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**on the Third Annual Report on Immigration and Asylum (2011)**

*Accompanying the document*

**Communication from the Commission to the European Parliament and the Council**

**Third Annual Report on Immigration and Asylum (2011)**

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## Disclaimer

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## I. INTRODUCTION

This paper provides a factual overview of the main developments in migration and international protection during 2011 at both EU and national level. It complements the accompanying Communication from the Commission.<sup>1</sup> The reporting period is from 1 January 2011 to 31 December 2011.

Following an introduction to the more horizontal, cross-cutting proposal for future Union funding of asylum and migration beyond 2013, the paper is then structured according to the following main sections: Legal Migration and Mobility; Reducing Irregular Migration and Trafficking in Human Beings; Promoting International Protection; and Maximising the Development Impact of Migration and Mobility; plus one on Provision and Exchange of Information to support Policy Development. Further sub-sections on more specific topics within these broad categories are also included. In addition, a detailed Statistical Annex (*Section VII*) providing data primarily for 2011 is also given.

Information on developments at EU level were provided primarily by the Commission, with developments at national level<sup>2</sup> based primarily on the information provided by National Contact Points of the European Migration Network (EMN NCPs), including Norway,<sup>3</sup> as part of its Annual Policy Report activity.<sup>4</sup>

### I.1. Proposal for a Regulation establishing an Asylum and Migration Fund<sup>5</sup>

On 15 November 2011, the Commission published a proposal for a Regulation of the European Parliament and of the Council establishing the Asylum and Migration Fund in view of the new multiannual financial framework 2014-2020. Discussions on this proposal with the co-legislators have started. The Fund intends to focus on people flows and the integrated management of migration. It also proposes to support actions in relation to *inter alia* asylum and migration, the integration of third-country nationals and return management.

The proposal foresees that more than 80% of the Fund's resources will be channelled through national programmes of Member States covering the whole period 2014-2020. Following a policy dialogue with the Commission, each Member State would design its programme pursuing the objectives of the Fund and taking into account its respective policy needs. Approximately one fifth of the Fund's resources would be managed directly by the Commission to support Union actions, the functioning of the European Migration Network and to provide emergency assistance. An important part of the financial resources for Union actions would be for the external dimension in the field of asylum and migration policy to cater for the EU interests in its relations with third countries. It would be possible to support the cooperation with third countries on the implementation of readmission agreements, mobility partnerships and regional protection programmes. Based on the experience with the latest crisis in the Mediterranean, the Fund also

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<sup>1</sup> COM(2012) 250 final

<sup>2</sup> Given the focus of and the manner in which this paper was produced, it should not be treated as an exhaustive identification of all relevant Member State activities. In particular, the fact that a Member State is not identified in relation to a certain activity or policy does not mean that it did not or does not pursue that activity or policy, but rather that there were no specific developments in 2011 and/or because such developments were not reported by the EMN NCP(s).

<sup>3</sup> Since DK is not formally part of the EMN, information on their national developments has been provided via their Permanent Representation. In addition contributions from Norway provided by their NO EMN NCP are included as they participate in the EMN via a Working Arrangement concluded in November 2010.

<sup>4</sup> See <http://www.emn.europa.eu> under "Annual Policy Reports" for the individual National Reports.

<sup>5</sup> COM(2011) 751 final

foresees an emergency assistance mechanism able to respond quickly to different aspects of migratory pressure in Member States and third countries.

In the field of legal migration and integration, the Fund would encourage the development of proactive immigration strategies relevant to and supportive of the integration process of third-country nationals, including during the pre-departure stage. It will promote a local approach to integration by fostering the regional and local cooperation in the development of integration strategies and measures. Particular attention in the integration process is paid to the specific needs of asylum seekers and beneficiaries of international protection, as well as to vulnerable groups of migrants (unaccompanied minors, women, youth and children, the elderly, etc.).

In the field of return, the Fund would further support fair and effective return management with emphasis on voluntary return, promote a more strategic focus on EU standards through implementation of actions linked to the requirements of the EU *acquis* on return and through co-operation with other Member States.

In the field of asylum, the Fund would continue to strengthen and develop the Common European Asylum System by ensuring the efficient and uniform application of the EU *acquis* on asylum and enhance the solidarity and responsibility sharing between the Member States, in particular towards those most affected by migration and asylum flows. In this respect, the Fund contains an ambitious resettlement and relocation component allowing Member States to support not only the preparatory actions related to resettlement and relocation operations, but also the setting up and development of necessary infrastructure and services.

## II. LEGAL MIGRATION AND MOBILITY

Table 1 in the Statistical Annex gives a *provisional* overview of the residence permits issued in 2011 by reason (family, education, remunerated activities and other). Of the Member States providing such data, most residence permits were issued by IT (331 100) and FR (193 400). Member States which issued permits mainly for family reasons were EL (57.1% of all permits they issued), PT (45.2%), and FI (43.5%). The highest proportions of permits issued for the purpose of education were by MT (32.4%), HU (31.4%) and DE (31.0%). Those who issued permits mostly for the purpose of remunerated activities were CY (72.6%), LT (52.6%) and PL (49.7%). The highest share of permits issued for ‘other reasons’ was by LV (48.5%).

### II.1. Promoting legal migration channels

At EU level, the Commission launched in November 2011 the 'EU Immigration Portal,'<sup>6</sup> a website with hands-on information for migrants interested in moving to the EU. The site is also directed at already legally residing migrants who would like to move from one Member State to another. It provides specific information about migration procedures in all 27 Member States, plus links to their national immigration websites. Migrants and potential migrants can also find a vast contact directory of governmental and non-governmental organisations which can help them. Most Member States (BE, CZ, IE, EE, EL, ES, IT, CY, LV, LT, HU, MT, NL, AT, SK, FI, SE, UK) reported making contributions or planning to make contributions to the EU Immigration Portal.

At national level, almost all Member States and NO provided information on the possibilities and conditions of legal migration. Such information was mainly available on the official websites of Ministries and/or employment agencies (BE, CZ, DK, DE, EE, EL, ES, FR, IT, CY, LT, LU, NL,

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<sup>6</sup> <http://ec.europa.eu/immigration>

AT, PL, PT, SI, SK, FI, SE, UK), or in specific brochures published in different languages and/or in other media (ES, IT, LV, LT, LU, PL, PT, UK). A number of Member States (DE, EL, HU, AT, SI, FI, UK) worked towards, or launched, a “one-stop shop” providing *inter alia* information on legal migration, integrating all its online information into one single site to provide improved quality of information and easier access for applicants. For example, in FI, the JUPO project continued, developing the website of the Finnish Immigration Service together with the Info Bank Online Services aimed at migrants. A user panel of 15 migrants was set up to help with the task. In DE, next to its one-stop shop, the Federal Agency for Employment also offers a Migration Check on the internet, by means of which employers and interested third-country nationals can obtain initial information whether the intended employment could be admitted. In IT, a number of thematic sites exist, providing information regarding the entry visa, entry for study reasons and circular mobility. In LV, the Ministry of Culture published a booklet for third-country nationals entering the Member State for employment, family reunification or study, available in Latvian, English and Russian, with information provided on administrative procedures. AT launched a migration platform ([www.migration.gv.at](http://www.migration.gv.at)) which contains information, in both German and English, on the main requirements for entering Austria, as well as on living and working there. Similarly, SI launched a migration platform ([www.infotujci.si](http://www.infotujci.si)) which contains information in seven foreign languages (SI, EN, FR, ES, RU, BA, AL) on the main requirements for entering Slovenia, as well as on living and working there. The UK also used student fairs and conferences and television series to raise awareness of visa requirements and legal migration.

Some Member States (FR, NL, SK, UK) made use of their embassies abroad to disseminate information on the possibilities and conditions of legal migration. For example, the NL used a joint knowledge bank with the Ministry of Foreign Affairs to answer questions from third-country nationals. In 2011, a project was launched to make the knowledge bank “Atlas” available to diplomatic posts.

With regard to future measures, CY plans to publish information leaflets on legal migration for 2012, covering the procedures of entry, residence and employment and others on the rights and obligations of third-country national workers. These will be available in the languages of the main countries of origin of the workers, with the financial support from the European Integration Fund. For third-country nationals with a risk of exploitation, CY will also take steps for their employment contracts to be translated in their mother tongue. In its strategy document "Polish Migration Policy: Current state of play and further actions" adopted in 2011, PL envisages the organisation of information campaigns in the main countries of origin of third-country nationals coming to Poland, providing comprehensive single-source information on legal migration to the country. As part of its new Migration Policy, SK plans to create information and consultation centres for migrants to improve their access to information about entry and residence, and about living and working conditions including information on countries of origin.

## II.2 Economic migration

At EU level, the Single Permit Directive<sup>7</sup> was finally adopted in December 2011. The new legislation provides for a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for legally residing third-country national workers, in order to simplify migration procedures and ensure that workers from countries outside the EU, legally residing in a Member State, will enjoy a common set

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<sup>7</sup> Directive 2011/98/EU of 13 December 2011

of rights on equal footing with nationals. Member States must transpose the Directive by 25 December 2013.

The Commission assisted in the negotiations of the European Parliament and the Council on the proposals for Directives on the conditions of entry and residence of third-country nationals for the purposes of seasonal employment<sup>8</sup> and on conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer.<sup>9</sup> An evaluation report on the Long term Residents' Directive (2003/109/EC)<sup>10</sup> was presented in September 2011.

Table 2 in the Statistical Annex gives a provisional overview of the unemployment rate of third-country nationals. Of those Member States able to provide data, the highest rates are reported by ES (35.3%) and SE (31.6%).

At national level, many Member States (CZ, LV, AT, PL, RO, SK) plus NO adopted new policies for labour migration or introduced legislation to implement policies for labour migration. This included the adoption of strategic policy documents (CZ, PL, RO, SK) and the introduction of a new points-based migration model primarily for qualified and highly qualified third-country nationals (AT). With regard to new policy documents, in CZ, the strategic policy document “New System of Economic Immigration” provided for the setting up of transparent conditions for economic migration (including employment, self-employment and for business) of third-country nationals, increasing the responsibilities of various entities involved in the migration process and strengthening the links between immigration and integration of third-country nationals. For RO, the new National Strategy on Immigration (2011-2014) set as a strategic objective the promotion of legal migration for the benefit of all parties: Romanian society, immigrants and their countries of origin. SK outlined a number of measures in its new policy for migration – these include, *inter alia* the establishment of an Immigration and Naturalisation Office, the promotion of economic immigration in line with the economy’s needs, and emphasis on highly qualified migrants.

