live in the EU, if this can help to reduce labour shortages.⁶⁸ At the same time, reactions also suggest that not every country is willing to back the proposed recast LTRD as it stands, as it fails to address some of their key concerns.

Countries that are commonly the first hosts to non-EU citizens have questioned the paradoxical situation whereby these individuals, after being integrated into their country, would move abroad, for example, to more attractive labour markets.⁶⁹

This situation concerns all non-EU nationals, but it appears especially relevant for refugees. Although member states receive a contribution from EU funds, national

governments financially support and implement programs to ensure the reception and socioeconomic integration of refugees, including through language courses and professional training. While refugees would have to be supported for several years before they qualify for EU LTR status under the LTRD, intra-EU mobility would allow them to resettle in other member states. When this happens, the resources invested are arguably wasted, at least from the viewpoint of the first state of asylum/residence.

Against this background, some states at the EU's external borders, especially southern countries, may prefer more immediate intra-EU mobility rights or increased financial support, in line with their position on broader reforms to the EU asylum system.

Without these additional support measures, member states that claim to be under pressure and unable to adequately receive all people in need of protection, may end up investing fewer resources in their integration and reception systems. This could in turn lead to further secondary movements instead of persuading refugees to stay in the country of asylum, a prospect that would antagonize (richer) northern European states.

In this light, it should not surprise that some member states with generous welfare systems and more attractive labour markets have also rejected the Commission's proposed recast of the LTRD.⁷⁰ Some have also explicitly rejected the RAMM proposal to reduce the required residence period for refugees to three years. For example, the Netherlands highlighted that refugees often "leave a member state that granted them international protection, sometimes only after a very short period of time, since they are not provided with the facilities that they are entitled to according to EU law."⁷¹ The Netherlands also emphasized that the proposed waiting-period reduction would not tackle the underlying causes of secondary movements.

These positions show that there may only be stronger support from northern states if the measures put in place could effectively reduce unauthorized movements. In other words, they would not consent to greater intra-EU mobility for refugees without reducing irregular movements at the same time. But it would also be difficult to reach a broad consensus which includes countries at

⁶⁶ When explaining the conservative approach adopted by the proposed LTRD revision, it stated that the proposed amendments aim to strike the best balance between the expectations of the various stakeholders, adding that this approach "is thus the most feasible politically," footnote 7.

⁶⁷ Nikolaj Nielsen, "EU migration and asylum pact faces reality check," *EUobserver* (September 14, 2022).

⁶⁸ *Tweede Kamer*, vergaderjaar 2021–2022, 22 112, nr. 3442 and Finnish Ministry of Economic Affairs and Employment and Ministry of the Interior, "Commission proposes improvements to the EU's legal migration policy" (July 8, 2022).

⁶⁹ Representative of the Czech Presidency at the hearing of the European Economic and Social Committee (EESC) on "Legal migration—Skills and talents package" (June 28, 2022).

⁷⁰ *Beratungen des EU-Ausschusses des Bundesrates* IV-161 der Beilagen zu den Stenografischen Protokollen des Bundesrates Auszugsweise Darstellung (28. Juni 2022).

⁷¹ Comments from the delegations, Interinstitutional File: 2020/0279(COD), Brussels (January 12, 2022) (OR. En), p. 24 (last accessed December 16, 2022), <https://www.statewatch.org/media/3090/eu-council-pact-ammr-ms-comments-15030-21-rev1.pdf>.

the EU's external borders, especially those in southern Europe, without more financial support for ensuring that adequate reception conditions and integration efforts are put in place there, or some other form of responsibility sharing.

Seen from this perspective, the links between intra-EU mobility in the RAMM and LTRD proposals with broader reforms to the EU asylum and migration system could transform the proposed reform to intra-EU mobility into a useful bargaining chip to advance in the New Pact negotiations. For example, northern countries may propose to southern states easier intra-EU mobility for refugees alongside other responsibility-sharing tools currently under negotiation. In return, they may ask southern governments to support measures for disincentivizing secondary movements and those for screening and registering first-time asylum applicants, apart from better implementation of current asylum rules.

