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In 2021, progress was made and important steps were taken at technical and political levels toward the implementation of the Pact on Migration and Asylum, while further political agreement on some key elements of the pact is still to be achieved. An important milestone was Regulation (EU) 2021/2303 entering into force in January 2022 to establish the European Union Agency for Asylum (EUAA), which replaced the European Asylum Support Office (EASO) with a broadened and enhanced mandate.

Pending further legislative progress on the proposed Return Directive, the European Commission adopted in April 2021 the first EU Strategy on Voluntary Return and Reintegration, promoting these avenues as integral components of a common EU system for the return of third-country nationals.

Progress was also achieved in 2021 in other areas of asylum. In June 2021, the European Commission presented the Schengen Strategy, while efforts continued on the interoperability of large-scale IT systems in the area of freedom, security and justice. With integration being an essential element of an effective migration management system, the implementation of the Action Plan on Integration and Inclusion started in 2021.

Presenting the Joint Declaration on legislative priorities for 2021 and the Joint Conclusions on Policy Objectives and Priorities for 2020-2024, in December 2020 the Council of the EU, the European Commission and the European Parliament declared their determination to achieve agreement on the Pact on Migration and Asylum, ensure migration is addressed in a comprehensive way and safeguard that external borders are effectively controlled.

In 2021, the EU's external borders experienced increased pressure, with arrivals rising over pre-pandemic levels. The number of detected illegal border-crossings in 2021 was just below 200,000, which was the highest number since 2017. Based on Frontex reporting, however, fluctuations in the number of crossings were noted across different migration routes, with some experiencing significant increases while flows remained relatively stable in others when compared to 2020.

As a result of internal political upheaval in Belarus and the organisation of state-sponsored smuggling of migrants by the Belarusian regime, detections on the eastern land borders increased more than tenfold. Irregular border crossings from Belarus posed a considerable pressure on frontline Member States, with the EU swiftly providing a combination of financial, operational and diplomatic support to address the crisis, including a Rapid Border Intervention by Frontex and the provision of operational support by the EUAA.

In November 2021, the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy provided an overview of actions taken in response to the situation at the eastern borders. They addressed how the current migration framework could be adapted to provide a more permanent toolbox for addressing attempts to destabilise the EU through state-sponsored instrumentalisation of migrants and refugees, while ensuring access to territory, adequate reception conditions and the impartial review of asylum claims. The toolbox comprises a combination of actions, both outside the EU and inside the EU and at the borders.

Apart from supporting Member States at the eastern borders, the EU continued to assist other frontline Member States by facilitating and coordinating voluntary relocations to other Member States and by providing financial and operational support for reception capacity, living conditions and medical care for refugees and migrants; accelerating asylum procedures; increasing returns; and improving border protection.

Following the Russian invasion of Ukraine in February 2022, millions of displaced people sought refuge in the EU through Hungary, Poland, Romania and Slovakia. These countries showed a remarkably quick response by opening their borders and allowing entry in their territory. Reflecting the EU’s commitment to show full solidarity with Ukraine, on 4 March 2022, the Justice and Home Affairs Council acted on the European Commission’s proposal and adopted unanimously an implementing decision to introduce a temporary protection mechanism in response to the influx of displaced people. The decision also provided for the development of a Solidarity Platform, under the coordination of the European Commission, whereby Member States exchange information on their reception capacities and the number of persons receiving temporary protection in their territories. The EUAA worked actively in 2022 to facilitate the exchange of information on registrations for temporary protection among EU+ countries.

The EU Migration Preparedness and Crisis Management Network undertook the administrative cooperation among Member States, while the Union Civil Protection Mechanism was activated to attend to the needs of the displaced persons from Ukraine and receive co-financing for delivering such assistance. EU agencies, including Frontex, the EUAA and Europol, were quick to provide operational support to Member States that requested assistance. Many factors in the EU’s response proved to be best practices which should be implemented in any future crisis.

Throughout 2021, the EU continued its comprehensive and mutually-beneficial partnerships. Activities under the external dimension of the EU’s migration and asylum policy addressed root causes of irregular migration; combating smuggling networks; cooperation with third countries on returns and readmissions; working with partner countries toward border management; and providing support for protection solutions in other parts of the world.

In addition, great focus was placed on the renewed protection needs of Afghan nationals following the surge of the Taliban to power. With Afghanistan being a priority for the EU and the largest beneficiary of EU development assistance since 2002, the EU worked toward providing a uniform response to the crisis. In August 2021, EU Home Affairs Ministers, together with representatives of the European Commission, the European External Action Service, Frontex, Europol, the EUAA and the EU Counter-Terrorism Coordinator, adopted a joint statement highlighting that the evacuation of EU citizens and, to the extent possible, Afghan nationals who had cooperated with the EU and its Member States and their families was a matter of priority.

A EUR 1 billion Afghan Support Package was announced in October 2021, combined with the delivery of targeted humanitarian support for the basic needs of Afghan people, channelled to international organisations on the ground and neighbouring countries. The EU holds the chair of the Core Group of the Solution Strategy for Afghan Refugees' Support Platform, strengthening the international response to the situation in Afghanistan and stimulating political, financial and material commitments.

The EU put in place a dedicated mechanism to support the evacuation of more than 17,500 people from Kabul, including an estimated 4,100 EU nationals and 13,400 Afghan nationals. Altogether EU Member States evacuated a total of 22,000 Afghans.

In its role to ensure a harmonised interpretation and application of EU law, the Court of Justice of the European Union (CJEU) issued more than 20 judgments and orders. It was called to interpret various provisions of CEAS, covering topics related to:

- effective access to the asylum procedure;
- the Dublin procedure;
- subsequent applications;
- the interpretation of the concept of state protection;
- the assessment of protection provided by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA);
- the interpretation of the concept of indiscriminate violence for the purpose of providing subsidiary protection;
- the use of detention;
- the extension of protection status as a derived right (based on the protection status of another beneficiary);
- the principle of equal treatment; and
- the return of rejected asylum applicants.

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