Several Member States (BE, EE, EL, ES, LV, LT, LU, HU, PL, SI, SK) and NO made changes to their existing policies. For example, BE adopted a Royal Decree adapting the existing law on the employment of third-country national workers exempting family members of EU citizens from the labour card obligation. EE, LV, LU and SI made several legislative changes to their respective Aliens Act following the transposition of the Blue Card Directive. This included, amongst others, the abolition of the labour market test (LV) when extending the residence permit for employment (EE), the placement of an obligation on employers to notify the Police about third-country nationals’ commencing work or failing to commence work when expected to (EE), granting residence permits to family members for a maximum of six months after the application date (LU), and of an identical duration as that of the Blue Card holders (LU). SI introduced a new Employment and Work of Aliens Act which *inter alia* abolishes seasonal work in catering and tourism and in construction. In SK, amendments were made to existing legislation relating to Employment Services in order to prevent abuse. These included placing an obligation on employers to request a valid residence document from third-country nationals prior to their employment, as well as obliging employers to inform the Office of Labour, Social Affairs and Family regarding the start and end of an employment relationship of a third-country national or an EU national and their family members. These changes were made within the framework of the transposition of the Blue Card Directive and the Employer Sanctions Directive.

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<sup>8</sup> COM(2010) 379 final

<sup>9</sup> COM(2010) 378 final

<sup>10</sup> COM(2011) 585 final

The new Aliens Act implementing Regulation in ES consolidated a model based on legal migration linked to the labour market, encouraging social cohesion and integration. In LV, a new Regulation was adopted which facilitated the process for acquiring a work permit, by marking residence permits for “commercial activity”, thus removing the need for third-country nationals to reapply for separate work permits each time they change job. The Regulation also extended the group of migrants able to work in the territory without a work permit to those entering for family reunification and studies. In LT, the Law on Employment through Temporary Agencies entered into force, which aimed to promote the flexibility of the labour market and its adaptation to different market conditions. In PL, the Act on the Promotion of Employment and Labour Market Institutions and certain other Acts and Ordinances were amended, affecting who (i.e. citizens from Belarus, Georgia, Republic of Moldova [henceforth Moldova], Russian Federation and Ukraine) and how long (i.e. maximum six months) third-country nationals can work in Poland on the basis of a statement of the employer, and what this statement registered in a Poviast Labour Office should consist of. The UK made several changes to the Points Based System (PBS). For workers, the changes included applying an upper numerical limit and greater selectivity for workers admitted to fill specific vacancies at higher skill levels, while improving the routes available to those migrants who would generate wealth or become leaders in their field. In NO, a new rule was introduced which enabled failed asylum applicants to reapply for a residence permit as a labour migrant and subsequently avoid multiple-year entry bans.

### ***II.1.1 Satisfying labour market needs***<sup>11</sup>

To ensure that labour migration meets the various needs of the labour market, some Member States (CZ, EE, IT, PT, UK) and NO reported on the implementation of their annual quotas as well as, in AT, changes experienced in their quota system. In EE, after the annual immigration quota set for 2011 was attained already in August 2011, the quota was raised to 1 344 – i.e. 0.1% of the Estonian population. In IT, after an initial Flow Decree enabling the entry of 60 000 seasonal workers (March 2011), a further Flow Decree enacted in December 2010 and implemented in 2011, foresaw 98 080 employed third-country nationals. The UK also placed a limit of 21 000 on the third-country nationals permitted to enter for Tier 1 (high-value migrants) and Tier 2 (skilled migrants with a job offer) of the PBS combined in 2011-2012. In NO, the quota for new permits for skilled labour migrants was maintained at 5 000 persons, but was not reached in 2011.

In addition, some Member States (DK, DE, ES, FR, LT, CY, UK) made changes to their list of professions and/or sectors where labour shortages existed. DK developed a ‘Positive list,’ which gives easy access for professions where there is a shortage of qualified professionals and DE adopted the Skilled Labour Concept, which comprised the setup of a shortage occupation list checked and updated on a bi-annual basis and for which priority checks are no longer required. In ES, these changes included the reduction in the number of occupations included in the Catalogue of Occupations in Short Supply, a self-regulated instrument which reflects changes in the labour market, produced on a quarterly basis in ES. The new Aliens Act Implementing Regulation aims at improving labour needs forecasting mechanism mainly by increasing the number of information sources to be used in the preparation of this catalogue (i.e. statistics on persons registered as job seekers in the National Public Employment Services). The list of occupations in short supply is produced on a bi-annual basis in LT. Elsewhere, FR created a new list of 14 occupations, fixing the regional occupation list for third-country nationals; CY placed restrictions on sectors for employment for third-country nationals; and LT listed shipbuilding and repair, transportation and services as understaffed occupations. In the UK, the Government adopted recommendations made

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<sup>11</sup> See also EMN Study ‘*Satisfying Labour Demand through Migration*’ for further information.

by the Migration Advisory Committee (MAC) to revise the shortage occupation list. AT considered the implementation of a new shortage occupation list for 2012.

The particular groups of migrants favoured in some Member States included the following: highly-qualified workers (NL, AT, SK, UK), skilled workers and key workers (AT), scientific workers (SK), and migrants who are investors or entrepreneurs or who are leaders in the fields of science, engineering, humanities or the arts (UK).

In regard to links with third countries, DK concluded a reciprocal Working Holiday Agreement with Argentina to allow young Argentinean citizens to travel in DK for up to a year and work for up to six months to explore the possibilities of studying and working there. Such Working Holiday Agreements also exist between DK and Australia, Canada, Chile, Japan, New Zealand and South Korea. In ES the new Aliens Act implementing Regulation enables the representatives of employers' organisations and trade unions in both Spain and the country of origin to participate as advisers in the selection process of recruiting abroad, when the relevant administrations request this. Moreover, information on the national employment situation prepared by the National Public Employment Service and proposals from employers and trade union organisations are taken into account in order to prepare the annual forecast of positions to be recruited from abroad. FI entered into negotiations for a Memorandum of Understanding with China which aimed to enhance the exchange of information of both authorities on labour market issues.

ES, IT, CY and UK reported on changes experienced as a result of the economic crisis. ES, which also focused on the professional retraining of unemployed, including migrant workers, experienced a reduction of 40% in the number of occupations in its Catalogue of Occupations in Short Supply, in the fourth quarter of 2011, compared with the fourth quarter of 2010. In CY, the Ministerial Committee for the Employment of Third-Country Nationals restricted approvals to employers only for sectors where needs could not be met by Cypriot or EU citizens and suspended the employment of citizens of Vietnam, Ethiopia and Myanmar as domestic workers, deemed vulnerable to exploitation. In IT the government announced that no annual quotas for subordinate employment would be applied, with 280 000 unemployed third-country nationals given priority placement. In the UK, the shortage occupation list became substantially more selective due to the economic crisis and to the Government's aim to limit numbers of non-EEA migrants coming to the UK. It now concerns only 190 000 employees, 1% of the total UK work force.

Many Member States (BE, CZ, DK, DE, IE, EE, EL, ES, FR, IT, LV, LU, AT, PL, SK, FI, UK) reported on the methods and tools used to analyse labour market needs and shortages and to satisfy labour demand, as well as the actors involved in the process. Methods included forecasting (EE, IT, LV, LU, FI) and longitudinal studies (LU); undertaking an annual prognosis on the development of the structure of the workforce and labour reserves (LU, FI); publishing biannually, a labour market analysis on the employment prospects for different types of jobs (DK); undertaking employer surveys (PL, FI); and drawing up shortage occupation lists (BE, CZ, DE, IE, EL, ES, FR, AT, SK, UK). In addition, IE reported that the National Skills Bulletin published in 2011 indicated no change in occupations for which new work permits would be issued. The Bulletin showed that no labour shortages exist in the Irish labour market and that skills shortages continued to be confined to senior positions, skilled professionals and particularly "niche" areas, such as positions with foreign languages. By contrast, in LV, the Ministry of Economics published a report forecasting labour demand and supply to 2016, as affected by demographic trends, economic activity, education and professional mobility. The Report predicted that 7.1% to 9.9% of labour demand would not be met in 2016. With regard to the actors involved in the process, in LU, the reform of the Employment Office included the introduction of an Observatory of the Labour Market to enable a better understanding of the functioning of the labour market. PL plans to set up a system for monitoring

labour market needs and shortages, as laid down in the strategy document “The Polish Migration Policy” adopted by the inter-ministerial Committee on Migration on 20<sup>th</sup> July 2011 and to be implemented in 2012. In SE, many national authorities and research institutes are involved in analysing the future labour market needs, with the government giving its assessment in the annual budget bill. In the UK, the identification of shortage occupations and revisions to the list were based on detailed analysis of labour market indicators and evidence from employers, unions and other organisations. The MAC (Migration Advisory Committee) also works closely with the UK’s skills and employment body, the UK Commission for Employment and Skills.

Concerning points systems, developments occurred in both AT and UK. AT introduced a points system, dependent on a number of criteria, such as level of education, work experience, language skills, age, effects on the labour market, capability of the national economy and security aspects. In UK, a model was introduced for operating the Tier 2 limit where Certificates of Sponsorship are prioritised according to a points table and distributed to employers on a monthly basis. Priority is given to those applying for a shortage occupation, as specified on the Shortage Occupation List, secondly to those applying for a job requiring PhD-level skills and a Resident Labour Market Test, and lastly to other Resident Labour Market Test applicants. Points are also awarded for higher salaried jobs.

A few Member States (IE, LV, SI, SK) and NO reported on future measures. In IE, the adoption of the Qualifications and Quality Assurance (Education and Training) Bill 2011 was planned. LV reported that the Office of Citizenship and Migration Affairs was in the process of developing an Immigration Conception by December 2012 which would, amongst others, address the possibility of introducing quotas for labour migration. In SI there will be changes and amendments to the Act on the Procedure of Recognising the Qualifications of EU, EEA and Swiss Confederation nationals performing regular occupations or activities in Slovenia. It extends the scope of beneficiaries to the procedure for recognising professional qualifications also to certain third-country nationals. SK acknowledged the need to improve labour matching due to the absence of a comprehensive strategy. The need to have an efficient collection and processing of labour market data and the creation of regularly updated list of jobs that encounter a lack of labour forces was highlighted. SK also planned to undertake analysis of the national economy’s needs and the benefits of economic migrants as a basis for considering the adoption of regulatory and control measures, as well as incentives for third-country nationals wishing to work in SK. In NO, recommendations proposed in the "Better Integration" report were under consideration.

ES, FR and LV described the effects of the economic crisis on national policies for skills recognition and labour matching. For instance, in FR, the list of occupations open to third-country nationals was re-examined due to the economic situation. LV’s forecasting reports noted a number of drivers which would impact on the balance between labour demand and supply.