For its part, the European Parliament has so far been unable to agree on a common negotiating position on the RAMM due to a conflict among MEPs over the mandatory or voluntary nature of the mechanism that should bring about a greater balance between solidarity and responsibility.⁷² The proposal to reduce the residence period to three years for refugees in the RAMM has gone virtually unnoticed.⁷³

As far as the LTRD reform proposal is concerned, while being generally considered a good starting point, it fails to meet key demands expressed by Parliament in previous years.⁷⁴ In a 2021 resolution, for example, MEPs called for shortening the residence period to acquire EU long-term resident status from five to three years.⁷⁵ Accordingly, the amendments currently being discussed by Parliament include a proposal to reduce to three years the required residence period for all non-EU nationals.⁷⁶ They also aim at reducing administrative requirements and introducing a form of short-term intra-EU mobility for work purposes with lighter conditions attached.⁷⁷

Overall, however, the Parliament's attention is likely to remain focused on facilitating mobility for non-EU nationals in general and not for refugees. Tellingly, the amendments proposed by the rapporteur on the file do

not include a cross-reference to the shortened residence period for refugees. While refugees would be covered by the general reduction to three years under discussion in the Parliament, the negotiations are not guaranteed to lead to the adoption of this proposal. Even more crucially, the amendments currently discussed by the Parliament do not even acknowledge the obstacle to refugees' mobility posed by the lack of cross-border recognition of rights attached to their protection status.

Yet, the Parliament may change strategy in the course of the negotiations and work to secure the targeted improvements for refugees, as a more ambitious position on the file for all non-EU nationals will likely encounter significant opposition from some member states.

In this context, it may be easier to forge an agreement between the European Parliament and the Council on an amendment setting the required residence period for refugees at three years, instead of demanding that the same shortened period applies to all non-EU nationals.⁷⁸ From the European Parliament's perspective, enhanced refugee mobility could be taken as an example of the benefits that a similar reduction of the required residence period could have for all other non-EU citizens covered by the LTRD. And even if this may only have a limited impact—as this Policy Study anticipates—if not complemented with additional measures, it could nevertheless be used to demand additional reforms that make intra-EU mobility a reality for both refugees and other non-EU nationals in the future.

7. Conclusions and recommendations

Despite some welcome improvements to the overall framework, compared with the liberal free-choice regime introduced for Ukrainian refugees the Commission's LTRD and RAMM proposals fail to remove all obstacles to intra-EU mobility for other refugees. While the reduction to three years of the required residence period before refugees can apply for an EU LTR permit is a useful starting point, it remains insufficient. The proposed reforms would not create a single EU protection space

⁷² Andreas Rogal, "MEPs clash over new EU asylum and migration proposals," *The Parliament Magazine* (October 27, 2021).

⁷³ No modification has been proposed in the much-criticized [Draft Report](#) by the EP Rapporteur, Tomas Tobé. See Draft Report on the proposal for a regulation of the European Parliament and of the Council on asylum and migration management and amending Council Directive (EC) 2003/109 and the proposed Regulation (EU) XXX/XXX [Asylum and Migration Fund] (COM(2020)0610 – C9-0309/2020 – 2020/0279(COD)).

⁷⁴ See the discussion at the European Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE) meeting on December 1, 2022 on "The status of third-country nationals who are long-term residents (recast)" (last accessed December 16, 2022), https://multimedia.europarl.europa.eu/en/webstreaming/libe-committee-meeting_20221201-0900-Committee-LIBE.

⁷⁵ [European Parliament resolution](#) of 25 November 2021 with recommendations to the Commission on legal migration policy and law (2020/2255(INL)).

⁷⁶ [Draft Report](#) on the proposal for a directive of the European Parliament and of the Council concerning the status of third-country nationals who are long-term residents (recast) (COM(2022)0650 – C9-0162/2022 – 2022/0134(COD)), Committee on Civil Liberties, Justice and Home Affairs, Rapporteur: Damian Boeselager, 2022/0134(COD).
⁷⁷ For a period of 90 days; *ibid.*, Article 16(a).

⁷⁸ This would require amending Article 16 of the Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC, setting at five years the continuous period of residence for EU citizens to acquire the right of permanent residence.

where refugees can move and benefit from the entitlements attached to their protection status.

Contrary to von der Leyen's own wishes, the Commission's proposals show that the EU's response to Ukrainian refugees may remain an exception, at least as far as cross-border movements within the EU are concerned.

Furthermore, the intra-EU mobility regime envisaged by the Commission will not reduce secondary movements, as it does not create a sufficient set of positive incentives to remain in the country of asylum. And in their current form, the proposals put forward by the Commission may not serve as the basis for a broad consensus among member states.

