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4.4.2. Legislation and policy changes

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Section 4.4.2 Legislation changes

New migration packages with comprehensive laws and policies on international protection, as well as amendments to existing legislation, were drafted in several EU+ countries or were in the process of negotiation.

Belgium is drafting a new Migration Code to clarify and enhance legislation on immigration and, for example, to improve the efficiency of the asylum procedure. The Belgian Council of Ministers approved its structure, which includes the general principles of the code, such as a reasonable time for managing cases, a more coherent appeals system, a more dynamic reception system, a clearer legal framework for the return of rejected applicants and the protection of persons in vulnerable situations.403

Czechia amended its national law in August 2022 to expand the exclusionary clause of Sections 15 and 15a of the Act on Asylum to cases where the foreigner is subject to international sanctions, namely a ban on entry or residence. In addition, subsidiary protection cannot be granted to a foreigner who committed criminal offenses outside the territory, if the person left the country of origin or the state of last permanent residence solely with the aim of avoiding criminal prosecution, provided that in Czechia the criminal offenses are punishable with a prison sentence.

In July 2022, the German government approved the first migration package presented by the Federal Minister of the Interior. The draft law was subsequently adopted by the German parliament on 2 December 2022. The package includes a bill to accelerate the asylum procedure to reduce the burden on BAMF by providing the possibility to have the personal interview through video-conferencing and without the presence of the legal representative (Asylum Act, amended Sections 12a and 25) *(see Section 4.10).* and speed up court procedures (Asylum Act, amended Sections 77-78) *(see Section 4.5).* The law also has the objective to strengthen legal certainty to harmonise and achieve faster decisions in the asylum procedure. It also provides for the additional possibility to reject an asylum application due to an implicit withdrawal, while re-shaping the time limits for processing an asylum application (Asylum Act, amended Section 24). 404

A new code of laws entered into force in Greece (Law No 4939/2022), systematically classifying all laws on international protection, reception and temporary protection.

Malta amended the International Protection Act in December 2022. The amendments cover several aspects and steps in the asylum procedure, including provisions on subsidiary protection and manifestly unfounded applications. Article 22(3) of the International Protection Act was amended to include the criteria for exclusion from subsidiary protection, while Article 22(2) was amended to provide that exclusion from subsidiary protection must be in accordance with Article 17(3) of the International Protection Act, namely when an applicant has committed one or more crimes prior to entering Malta. Article 23 was amended to state that applications may only be considered as manifestly unfounded if the International Protection Agency (IPA) established that the applicant does not qualify for international protection.405

The International Protection Act was also amended for the subsequent application procedure *(see Section 4.3)*, the application procedure for children in need of care *(see Section 5.6)* and the procedure for temporary humanitarian protection (a national form of protection) *(see Section 4.14)*. Aditus presented comments on the proposed legislative amendments in June 2022. It welcomed a number of provisions, notably the clarification of the nature of the appeal procedure, in line with EU law and jurisprudence.406

Slovakia amended its Act on Asylum in June 2022 to regulate the hierarchy of national and international protection statuses, prioritising the consideration and granting of subsidiary protection based on serious injustice over the granting of asylum for the purpose of family reunification, and over the granting of asylum on humanitarian grounds. Thus, the first step will be to assess the need for international protection, and if the conditions for granting international protection are not met, then the possibility of granting a national status will be considered.

In Iceland, a Steering Committee on Immigration kicked off its activities on 23 January 2023 to formulate a detailed policy on immigration and refugee issues.407 Prior to the creation of the committee, on 16 June 2022, the parliament adopted a resolution for the implementation of an action plan for immigration for 2022-2025 focused on five pillars (society, family, education, the labour market and refugees). A clear and coherent long-term strategy for immigrants, refugees and multiculturalism is one of the main strategic objectives of the plan, with special emphasis on social rights, health care, education and employment.408

In Sweden, the Asylum Commission *(Asylkommissionen)*, a collaborative project between civil society organisations, researchers and professionals, was carried out between 2019 and 2022 to review the impact of changes made to asylum law in 2015. The commission found many detrimental effects, including long waits in the procedure and unpredictable asylum processes, and stressed the importance of research-based knowledge on the experiences of asylum applicants to form policy design.409

Civil society organisations in Sweden protested against the Tidö Agreement, a draft government policy to transform the Swedish migration policy by increasing evidentiary requirements for asylum applicants and limiting the right to interpretation and legal assistance.410

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