### ***II.1.2 Skills recognition***

Many Member States undertook actions related to skills recognition and labour matching. For skills recognition, some Member States (DE, IT, CY, LT, NL, PT) and NO undertook actions to facilitate procedures. These included introducing the Act for improving the establishment and recognition of professional qualifications acquired abroad, in order to promote the legal right to an evaluation procedure of the professional qualifications acquired abroad and to remove the requirement of German citizenship to access employment in a number of occupations (DE); approving a Standard Procedure for Recognition of Regulated Professional Qualifications to ensure that third-country nationals can work in similar professions in the Member State (LT); modifying the accreditation of credentials (NL); and establishing a database online for academic records/recognition of

qualifications (PT). In addition, IE introduced future legislative changes through the Qualifications and Quality Assurance (Education and Training) Bill which seeks to provide for the establishment of a Qualifications and Quality Assurance Authority, amalgamating responsibilities currently falling under a number of authorities. In 2011, NL offered legally residing third-country nationals the same rights to skills recognition as citizens, meaning that they were entitled to the recognition of diplomas, with accreditation of prior learning expedited. NL is looking into options to extend this system to persons benefiting from international protection. PT's Institute for Employment and Professional Training provided information online relating to the recognition of qualifications from third countries, with training also provided to mediators at the National Immigrant Support Centre in Lisbon on mechanisms for academic and professional recognition. SE's National Agency for Higher Education is responsible for developing a national framework for validation of foreign professional qualifications, as well as providing certificates and synchronising joint efforts with relevant stakeholders in the field. In NO, a report on "Better Integration" was published which analysed skills recognition for migrant workers and recommended a faster and more accessible skills recognition process.

### ***II.1.3 Global Approach to Migration and Mobility***

At EU level, and following an extensive evaluation and external consultation process, the Commission adopted a Communication on the new Global Approach to Migration and Mobility (GAMM)<sup>12</sup> which defines the overarching framework of the EU external migration policy and includes a more consistent, systematic and strategic approach in the EU relations with third countries. The GAMM highlights the need to include the external EU migration policy in other relevant EU policies (both with the external and development policies and with other internal policies, such as economic, employment, education and social policies). The migrant's perspective is at the centre of the new framework: special attention is paid to their aspirations and concerns, to the compliance with human rights standards in all actions and to the situation of vulnerable groups, such as unaccompanied minors or the victims of trafficking.

The new framework is based on four pillars: facilitating and organising legal migration and mobility; preventing and reducing irregular migration and trafficking in human beings; promoting international protection and enhancing the external dimension of asylum policy; and maximising the development impact of migration and mobility. The GAMM is global in its geographical scope, though the intensity of the cooperation will be more intense with certain regions, in particular with countries in the EU Neighbourhood. Migration Dialogues continue to drive EU cooperation with third countries and regions. Once progress is achieved, cooperation can step up through the conclusion of a Mobility Partnership, the main framework for cooperation which should include provisions on visa facilitation and readmission, or a Common Agenda on Migration and Mobility, a lighter form of cooperation that can eventually evolve into a Mobility Partnership (see *Section II.1.4*). Concrete results were achieved with Southern Mediterranean countries, where dialogues on migration, mobility and security have started with Tunisia and Morocco in October 2011.

The issue of brain drain is systematically addressed in these dialogues and cooperation's with third countries. The "EU Blue Card" Directive encourages Member States to refrain from pursuing active recruitment in developing countries in sectors suffering from a lack of personnel. Furthermore, Member States may reject an application for an EU Blue Card in order to ensure ethical recruitment in sectors suffering from a lack of qualified workers in the countries of origin. This issue is identified as a priority in the four Mobility Partnerships signed so far, including the latest, the EU-

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<sup>12</sup> COM(2011) 743 final

Armenia Mobility Partnership signed in October 2011. Migration and development is an important part of the Prague Process Action Plan, adopted at the Ministerial Conference in Poznan. The EU has approved financial assistance for projects aiming to minimise the negative effects and maximise the positive impact of migrants on their countries of origin.

At national level, some Member States (DE, IE, ES, NL, PT, SE) reported on ongoing actions to prevent or not aggravate brain drain. These included a Returning Experts programme offering, amongst others, individual counselling on return and career planning, help in networking with important local organisations and financial support (DE); initiating a recruitment campaign with Pakistan and India for non-consultant level hospital doctors in compliance with the World Health Organisation Guidelines on Ethical Recruitment (IE); establishing an Immigration Integration Plan Working Group dealing with measures aimed at brain drain which, among others, re-established the need to align the granting of scholarships with the labour market situation of the country of origin (PT); developing data and indicators for the phenomena of brain drain (SE); and developing a system giving preferential access to the labour market for migrants committed to return to their country of origin and potentially rejecting future applications in the case of non-return (ES). In addition, in NL, the second stage of the IOM's Temporary Return of Qualified Nationals project was extended to 2012, providing migrants with the opportunity to help with the reconstruction of their country of origin. This included the temporary outsourcing of migrants to their country of origin in order to carry out work for which there is no local expertise.

In order to prevent brain drain relating to students, ES reported that it does not permit the issuance of residence and work permits to students who have been subsidised by the Member State or the country of origin to undertake their studies on its territory.

With regard to temporary and circular migration,<sup>13</sup> some Member States (CZ, ES, FR, SE) undertook actions or introduced legislation to favour these types of migration. Measures included clarifying and speeding up procedures to facilitate a 'circular migration model' of seasonal work and strengthening the rights of the workers involved or developing a system giving preferential access to the labour market for migrants committed to return to their country of origin and potentially rejecting future applications in the case of non-return (ES); and the publication of a parliamentary report proposing legislative changes and other recommendations to facilitate and stimulate circular migration with third countries so as to promote positive development (SE). In addition, in FR, in order to better articulate migration and development policies, a new concept of Solidarity Development was adopted for partnerships with countries of origin. The new policy encourages the migration of students who study in France and then return to their country of origin in order to use their skills obtained. After completing their studies (at least a master's degree), students are entitled to stay for six months in order to receive a "first experience" in the French market with a view to bring their experience to their country of origin.

Some Member States (CZ, IT, SK, UK) planned future actions relating to temporary and circular migration. CZ plans to introduce a new admission category for temporary-circular labour migrants with simplified admission rules for circular migrations. In IT, investments were planned to promote circular migration. SK, as part of its new Migration Policy, developed plans to update the provisions of the legal framework enabling the entry of migrants to the labour market for short-term employment. In the UK, it was proposed to break the link between temporary and permanent migration by reducing the number of migrants eligible to stay permanently in the UK.

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<sup>13</sup> The EMN has also undertaken a study on temporary and circular migration, see <http://www.emn.europa.eu> under "EMN Studies"

#### ***II.1.4 Mobility Partnerships and other (bilateral) agreements with third countries***

At EU level, concrete proposals were made to enhance further the level of political and operational cooperation in the area of Justice and Home Affairs between the EU and its Eastern Partners (so-called "Eastern Partnership"), including *inter alia* investigating the further opening of legal migration channels for migrants.<sup>14</sup>

The implementation of the Mobility Partnerships signed with Moldova (2008), Cape Verde (2008) and Georgia (2009) progressed with new projects approved for funding. For Moldova, a High Level Meeting took place in November 2011. A number of new initiatives have been launched, including on mobility of health workers and strengthening the capacity of the Moldovan authorities to negotiate and implement social security agreements. In Georgia, the Mobility Centre established with the support of the EU was inaugurated in March 2011. A new Mobility Partnership between the EU, involving 10 EU Member States, and Armenia was signed in October 2011. The EU has started a process towards negotiating new Mobility Partnerships with other countries, including Tunisia and Morocco.

At national level, ten Member States (BE, BG, CZ, DE, FR, IT, NL, PL, RO and SE) entered into the fourth EU Mobility Partnership concluded with Armenia on 27<sup>th</sup> October 2011, to promote mobility and co-operation on migration issues. Member States continued their participation in all EU Mobility Partnerships, including those with Moldova (reported by BG, DE, EL, CY, IT, PL, PT, SK, SE), Georgia (reported by BE, BG, DE, EE, EL, LV, PL, SE, UK) and Cape Verde (reported by ES, FR, LU, NL, PT). NL noted that whilst with Georgia the emphasis is on return and reintegration, for Armenia and Cape Verde their emphasis is on strengthening migration management. Other than their involvement in the current Mobility Partnerships with Armenia, Cape Verde, Georgia and Moldova, no Member States reported the development of new multilateral agreements.

Six Member States (BE, CZ, DE, HU, PL, RO) explicitly referred to the EU Mobility Partnerships with Armenia, Moldova and Georgia as tools to facilitate labour migration with nationals of partner countries to the East and South East of Europe. In DE, for example, through these partnerships, citizens of Moldova and Georgia (as well as Armenia in the future), who have legal residence titles in DE, are able to leave DE for longer periods than the usual 6 months (i.e. for up to 24 months) without losing their residence titles. CZ has specifically developed cooperation on (circular) labour migration with Georgia. HU concluded a project to inform potential migrants from Moldova about legal migration routes to the EU and legal employment in Member States, as well as the risks of irregular migration, and assistance for returning migrants.

The UK described its involvement in negotiating the planned new Mobility Partnership with Ghana, which it expects will be concluded in 2012. The Partnership will include support (including funding) for capacity building project work, where the UK aims to focus on border capacity management. The Partnership will be the first of its kind in Sub-Saharan Africa to offer practical solutions in a key source country to address the issue of irregular migrants coming to the EU.

Under a new, simplified system, aimed at reducing irregular migration, citizens of Ukraine, Belarus, Russian Federation, Moldova and Georgia were granted the possibility to work in PL for up to 6 months within a period of 12 months, without the need to obtain a work permit.

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<sup>14</sup> Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine. See COM(2011) 564 final.

In the main, however, Member States have not reported that their labour migration policy specifically favours labour migration from countries to the East and South of Europe. However, three Member States (EL, EE, IT) have adopted policies to facilitate opportunities for labour migration from countries to the East and South of Europe. To promote its work with the Eastern partnership, EE and LT exempted citizens of Belarus from paying the state fee when submitting an application for long-stay 'D'-visa.<sup>15</sup> EL has amended the provisions of its laws on national visas for seasonal workers and fisheries employees, which facilitates the employment of, amongst others, third-country nationals from Egypt in the fisheries sector. Most countries with which IT has signed labour mobility and readmission agreements benefit from a privileged treatment in the entry procedures, through the assignment of specific quotas. These include countries from the East and South of Europe. In relation to the development of circular migration, no Member States have reported that they favoured circular migration from East and South of Europe in their labour market policy.