Yet, if supported by additional measures, enhanced intra-EU mobility could contribute to improving the socioeconomic integration of refugees and to addressing some of the systemic inefficiencies of the CEAS. Even without extensive reform, it may also constitute a useful bargaining chip for other files under negotiation. Accordingly, this Policy Study advances the following recommendations:

- While member states and the European Parliament committed to adopting the RAMM before the 2024 European elections, the shortening to three years of the required residence period before refugees can qualify for EU LTR status should not be put at stake by the possible failure to move ahead with the RAMM reform or by states' reluctance to adopt this specific provision. The Commission's proposal should therefore be included in the recast LTRD negotiated by the European Parliament and Council.
- To both facilitate the social inclusion of refugees in the first state and enhance their intra-EU mobility prospects, the entire period between the lodging of the protection application and the date when refugee status is awarded should automatically be considered for reaching the residence period required for EU LTR status.
- The European Commission should monitor the implementation of the recast LTRD by collecting specific data allowing for an assessment of the systemic benefits brought about by enhanced refugee mobility. The recast LTRD aims to set in place measurable indicators. Specific statistics should be collected about the number of residence permits issued at the national level to holders of LTR status as well as the specific number of refugees who make use of their mobility right under the Directive. This will enable further targeted improvements in the future.
- The EU should adopt an instrument that makes it mandatory to recognize the effects of positive asylum decisions. This instrument should aim at increasing the certainty and uniformity of the status, and could be used to incentivize lawful transfers abroad. Entitlements attached to protection status should be enjoyable immediately after transferring the residence abroad under the LTRD. Should a proposal to make the immediate transfer of protection responsibility for mobile refugees meet opposition by member states, allowing second states to set a two-year default waiting period before the entitlements attached to refugee status are recognized could be proposed as an alternative. This would also be in line with the Council of Europe's Transfer Agreement.
- Parallel national schemes providing distinct rights compared with the EU LTR permits should be abolished. Should their abolition not be politically viable, the EU should pursue the harmonization of existing national residence schemes.

Table 1 Number of EU long-term residence permits issued, and total EU and national permits combined, 2017–21 (EU without Denmark)

Country	EU 2017	Total 2017	EU 2018	Total 2018	EU 2019	Total 2019	EU 2020	Total 2020	EU 2021	Total 2021
Austria	272,407	291,374	286,198	299,009	295,103	307,174	299,547	311,246	306,068	311,309
Belgium	1,043	194,872	1,381	192,055	1,891	191,063	2,557	193,360	2,884	221,170
Bulgaria	831	31,578	1,367	33,524	2,235	45,236	3,077	51,723	3,561	59,803
Croatia	3,326	11,647	4,079	11,492	4,862	11,508	5,034	11,347	4,924	11,297
Cyprus	214	17,397	213	22,440	193	27,168	204	28,450	201	29,477
Czech Republic	95,172	196,904	96,648	200,798	98,217	205,660	100,042	210,066	103,685	217,560
Estonia	161,709	163,188	158,758	160,294	155,936	157,461	153,773	155,181	149,649	150,969
Finland	783	783	895	895	708	44,376	357	35,983	1,127	124,500
France	57,865	2,082,038	61,147	2,115,301	65,276	2,153,101	67,858	2,243,626	76,044	2,373,778
Germany	10,933	2,333,478	11,964	2,345,124	13,215	2,369,156	14,536	2,392,624	15,633	2,426,560
Greece	23,946	194,712	28,510	197,597	31,324	188,229	35,776	167,871	393,421	198,082
Hungary	692	50,975	715	50,506	1,989	66,665	2,222	71,475	2,579	86,576
Ireland	0	1,484	0	1,272	0	1,125	0	1,051	0	1,219
Italy	2,209,323	2,293,099	2,099,223	2,099,223	2,099,223	2,099,223	2,004,773	2,004,773	2,003,931	2,003,931
Latvia	609	286,547	684	278,301	793	270,587	921	262,996	1,086	247,718
Lithuania	16,089	18,444	n/a	18,193	15,394	18,358	15,915	18,359	15,777	18,756
Luxembourg	7,485	13,754	6,553	13,928	5,814	14,173	5,385	14,471	5,007	15,376
Malta	579	1,374	599	1,751	636	2,541	596	3,250	698	13,183
Netherlands	31,881	131,506	35,287	140,444	38,390	153,870	40,670	168,220	43,477	170,296
Poland	16,254	97,972	16,911	111,894	16,333	128,492	18,884	136,249	23,003	154,729
Portugal	23	53,281	2,694	87,775	2,652	90,917	2,428	86,910	2,309	81,130
Romania	12,914	12,914	13,436	13,436	13,581	13,581	13,763	13,763	14,876	14,876
Slovakia	6,202	14,298	7,114	15,363	8,170	16,695	9,804	18,684	11,677	22,451
Slovenia	46,820	52,251	47,868	53,135	48,994	88,425	50,541	92,865	52,904	98,390
Spain	78,008	1,314,314	81,793	1,315,847	85,485	1,322,579	86,168	1,517,431	181,242	1,441,167
Sweden	303	388,656	490	391,555	742	370,378	959	337,571	1,111	309,488

Source: Eurostat op.cit.

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