A number of Member States (ES, FI, HU, IT, LV, NL, SK) referred to new bilateral agreements concluded in addition to those outlined above. ES developed new bilateral agreements with Cameroon, Brazil, Bosnia and Herzegovina, Croatia and Jordan for combating criminality, including human trafficking and organised crime. FI concluded a bilateral social security agreement with India to enable the co-ordination of pension rights of persons moving between the two countries. FI also highlighted a planned memorandum of understanding, to be signed with China, regarding labour market issues. PL signed a bilateral local border traffic agreement with the Russian Federation (Kaliningrad Oblast).

IT signed a new agreement with Tunisia in relation to departure controls and readmissions. LV developed an agreement with Belarus to enhance its cooperation and develop its relations with and to simplify travel procedures for residents at borderlands, respecting geographical proximity and a shared cultural heritage. SK concluded a bilateral agreement with Canada for the promotion of university education. These Member States worked independently of the EU in developing these agreements.

BE, HU and SE reported that they were in the process of negotiating or re-negotiating new bilateral agreements. BE described its work in supporting the Rabat Process on Migration and Development, and negotiated with the Moroccan government a renewal of their bilateral agreement on social security rights. The purpose of this action was to ensure the equal treatment of Moroccan and Belgian nationals in terms of social security rights and obligations, as well as the portability of rights acquired. HU aims to conclude a bilateral readmission agreement with Kosovo,<sup>16</sup> as part of its commitment to deepen cooperation between countries of origin and transit, to address irregular migration. SE referred to their negotiation of bilateral agreements with both India and the Russian Federation concerning labour migration. Again, the Member States involved worked independently of the EU in developing these agreements.

ES has played a major role in the elaboration of the strategy in the Third Euro-African Ministerial Conference on Migration and Development which contains three pillars for cooperation and dialogue: organising legal migration, fight against irregular migration and strengthening the synergies between migration and development.

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<sup>15</sup> Ukrainian citizens were also exempted in 2010 (EE) and 2009 (LT).

<sup>16</sup> This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence. All subsequent mentions of Kosovo are also to be understood within the context of this statement.

### ***II.1.5 Highly qualified workers***

At EU level, the Commission launched a first set of infringement procedures for non-communication of national measures transposing the "EU Blue Card" Directive<sup>17</sup> by sending reasoned opinions to Malta, Germany, Sweden, Poland, Portugal and Italy in October 2011. At the end of December 2011 only the case against Malta was closed. The next step will be referral to the European Court of Justice and the possible imposition of a financial sanction. A second set of infringements was launched in February 2012 with the sending of reasoned opinions to Slovenia, Austria, Cyprus, Greece and Finland.

At national level, many Member States (BE, CZ, DK, DE, EE, ES, FR, IT, LV, LT, LU, NL, AT, SI, SK, SE, UK) reported on new steps taken to increase the attractiveness of the EU for highly qualified workers. For example, in ES, the new Aliens Act Implementing Regulation includes a preferential and privileged procedure for Blue Card holders and their family members. Following the introduction of the "Red-White-Red Card" in AT, no quota system applies to highly qualified workers. In addition, certain highly qualified third-country nationals are now entitled to obtain a "visa for the purpose of a job search" and stay for six months in the territory (to look for employment) without already having been guaranteed work. The Government in DK has undertaken general measures to attract highly qualified workers, and specific measures to facilitate access of such workers to the 'cleantech' sector. There is also a Job Card Scheme, informed by DK's bi-annual labour market analysis, which allows easier and faster access to a residence permit for priority professions. In DE, the Federal government adopted a draft law to lower the annual salary threshold from €66 000 to €48 000 and to immediately obtain a permanent right of residence in DE for highly qualified workers. Furthermore, scientists with special expertise, teaching personnel and scientific staff in leading positions continue to be exempted from this salary threshold. In LU, new tax provisions for highly qualified people, approved in December 2010, became applicable in 2011, resulting in a tax relief regarding certain expenses paid for by the employer within the context of recruitment or expatriation, subject to not exceeding a reasonable amount. NL prepared the launch of a pilot project, due in 2012, which would facilitate stays of shorter than three months for highly qualified workers. This new system would no longer require the verification of labour supply in the market for those wishing to work for fewer than three months. UK launched an "Exceptional Talent" route (Tier 1 of its Points Based System (PBS)) for third-country nationals recognised, or having the potential to be recognised, as leaders in the fields of science, engineering, humanities and arts. Changes were also introduced relating to the settlement rights of migrants. Fast track settlement rights for investors and entrepreneurs were introduced, with those in Tier 1, investing €6 million, gaining settlement after three years, for example. Though the UK introduced these incentives for specific types of highly qualified workers, it required those wishing to obtain highly skilled employment to apply through Tier 2 of the PBS, where they need to have an offer of a graduate level job from a licensed employer prior to arrival. With regard to intra-corporate transferees, the UK excluded these workers from the annual limit but introduced a new salary threshold linked to the length of their stay.

### ***II.1.5 Students and Researchers***

At EU level, evaluation reports on the Students Directive (2004/114/EC)<sup>18</sup> and on the Researchers' Directive (2005/71/EC)<sup>19</sup> were presented. These reports identified a number of shortcomings which

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<sup>17</sup> Directive 2009/50/EU of 25 May 2009

<sup>18</sup> COM(2011) 587 final

<sup>19</sup> COM(2011) 901 final

could be taken into consideration in order to revise the current legal framework and possibly merge the Researchers and the Students Directives into a single instrument.

At national level, a number of Member States undertook actions or put forward proposals for future changes to their policy area concerning students (IE, DE, ES, FR, LV, LT, AT, PL, PT, SK, UK) and researchers (DE, ES, FR, LU, PL).

For students, a few Member States (IE, ES, FR, LV, LT, AT, PT, SK) undertook new actions or modified procedures to facilitate the entry and stay of third-country nationals through the simplification of procedures. For example, LT introduced new rules regulating the issuance of visas which expanded the range of students to whom multi-entry national visas may be issued. Moreover, a Programme was launched concerning the Internationalisation of Higher Education which included the promotion of academic mobility of students and teachers and the elimination of barriers for these individuals to enter the Member State. To facilitate access of third-country nationals to higher education in PT, the system of Simplified Certification of Foreign Citizens, which streamlines the process of validating documents of candidate students from third countries, was consolidated. SE introduced tuition fees for third-country nationals coming to study, as well as two scholarship schemes. The Swedish Aid Programme, for example, targeted highly-qualified students from 12 countries, covering tuition and accommodation.

DE, ES, AT and SK amended legislation in order to modify entry and stay procedures for third-country national students. In DE, a newly adopted draft law aims at allowing international students with a degree from a German university to work without restrictions during the twelve months they are authorised to look for a job after the completion of their degree. After two years of work, they are eligible for a permanent residence permit. This draft law also plans to facilitate the process of admitting researchers. In AT, new provisions were introduced through the amendment of past legislation, allowing third-country nationals who have completed a university degree there to stay for a further six months following completion of their studies for the purpose of finding a job. The new Aliens Act Implementing Regulation in ES implemented the provisions for studying, student mobility, unremunerated internships and voluntary work, allowing mobility and, in some cases, permits for paid employment or self-employment for students. In IE, the new Immigration Regime for full-time non-EEA students entered into force.

In the UK, changes were made to Tier 4 (Student Tier) of the PBS to tackle abuse and improve the support and oversight given to flows of international students. Changes included increasing the level of English language requirements, refusing entry at the border to students who cannot communicate with UK Border Agency staff without an interpreter, placing restrictions on the right to work for some students and reserving the right to bring dependents only for postgraduate university students and some government sponsored students. Institutions were also required to be licensed as Highly Trusted Sponsors by the UK Border Agency. These changes provided greater guarantees for genuine students that they were studying at *bona fide* institutions.

Concerning cooperation with third countries, SK and LT negotiated with New Zealand concerning the “Work-Leave Programme.” Upon its entry into force, this programme will increase the opportunities for young people of these Member States to take up short-term training, study and/or employment opportunities in New Zealand. SK also entered into an agreement regarding Youth Mobility with Canada which aimed to simplify the administrative procedures governing the entry and stay of young citizens between 18 and 35 years for the purpose of completing their higher education, attending special preparation with an internship programme or obtaining work experience.

Concerning future actions, a five year strategy continued in IE entitled “Investing in Global Relationships.” The strategy set the objectives of increasing the number of international students in both higher education and English language schools by 50% and 25% respectively by 2015 and of raising the economic impact of the international education sector for IE by €300 million to approximately €1.2 billion in 2015. It also aimed to align immigration rules with specific courses, by introducing fast-track visas for some degree programmes. LT in its draft law proposes more favourable rules for employment of students during their studies, as well as in the period following their studies. In LU, the draft Act on Foreigners foresees the issuing of temporary residence permits for third-country nationals starting their studies for the duration of one year and three additional months and of a two-year residence permit if they continue their studies, in line with Council Directive 2004/114/EC.

For researchers, legislative instruments were introduced in ES and FR in order to facilitate the applications for researchers wishing to enter these Member States. In ES, the new Regulation encouraged researchers to relocate to Spain, with a new regime for work and residence permits introduced enabling third-country nationals to initiate projects with research bodies there. In FR, a 2011 Decree extended the possibility of benefiting from a long-stay visa providing exemption from a residence permit to scientists, researchers and trainees. With regard to future measures, as part of its 2020 National Reform Programme, the LU Government intends to develop, in agreement with the public research institutions, a range of consistent actions focusing on recruitment, training, skills and career prospects for researchers of third country and EU origin to develop an environment favourable to the boom in research. Concerning University lecturers, LT, in its draft law, proposes to facilitate the entry of lecturers and their family members and to distinguish it as a separate group in the law. Amending legislation in SK newly defined the conditions of admission of third-country nationals for the purposes of research and development, including conditions and requirements for hosting a third-country national and the responsibilities of the admitting organisations. DE plans to introduce further facilitations in relation to the admission of scientists and their family members.

## **II.2. Family Reunification**

At EU level, the Commission has launched a public debate on family reunification via a Green Paper,<sup>20</sup> in view of the call of the Stockholm Programme and the findings of the 2008 implementation report on Directive 2003/86/EC<sup>21</sup> on the right to family reunification identifying national implementation problems and shortcomings of the Directive. The Green Paper invites stakeholders to reflect on more effective family migration at EU level without losing sight of the objective of the Directive to determine the condition of the existing right to family reunification. The deadline for reply was 1 March 2012.

At national level, many Member States (BE, DK, DE, ES, FR, IT, LV, LT, NL, AT, SK, FI, UK) and NO documented changes to family reunification regulations. Several Member States (BE, DK, ES, FR, LV, LT, AT, SK, UK) developed or adopted new legislation relating to the rights and conditions for family reunification. New legislation adopted in LV and SK provided access to the labour market for third-country nationals entering for the purpose of family reunification. For example, in SK, new legislative provisions included the modification of conditions for the granting of a temporary residence permit for the purpose of family reunification and provided the possibility for these migrants to run a business immediately after being granted a residence permit.

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<sup>20</sup> COM(2011) 735 final

<sup>21</sup> COM(2008) 610 final

LT and UK modified certain aspects of their family reunification legislation to make it less restrictive. In LT, family members of third-country nationals entering the Member State for pedagogical work/research may now be issued a long-term national visa which facilitates their arrival. UK reinstated a minimum age of 18 for those wishing to sponsor a spouse or partner and for those applying to enter or remain in the UK on that basis. This change was a result of a Supreme Court hearing which found that a minimum age of 21 was unlawful when applied to genuine couples. The requirement for a person subject to immigration control to obtain the Secretary of State's permission to marry or enter into a civil partnership was also withdrawn.

Conversely, BE, DK and ES introduced additional requirements for family reunification. BE introduced a number of changes including an income requirement and tightening the preconditions for reunification with unmarried partners on the grounds of a "stable relationship" with the control period increasing from two to three years. Changes in DK included a PBS for applicants, with points allocated according to work experience, language skills and educational attainment. There is also a requirement on the spouse to demonstrate sufficient collateral to meet any public assistance requirements of the applicant, and a need to demonstrate that the spouse and applicant's combined 'attachment' to DK is stronger than their attachment to another country. DK also implemented an initiative to introduce fees for submitting an application for family reunification (currently €1 081) and for any appeals made, under legislation agreed in 2010. Such changes are likely to be modified in the future under the new Danish Government, who took office in October 2011. In ES, the Aliens Regulation introduced provisions on procedures, processes and means of proof for family reunification, thereby clarifying financial and housing requirements and the methods for proving a relationship analogous to marriage by formal registration or other means to justify an unregistered relationship.

LV and SK reported on the assessment criteria for family reunification in their Member States. In LV, the family's capacity to integrate is not examined, with the only criterion being whether the family member wishing to receive a residence permit belongs to one of the categories of family members listed in the Immigration Law. Moreover, in SK, the new act on the stay of aliens, which was adopted in October 2011 and entered into force in January 2012, stipulates that the extent of integration into society is not given by a requirement for language knowledge, level of education or work experience.

FI and UK undertook assessments of their family reunification policy. In FI, a Working Group was established to examine the effects of previous legislative changes made to family reunification legislation and to consider whether new changes would be needed in view of aligning Finnish legislation with other Nordic countries. The UK launched a consultation on family migration proposing a number of recommendations to tackle abuse, promote integration and reduce burdens on the taxpayer, including introducing a minimum income threshold for those sponsoring a third-country national spouse, partner or dependants, extending the probationary period before spouses and partners can apply for settlement and increasing the English language requirement for spouses, partners and adult dependants under 65 applying for settlement. These recommendations were under consideration by the government in 2011.

Several Member States (BE, DE, ES, FR, HU, NL, AT, UK) undertook actions to promote stronger integration of third-country nationals who migrated to the respective Member States for the purpose of family reunification. In FR, new legislation provided the French Office for Immigration and Integration with the competence to receive requests for family reunification. The Office deals with the integration of this category of persons following their requests, with this development considered as beneficial in the efficiency of integration policy in France. In order to ensure integration and prevent marriages of convenience, NL reported that the government agreed to a

proposal from the Ministry of Immigration and Asylum to tighten the requirements for family migration. The proposal included limiting eligibility to core family (including spouses and those with a registered partner); introducing a one year waiting period so that the third-country national could firstly integrate themselves; extending the qualification period for continued independent residence from three to five years; and prohibiting access to social benefits until two years have passed. Following the publication of the EU Green Paper on family reunification, the government stressed the need to promote the emancipation and integration of migrants as well as the promotion of economic self-reliance of migrants. In DE, the Act on Residence was changed, extending the minimum marital cohabitation time for a foreign spouse to be granted an independent right of residence in case of a break up from two to three years. In AT, the integration of family members continued to be a priority, with the integration of family members coming and living in the Member State emphasised through stricter standards of the Integration Agreement and by the introduction of German language skill requirements before immigration (dependent on the kind of residence title the third-country national applies for). In ES the new Aliens Act Implementing Regulation establishes that victims of gender-based violence and their children will have the right to an individual residence permit, completely independent from the sponsor's one, in order to promote their integration in the host society as they will be able to enjoy all the rights granted by an independent residence and work permit.

Some Member States (DE, FR, IT, NL, AT) and NO introduced or changed language requirements for third-country nationals residing in their Member State following family reunification. A decision of the Federal Administrative Court in DE resulted in changes to the regulation for the provision of evidence of language skills: a third-country national who has applied for a visa for subsequent unification of spouses without having a basic knowledge of German may be granted a visa in order to acquire these language skills in Germany in particular circumstances. In FR, from 1 January 2012, persons wishing to acquire nationality by marriage with a French national will need to prove they have a level of French that corresponds to "B1 oral," defined by the repository of languages used in Europe. Additionally, NL raised the level of the Spoken Dutch Test from A1 minus to A1 of the Common European Framework of Reference for Languages and added a literacy and understanding written texts test. IT planned to implement the Integration Agreement between the state and the newly-entered third-country nationals. One of the main provisions relates to language learning, with the agreement applicable to third-country nationals reunited, with the exception of children under 16 years of age. The UK considered introducing changes to its language requirements. In NO, the obligatory number of hours for studying the Norwegian language increased in 2011 from 250 hours to 550 hours, and the eligibility for free tuition was extended to a wider number of migrant groups.

LV, HU and SK undertook other actions to better integrate family members into society. For example, under the Integration Fund, LV implemented the programme "Open to Integration 2011" which was aimed at specific vulnerable groups, such as women, children and young people with low levels of education and special needs to provide access to support groups, language classes, interest groups, etc. The project also aimed to raise awareness amongst its nationals of the importance of integration. An education summer camp was also organised for third-country nationals up to the age of 25 years in order to teach them about Latvian culture, society, history and geography.

Concerning future actions, in HU, a four weekend-long festival will be organized in 2012 in five Hungarian cities for third-country nationals and Hungarians to meet each other and socialise together. The festival will show films, exhibitions and concerts featuring the topic of migration. Following a Government Enquiry in SE in 2010, which proposed extending the target group for civic orientation to all newly-arrived third-country national adults with a residence permit valid for

more than one year, it was planned to spend 40 million SEK (approx. €4.5M) for this purpose in the 2012 Budget.

### II.3. Integration

At EU level, whilst the main responsibility lies with Member States, the Commission continues to provide a framework for dialogue and knowledge exchange between stakeholders at different levels and for monitoring results of integration policies, including through the European Fund for the Integration of third-country nationals. The European Agenda for the Integration of Third-Country Nationals was adopted in July 2011<sup>22</sup> to promote a stronger economic, social, cultural and political participation of legally resident third-country nationals in their receiving countries in order to fully benefit of the potential of migration. Integration through participation, more action at local level and the involvement of countries of origin in support of the integration process were the main targeted areas. Actions should include improved coordination and monitoring of policy developments at EU level, the development of a flexible European toolbox and European modules to support integration practices in the Member States and the further development of common European indicators for monitoring of results of integration policies. Contextually, the results of the first Eurobarometer on integration were published.<sup>23</sup> Council Conclusions on the European Agenda for the Integration of Third-Country Nationals were adopted in the Justice and Home Affairs Council of December 2011.<sup>24</sup>

The aforementioned proposal for a Regulation establishing an Asylum and Migration Fund<sup>25</sup> will encourage the development of proactive immigration strategies for the integration process of third-country nationals, including during the pre-departure stage. It will promote a local approach to integration by fostering the regional and local cooperation in the development of integration strategies and measures. Particular attention in the integration process is paid to the specific needs of asylum seekers and beneficiaries of international protection, as well as to vulnerable groups of migrants (unaccompanied minors, women, youth and children, the elderly, etc.).

At national level, many Member States (BE, DK, IE, EE, EL, ES, FR, IT, CY, LV, LT, LU, MT, AT, PT, SI, SK, FI, UK) and NO reported on policy developments in relation to integration. This included legislative changes (FR, IT, AT, SK, FI), the introduction of new policy documents (BE, EE, EL, ES, LV, LU, PT, AT) or an update thereof (CZ, SK) and institutional changes (CY, SK, AT).

New legislation on integration entered into force in FI. The Integration Act introduced provisions to cover the integration of all immigrants residing in Finland (whose residence is legally registered) from the point of arrival, e.g. by providing information, an initial assessment of immigrants' employment, training and other integration capabilities along with their needs for language training and individual integration plans. Elsewhere, other legislative changes were introduced, including the adoption of the Integration Agreement stipulating mutual obligations for the State and third-country nationals in the integration process with emphasis on the role of local authorities, the regions and non-profit organisations (IT), and new requirements to demonstrate knowledge of the national language in order to be granted citizenship or long-term residence permit (AT).

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<sup>22</sup> COM(2011) 455 final

<sup>23</sup> [http://ec.europa.eu/public\\_opinion/archives/quali/ql\\_5969\\_migrant\\_en.pdf](http://ec.europa.eu/public_opinion/archives/quali/ql_5969_migrant_en.pdf)

<sup>24</sup> 3135th Justice and Home Affairs Council, Brussels, 13 and 14 December 2011

<sup>25</sup> COM(2011) 751 final

Several Member States (BE, EE, EL, ES, LV, LU, PT, AT) introduced new policy documents. For example, in order to facilitate migrants' integration, BE published a concept note on 'Integration and Civic Integration' aimed at a more efficient and effective integration policy. In EL, the National Strategy for Third-Country Nationals' Integration was developed in order to promote an extended consultation process between public institutions and civil society and enhance migrants' participation in social life and the labour market. ES approved the second 'Strategic Plan for Citizenship and Integration 2011-2014' to increase social cohesion and LU officially introduced the National Action Plan on Integration and Against Discrimination, covering a number of common basic principles in order to facilitate the political and social integration of migrants. The National Action Plan is strengthened by the Law of 13 February 2011 on Communal Elections and its provisions, such as the "passive" right to vote for non-EU nationals within the framework of the municipal elections of 2011, the abolition of the condition of nationality to access the positions of mayor and deputy mayor by the law of 13 February 2011 or renewal of consultative bodies at the national and municipal level (including Consultative Integration Committees in every municipality with more than 20% foreigners). Furthermore, PT began implementing its 'Immigration and Integration Plan', which was adopted in 2010.

CZ updated its 'Policy for Integration of Immigrants in the Territory of the Czech Republic – Living Together' whereby a strong focus was placed on migrants' language skills, economical independence, orientation and their contacts with the host society. It also opened a debate on increased language requirements for obtaining a permanent residence permit.

CY, AT, SK and FI introduced institutional changes. CY appointed the Advisory Committee on Integration to monitor the implementation of National Action Plan on Integration 2010-2012. AT established the State Secretariat for Integration under the Ministry of the Interior, aiming to address opportunities and challenges of integration, whilst SK set up the Centre for the Coordination of Foreigners' Integration under the Ministry of Labour, Social Affairs and Family. Similarly, in FI integration matters were transferred to the Ministry of Employment and the Economy.

Other initiatives with regard to improving integration included the establishment of an interdepartmental working group to consider issues of payment for health care services for persons under subsidiary and temporary protection (LT); the implementation of the project 'To Live in Latvia' (LV); the introduction of health education sessions in open and closed centres and cultural mediators at local health centres (MT); the establishment of a Forum for Integration stimulating discussions between actors in the field of integration and meetings with migrant communities (SK); and the launch of a project to update the handbook 'Life in the UK' (UK). Furthermore, IE introduced a formal citizenship ceremony and EE carried out a monitoring exercise of Estonian society in order to gain better understanding of migrants' needs.

With regard to future measures, DK, LU, NL, PL and FI planned developments in their integration policy. DK supplemented its existing policy with new initiatives contributing to equal opportunities and social inclusion. The Government also aims to launch a new national integration survey tool for monitoring the effectiveness of integration measures, in employment, education and citizenship. NL produced a 'Memorandum on Integration, Cohesion and Citizenship' setting out its policy intentions, including the future obligation for migrants to finance their (compulsory) civic integration course themselves. PL included in its draft Act on Foreigners a requirement to speak Polish when applying for a residence permit for an undefined period and is working on a draft nationwide integration policy. FI has set several policy objectives for the coming years including the introduction of a governmental integration programme, better integration of migrants into the labour market and improvement of the recognition of foreign qualifications making access to further education and training easier. NO published a report on long-term strategies to increase the

labour market participation of migrants and recommended to focus on migrant women and extension of programmes providing free classes in Norwegian language and social studies. In 2012/2013, LU will reform professional training programmes to increase the range of professional training courses with a specific linguistic framework (SLF) in order to address the difficulties that a growing number of students encounter in the trilingual education system and notably with regard to classes held in German.

Many Member States (CZ, DE, IE, EE, EL, IT, CY, LV, LU, NL, AT, PL, SI, SK, SE, UK) and NO commented on measures in place to enable migrants to learn the language of the host country and to acquire knowledge of the host society's history and culture (CZ, DE, EE, IT, CY, LV, NL, PL, SI, SK, UK). With financial support of the European Integration Fund, EL organised information campaigns to promote the integration of migrants and training for intercultural mediators; IT carried out 103 territorial projects, plus 16 language training projects; SK implemented several projects, for example, the continuation of the operation of a Migration Information Centre and the launch of a television programme to support Third-Country Nationals' integration; and UK supported projects that increased interaction between migrants and the established community and helped migrants access the labour market. LU launched the Welcome and Integration Contract, a reciprocal and optional contract between a migrant and the State, under which the signatory agrees to undertake language training, attend civic instruction courses and participate in an orientation day. Completion of such a course is taken as evidence of good integration in order to obtain long-term residence status and the signatory is then exempted from obligatory civic courses for acquisition of Luxembourgish nationality. SI launched a media campaign entitled "I learn Slovene so that I will be able to say who I am" to promote State sponsored language courses for foreigners. The UK published a handbook 'Life in the UK' containing information about history and society.

Several Member States (CZ, IE, EL, ES, AT, PL, PT, FI, SE) reported on support services, programmes and/or projects to enhance migrants' access to employment including individual action/integration plans (PL, FI, SE), social support and training (IE, PL, PT), the promotion of entrepreneurship (DK, PT), employment preparation activities (IE, SE) and assessment of labour market possibilities for migrants (FI). ES set out in their Strategic Plan for Citizenship and Integration and in the labour market reforms with several priority measures for employment of migrants, for example, including migrants in retraining opportunities. DK established a National Centre for Immigrant Entrepreneurship, which aims to improve the survival and growth of enterprises owned by immigrants, by improving the quality of business advice. IE implemented several measures with the involvement of the business sector and trade union organisations, including the 'Workplace Diversity Initiative' embedding diversity and quality in the workplace, in addition to the Employment of People from Immigrant Communities (EPIC) Programme which provides workplace and social skills training to third-country nationals. EL established the opportunity for immigrants to participate in the projects entitled '*Job creation at local level through programmes of public benefit*' and '*Local Integrated Programs Supporting Employment of Vulnerable Social Groups.*' In order to combat discrimination on the labour market, PT carried out awareness raising campaigns.

Some Member States (CZ, IE, EL, ES, PT) also commented on measures to facilitate migrants' access to public and social services. CZ enhanced access to public and social services through projects implemented by NGOs and the Regional Foreign Nationals Integration Support Centres, funded by the European Social Fund and the European Fund for the Integration of third-country nationals. ES worked towards the objective of guaranteeing public access to participatory and public services on equal terms for all citizens and PT continued to implement their 'Borders and Foreigners Service On The Move Programme', which aims to provide a set of services for vulnerable groups, such as the elderly and children who find it difficult to access Aliens and

Borders Service (SEF - Serviço de Estrangeiros e Fronteiras) facilities. ES has signed new agreements on reciprocal participation on local elections with Cape Verde and the Republic of Korea, in addition to the existing ones with Colombia, Peru, Iceland, Ecuador, Chile, Paraguay, New Zealand, Bolivia and Norway.

### ***II.3.1 Promoting and exchanging information on integration<sup>26</sup>***

At EU level, the aforementioned European Agenda for the Integration of Third-Country Nationals again emphasised the importance for the exchange of knowledge and good practice between Member States in the context of the National Contact Points on Integration, indicating that this could be further developed through targeted meetings and benchmarking exercises. Coordination and monitoring of policy developments within existing policy frameworks among the EU institutions, and in close cooperation with the Member States, was also identified as a means to contribute to more efficient and effective integration policies. The measures proposed in the resultant JHA Council conclusions<sup>27</sup> included to develop a non-binding coordination mechanism in order to improve the structures and tools for European knowledge exchange mentioned in the Stockholm Programme by reinforcing the already existing structures, such as the network of National Contact Points on Integration, and exploring possible further measures to enhance coordination and mutual learning; to consider further development of a monitoring system including appropriate data collection and analysis to monitor the degree of integration (outcomes of policies) based on agreed common indicators, recognising the principle of subsidiarity; and to explore ways of improving the cooperation of the National Contact Points on Integration who should concentrate on the exchange of best practice as well as on horizontal aspects of integration.

The exchange of information via the European Website on Integration<sup>28</sup> continued. Draft European modules on integration<sup>29</sup> were also developed in cooperation between the Commission and the Member States in a pilot project finalised in 2011. A pilot study on Indicators of Immigrant Integration was published by Eurostat in June 2011<sup>30</sup> and the study on the socio-economic situation of migrants entitled '*Migrants in Europe - A statistical portrait of the first and second generation*' was published in December 2011.<sup>31</sup>

At national level, several Member States outlined their participation and/or contribution in the European Integration Forum (BE, IE, EE, EL, LV, HU, PL, SE) and/or the European Website on Integration (CZ, IE, IT, CY, LV, HU, PL, AT, SE). With regard to the European Integration Forum, BE further reported that it enabled close consultation with authorities, civil society and other stakeholders and EE shared materials from the forum with minority communities.

Several Member States also referred to national websites enabling the publication of information on integration matters (CZ, DK, IE, EE, ES, CY, AT, SI, SK, UK), the organisation of thematic conferences gathering a range of stakeholders (LT, HU, SK, SE) and the launch of other initiatives involving civil society (BE, DE, PL) and migrant communities (DE, SK, PL). To this end, SE and SK each organised a national conference on integration gathering representatives from national authorities, municipalities, civil society and academic institutions and SK organised meetings with migrant communities. In DE, the Migration Counselling for Adult Immigrants and the Germany

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<sup>26</sup> See also *Section VI*

<sup>27</sup> 3135th JUSTICE and HOME AFFAIRS Council meeting, Brussels, 13 and 14 December 2011

<sup>28</sup> <http://www.integration.eu>

<sup>29</sup> [http://ec.europa.eu/ewsi/en/resources/detail.cfm?ID\\_ITEMS=25494](http://ec.europa.eu/ewsi/en/resources/detail.cfm?ID_ITEMS=25494)

<sup>30</sup> [http://epp.eurostat.ec.europa.eu/cache/ITY\\_OFFPUB/KS-RA-11-009/EN/KS-RA-11-009-EN.PDF](http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-RA-11-009/EN/KS-RA-11-009-EN.PDF)

<sup>31</sup> [http://epp.eurostat.ec.europa.eu/cache/ITY\\_OFFPUB/KS-31-10-539/EN/KS-31-10-539-EN.PDF](http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-31-10-539/EN/KS-31-10-539-EN.PDF)

Islam Conference supports the integration process of particular migrant groups in a continuous manner. DK launched the initiative ‘Knowledge that works’, which aims to identify and disseminate existing knowledge on integration, and to support dialogue between knowledge providers and practitioners, via a knowledge portal ([www.integrationsviden.dk](http://www.integrationsviden.dk)). IT developed and launched in 2012 a ‘Portal for Integration’ aimed at ensuring access to national and local integration services for third-country nationals, promoting good practice and monitoring the course of the institutional interventions made by the government. Other measures implemented included, for example, an increase of the number of Advisory Boards for Ethnic Relations and the extension of the mandate from three to four years (FI).

### ***II.3.2 Mainstreaming in other policy areas***

Most Member States (BE, CZ, DK, DE, IE, EE, EL, ES, FR, IT, CY, LV, LU, HU, NL, AT, PT, SI, SK, FI, SE, UK) and NO reported on approaches and/or measures to better incorporate integration issues in a comprehensive way in all relevant policy areas. Some Member States (BE, EL, LV, PT, AT, SK) described national policy documents aimed at placing integration objectives in the mainstream and/or targets in other sectoral policy areas including a national action plan (BE, CY, LU, AT) or guidelines (LV). In LV, for example, the ‘Guidelines on National Identity and Society Integration Policy’ provided for the development of a system of coordinated cooperation and information exchange between the institutions involved in development and implementation of the integration policy.

Other Member States set up interdepartmental working groups or committees (EE, FR, IT, AT, FI, SE, SI, UK) and CZ reported on inter-ministerial cooperation complemented by a Board on Integration that comprises representatives of these ministries. In FR, representatives of ministries plus national social protection organisations and associations suggested actions enabling access to entitlements (e.g. welfare payments, retirement) to be facilitated for elderly migrants. All Ministries in NO must report on their integration measures in the annual budget report and integration issues are also mainstreamed into labour policy.

Institutional changes in DK resulted in the abolition of the former Ministry of Refugees, Immigration and Integration Affairs, resulting in a new mainstreaming approach to integration across all political areas, for example, labour markets, education and housing, consistent with DK’s aim to improve equal opportunities and social inclusion of immigrants.

### ***II.3.3 Involving other stakeholders***

At EU level, two meetings of the European Integration Forum<sup>32</sup> continuing the involvement of civil society were organised, one in May 2011 on ‘*Integration through local action*’ and the other in November 2011 on ‘*The involvement of countries of origin in the integration process.*’ A conference on *Promoting migrant integration through media and intercultural dialogue* was organised during the Hungarian Presidency in May 2011. Another one on *Common Integration Policy: Preventing Exclusion of Immigrants in the EU* was also held during the Polish Presidency in October 2011.

At national level, most Member States (BE, CZ, DE, IE, EE, EL, ES, FR, IT, CY, LV, LU, HU, MT, AT, PL, PT, SI, SK, FI, SE, UK) and NO regularly involved civil society organisations in integration policymaking and measures. In 2011, this included consultation of civil society organisations and members of the public for the elaboration (CZ, EE, EL, ES, CY, MT, PL, PT,

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<sup>32</sup> <http://ec.europa.eu/ewsi/en/policy/legal.cfm>

UK) and implementation (DE, FR) of national integration policy and plans. Other Member States mentioned the strategic role that NGOs play in specifying the annual priorities and actions of the European Integration Fund (IT, LV) and the establishment of an advisory board including representatives from civil society, as well as other stakeholders (CY, ES, AT).

In CZ, information seminars were organised encouraging debates and exchange of views between NGOs and the Ministry of Interior. Also, the Regional Foreign Nationals Integration Support Centres organise regional platforms on integration including the participation of local stakeholders, NGOs and municipalities. DE organized Integration Summits, where dialogue forums were held to define strategic goals, operational goals and specific individual measures. EL held online consultations on their draft National Strategy for Third Country Nationals' Integration via a web dialogue platform addressed to all stakeholders, including civil society. ES reported on a 'Forum for the Integration of Immigrants' which included a wide range of actors from civil society, and in SE there were discussions on how civil society can play a more active role in the introduction of newly arrived migrants and how to facilitate the access of NGOs to the integration fund projects and SK published press releases on integration. For SI, the work of the Alien Integration Council includes representatives from local communities, NGOs and various ministries. In the UK, the voluntary sector is represented on UK Border Agency stakeholder forums and funding is provided to three large refugee organisations to act on behalf of the refugee sector, including contributing to and responding to government policy. In NO, the Directorate of Integration and Diversity (IMDi) funded civil society organisations helping migrants to participate in public debates and discussions, and the Contact Committee for Immigrants and the Authorities (KIM) supported dialogue between civil society and authorities active in the field of migration.

### ***II.3.4 Promoting values and cohesion***

Most Member States (CZ, DE, IE, EE, EL, ES, FR, IT, CY, LV, LU, HU, AT, PL, PT, SI, SK, SE, UK) and NO reported on actions undertaken to enhance democratic values and social cohesion in relation to immigration and integration of migrants and promoted intercultural dialogue and contact. CZ, HU and SK reported on the organisation of multicultural events. CZ, for example, organised regional cultural events, in PL the National Platform for Cooperation run by the IOM organised a seminar on the active role of foreigners in democratic society, and in SK the IOM organised an international conference on 'Dialogue on Integration' in cooperation with EMN and EIF support. Other Member States engaged and/or continued formalised and active dialogue with representatives of migrant communities, including the organisation of a Diversity Consultation Day by the Garda (Police) Racial, Intercultural and Diversity Office (IE) aimed to engage with representative organisations and persons within a wide spectrum of communities. UK encouraged actions at neighbourhood level to bring people together, to support migrant integration and tackle community conflict, extremism and race inequality.

Other measures included training on intercultural communication for teachers and youth workers (EE) and for medical and social services practitioners (LV), the implementation of projects on multiculturalism and tolerance (EE), and intercultural and/or religious dialogue and contact (SK, SE). AT listed intercultural dialogue as a key priority on their national integration plan, EL implemented actions to promote intercultural dialogue (including painting, photography and theatre workshops, and a cultural event on "Immigrants' day") and FR used the Reception and Integration Contract as a basis for integration grounded on the values of the French Republic. ES approved a Comprehensive Strategy to combat racism, racial discrimination, xenophobia and other related forms of intolerance. It includes seven priority areas for action: education, employment, health, housing, mass media, Internet, sports and awareness-raising.

Both IT and PT carried out campaigns and/or awareness raising initiatives. In IT, for example, civil society implemented numerous initiatives including campaigns on literacy, discrimination against women and citizenship.

NO undertook several actions to enhance democratic values and social cohesion. Following the right-wing terrorist attack of July 2011, integration was put on the agenda for public debate and religious groups increased their actions aimed at social cohesion. The Norwegian Centre against Racism ran a so-called 'tea time campaign' encouraging Muslim families and ethnic Norwegians to come together and thereby promoting interreligious dialogue.

## **II.4. Managing Migration and Mobility**

### ***II.4.1 Visa Policy***

At EU level, further progress was made in the development of the EU *acquis* on short stay visas. In this regard particular attention should be drawn to the proposed amendments<sup>33</sup> to Regulation 539/2001 in order to make a number of technical modifications and to introduce a visa safeguard mechanism that can be used as a last resort measure in situations where the visa-free regime with a given third country would lead to sudden and substantial increases of irregular migrants or unfounded asylum applications from that third country.

In the same framework, the Commission expressed readiness to revise the existing reciprocity mechanism - applied in cases where a third country on the EU positive list introduces a visa requirement for the citizens of one or more Member States - in order to make it more efficient. Taking into account the call for a new reciprocity mechanism made by the European Parliament in its declaration adopted in March 2011 and the suggestions made by certain Member States during the negotiations on the amendment to Regulation 539/2001, the Commission closely worked with the European Parliament and the Council in order to improve the current reciprocity mechanism, while respecting the institutional and legal framework of the Treaty. The Commission continued its efforts, in close cooperation with the Member States concerned, in order to achieve full mutual visa-free travel for the citizens of all EU Member States with the third countries which are exempt from the visa requirement by the EU. Full reciprocal visa-free travel for all EU Member States was established with Brunei Darussalam. However, a handful of cases of non-reciprocity still remained, mainly with the US and Canada.

The Visa Information System (VIS) successfully started operations in the first region North Africa (Algeria, Egypt, Libya, Mauritania, Morocco and Tunisia) on 11 October 2011. On visa facilitation agreements, the Commission opened negotiations on upgrading the existing Visa Facilitation Agreements with the Russian Federation in April 2011 and with Ukraine and Moldova in May 2011.<sup>34</sup> By the end of 2011 substantial progress was achieved on all three negotiations and for Ukraine negotiations on the amendment of the visa facilitation agreement were finalised.<sup>35</sup> Substantial progress was also achieved in the ongoing negotiations on a Visa Facilitation Agreement with Cape Verde. The Visa Facilitation Agreement with Georgia entered into force on 1 March 2011. The existing Visa Facilitation Agreements with Albania, Bosnia and Herzegovina,

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<sup>33</sup> COM(2011) 290 final

<sup>34</sup> The First Progress Reports on the implementation by Moldova (see SEC (2011) 1075 final) and by Ukraine (see SEC (2011) 1076 final) of the Action Plans on Visa Liberalisation were presented on 16 September 2011. The Second Progress Reports on the implementation by Moldova (see SEC (2012) 12 final) and by Ukraine (see SEC(2012) 10 final) of the Action Plans on Visa Liberalisation were presented on 9 February 2012.

<sup>35</sup> December 2011, see [http://www.consilium.europa.eu/uedocs/cms\\_Data/docs/pressdata/EN/foraff/127064.pdf](http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/127064.pdf).

former Yugoslav Republic of Macedonia, Georgia, Moldova, Montenegro, Ukraine, the Russian Federation and Serbia continued to be implemented.

On the other hand, following also an initiative by the European Commission, Member States made, in the course of 2011, concrete efforts not only to harmonise their procedures for issuing visas to the benefit of Turkish applicants, but also to improve the conditions by applying some of the optional facilitations provided for by the existing EU visa legislation.

Table 3 gives a provisional overview of the number of short-term and long-stay visas issued. Member States which issued the highest number of [Schengen] short-term ("C" type) visas were FR (1 938 555), DE (1 588 595), IT (1 445 745), ES (1 337 990) and FI (1 244 680). For [National] long-stay ("D" type) visas, *provisional figures* show that the largest number were issued by IT (237 810), FR (165 745) and DE (162 260).

At national level, a number of Member States reported on progress in the collection of biometric data in relation to visas, and on consular cooperation.

With regard to the collection of biometric data from visa applicants, many Member States (BE, BG, CZ, DE, IE, EL, ES, EE, FR, IT, CY, LV, LT, LU, AT, PT, SK, FI, SE and UK) and NO reported progress. In relation to the roll out of the Visa Information System (VIS) - which applies to 22 (Schengen) Member States plus three associated states of NO, Switzerland and Iceland - several Member States (BE, CZ, DE, EE, EL, ES, FR, IT, LV, LT, NL, PT, SK, FI, SE) have referred specifically to their experience in using the VIS in the first region (i.e. North Africa) from 11 October 2011 and in the second and third region in the course of 2012 (e.g. in the Near East and Gulf Regions). Also NO started using the VIS in a first phase for applications lodged at its consulates in Rabat, Algiers, and Cairo and will deploy it in a second phase in the Near East and Gulf Regions. Meanwhile BG, RO established its National Visa Information System as part of the process for its accession to Schengen and BG declared its readiness to use VIS in the 1<sup>st</sup> and 2<sup>nd</sup> regions. Some Member States indicated the extent to which their consular and diplomatic posts were equipped with equipment for collection of biometric data (BE – 90%, FR – 88%, LV – 100%). Other Member States referred to national developments, such as the purchasing and installation of the necessary equipment (AT, LV), legislative changes in view of the implementation of VIS (EE, LT, LV, AT, SK, FI), the organisation of training to consular staff (LT, LV), efforts to ensure the compatibility of national informatics systems with the VIS (BE, BG, CZ, IT, LT, NL, RO, SE) and the organisation of testing phases to ensure compliance (LT, PT).

IE and UK do not participate in the VIS, but have undertaken other actions to collect biometric data from visa applicants. IE continued to collect fingerprints from third-country nationals applying for visas through Visa Application Centres in Nigeria (Abuja / Lagos). This data will be checked on entry to IE. In January 2011, the Minister for Justice and Equality announced plans to introduce the collection of biometric data from visa applicants in Pakistan in order to increase the traceability of Pakistani migrants which was prompted by the high number of marriages between Pakistani nationals and EU citizens from the Baltic States. For the UK, in view of the 2012 Olympics and Paralympics, biometric data will be collected in advance of entry or on arrival, following the passing of legislation allowing for multiple entry visits valid from date of issue until 8 November 2012 for holders of the Games Family accreditation card. The fee corresponds to that of a six month visit visa. In addition, a member of the UK Border Agency Identity Services was seconded to Canada to contribute expertise to the Canadian project to roll out and deploy biometric systems in Canadian Visa Application Centres (VAC).

Many Member States referred to representation arrangements concluded with other Member States (BE, CZ, DE, EE, EL, IT, CY, LV, LT, LU, AT, SK, FI, SE), or, in the case of FI, the termination of visa representation arrangements. Following the signing of representation agreements, EE is represented by 14 Schengen Member States (AT, HU, FI, DE, SI, LV, LT, NL, ES, PL, FR, DK, SE and Switzerland) in 84 countries regarding the processing and issuing of short-stay visas, and represents six Member States (DE, LV, NL, PL, SI, FI) in four countries (Russian Federation (Pskov), Belarus (Minsk), Bulgaria (Sofia) and Georgia (Tbilisi)). In addition to having concluded representation arrangements with CZ and LV, SK was negotiating such arrangements with DE, EE, ES, FR, LT and PL.

In a similar vein, the Schengen House in Kinshasa, DR Congo has been set up as a Common Application Centre in accordance with Article 41(2) of the Visa Code in the framework of a Belgian-Portuguese project co-financed by the External Borders Fund. It is open to the public since 5 April 2010. BE also represents AT, FI, FR, LT, LU, NL and PT for Schengen visa applications, and enrolls biometric identifiers for applications for DE in the Schengen House. SE participates with an own desk and also represents DK plus Iceland and Norway. Long-stay visa applications for BE and LU are lodged in the Schengen House as well.

#### ***II.4.2 Frontex***

At EU level, an amendment to the Frontex Regulation<sup>36</sup> was adopted in order for the agency to be better prepared to face the challenges at the EU external borders together with Member States. Frontex may now acquire or lease its own technical equipment, such as vessels or helicopters for the coordination of border control activities. In addition Frontex will be deploying European Border Guard Teams in the near future. These teams will consist of national border guards assigned or seconded by Member States. Frontex will also be able to strengthen its cooperation with third countries and will have the possibility to provide them with technical assistance. The full respect of fundamental rights and obligations under various international law instruments received specific attention. For instance a Fundamental Rights Officer will be created within the Agency to assist in matters having implications for fundamental rights and a Consultative Forum on Fundamental Rights will be set up with the participation of relevant international organisations and NGOs.

The first Frontex specialised branch entitled "Frontex Operational Office (FOO)," which became operational in October 2010, continued with its main tasks, notably: Contribution to the preparation and evaluation of the Joint Operations being launched in the Eastern Mediterranean region; Coordination activities in the implementation of those Joint Operations; Providing information for the situational awareness in the region and reporting on events related to the Joint Operations; and Gathering and assessing information and intelligence for risk analysis purposes. These tasks are to be undertaken in the Eastern Mediterranean region (Italy, Malta, Greece and Cyprus) and the Agency should report back to the Council on the evaluation of the functioning of the FOO in the course of 2012. The outcome of the independent evaluation forms the basis for the decision of the Management Board on whether to pursue the pilot project and/or to establish other similar operational offices.

Due to the persistently high migratory pressure on the external land borders with Turkey, and following a request from Greece in October 2010, the deployment of Rapid Border Intervention Teams (RABIT),<sup>37</sup> together with the equipment needed for stepping up border control in the

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<sup>36</sup> Regulation (EU) No 1168/2011 of 22 November 2011

<sup>37</sup> Established via Council Regulation (EC) 863/2007

affected border area, continued until March 2011, after which it was followed up by the continuous Joint Operation Poseidon Land 2011 and Project Attica 2011. In accordance with the established procedure, Frontex identified, in close cooperation with the Greek authorities, the most adequate composition of the teams (i.e. number and profile of guest officers) and the type of assets to be deployed. As a result, a total of 190 staff from 26 Member States were deployed, including border guards and interpreters. The operation also entailed the deployment of necessary equipment, such as a fixed wing surveillance aircraft, a number of thermo-vision vehicles, patrol cars and other transport means. The deployment of the first ever RABIT team in Greece was considered to be a success.<sup>38</sup>

With the aim to better deal with the emergency situation in North Africa, the Commission proposed to increase the 2011 budget for Frontex by an additional €30M (an increase of 23.87% compared to the previous year) to reinforce its capacity to deal with the increased migratory pressure at the southern Mediterranean border. This increase for 2011 was approved in September 2011.

Cooperation in the field of return of irregularly staying third-country nationals has intensified. Frontex coordinated 39 joint return flights with a total number of 2 059 returnees to Armenia, Columbia, Ecuador, Democratic Republic of Congo, Gambia, Georgia, Iraq, Kosovo, Nigeria, Serbia and Ukraine. Twenty Member States (BE, CZ, DE, HU, IE, EL, ES, FR, IT, CY, LU, MT, NL, AT, PL, SI, FI, SE, UK) and three Schengen associated countries (CH, IS, NO) participated in these flights.<sup>39</sup> In 19 of these joint operations, at least one of the participating Member States provided for monitoring in accordance with their national legislation. Frontex co-financed 37 of these joint return operations.

The amendment of Council Regulation (EC) No 377/2004 on the creation of an immigration liaison officers (ILO) network was adopted,<sup>40</sup> with the aim to facilitate the integration of Frontex into the ILO networks. In 2011, the Agency was invited to two ILO meetings organised by Member States in Moscow, two in Kiev and two in Ankara. In turn, ILOs posted in West and North Africa (Algeria, Benin, Burkina Faso, Cape Verde, Egypt, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Mauritania, Morocco, Niger, Nigeria, Senegal, Sierra Leone and Togo) were invited to the regional analytical meetings of Frontex.

At national level, Member States undertook activities to increase the effectiveness of border controls by mobilising all available resources. Activities undertaken included deploying staff to support Frontex actions, cooperating with other Member States in this regard, and otherwise improving human resourcing.

Most Member States (BE, BG, CZ, DK, DE, IE, EE, EL, ES, FR, IT, CY, LV, LT, NL, AT, PT, RO, SK, FI, SE, UK) and NO listed their participation in Frontex operations and missions to control external land, sea and air borders. Their inputs ranged from the deployment of staff, experts and technical equipment to the participation in risk assessments and training courses. Specific Frontex operations and initiatives included PULSAR, INDALO, AENEAS, ATTICA, DEMETER, POSEIDON Land, POSEIDON Sea, HERA, HERMES, HAMMER, HUBBLE, JUPITER, METEOR, MINERVA, MITRAS, NEPTUNE, the Focal Points Land, Sea and Air, the Coordination Points and the European Patrols Network. Several Member States (BE, DE, ES, LV, NL, AT, RO, SK, FI, SE, UK) and NO made specific reference to the deployment of experts in

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<sup>38</sup> RABIT Operation 2010 Evaluation Report

<sup>39</sup> See *Section III.1.4* for further details.

<sup>40</sup> Regulation (EU) No 493/2011

border control, border surveillance, immigration and return to EL through the RABIT mechanism. BE and UK also seconded experts to EL to support the drafting of its first Operational Action Plan under the authority of the EASO. During the Ice Hockey World Championship in April and May 2011, SK participated in the METEOR operation at the Vienna-Schwechat airport and in the JUPITER operation at the Slovak-Ukrainian border. Next to EL, AT and SK, other Member States that benefited from support included BG, ES, IT, RO, and SI.

LT also reported on direct cooperation with other Member States, outside Frontex joint operations. Its State Border Guard Service participated in the MARSUNO project, which aims to achieve a higher degree of interoperability among existing monitoring and tracking systems in order to improve maritime surveillance in the Northern Sea basins. Likewise, PL cited its involvement, along with other Member States, in Frontex working group meetings within the Direct Contact Points (DCP) and the Core Country Group for Return Matters (CCG).

Five Member States (CZ, AT, PT, FI, SE) described recent developments with regard to their liaison officers in countries of origin and transit. CZ participated in an event held by HU and funded by the EU's External Border Fund to strengthen capacity and foster relations between Member States' liaison officers. The Border Police in FR provided operational monitoring of the network of liaison offices and security advisers, and to this end established a monthly activity report, use of which enables the measures taken against irregular migration networks and more specifically controls in airports to be made more effective. AT held two conferences for its liaison officers and for accredited liaison officers in Austria - a networking event hosted by the Federal Office for the Prevention and Combating of Corruption and an annual event also attended by police attachés of the Ministry of Interior aimed at encouraging the exchange of experiences and informing liaison officers about security developments and organisational procedures. SI appointed a liaison officer to be based in IT.

A few Member States (DE, ES, PT, FI, SE) deployed new liaison officers in third countries: DE deployed 24 ILOs in third-countries and EU Member States, as well as 34 document and visa advisors throughout 19 countries; ES deployed new Interior Attachés with immigration competences to Niger, Yemen and Cameroon; PT set up ILOs in Cape Verde and Guinea-Bissau (in partnership with DE and NL and with funding from the External Borders Fund), as well as Turkey and Algeria; FI deployed ILOs in Addis Ababa and New Delhi; and SE established their migration experts in Addis Ababa, Bangkok, Beijing, Damascus, Moscow and Skopje. By contrast, SK stated that it does not have, nor plans to put in place ILOs, as their tasks in the area of irregular migration are partly ensured by SK's network of police attachés which have a presence in SK's foreign missions abroad (especially in third countries in which SK has a security interest). SK's police attachés have the job of monitoring and analysing migration flows amongst other tasks.

Beyond 2011, several Member States (DE, EE, IT, LT, NL, AT, PT, FI, SE) are planning to implement further ILOs: DE in Tunisia; AT in Ukraine; PT in the Russian Federation (date not specified); SE in New Delhi and Tehran (also in 2012); and FI in Abuja, Nigeria (in 2012). EE plans to send an additional temporary or permanent ILO to a third country considered a main irregular migration destination, but has so far been delayed by budgetary constraints. Through the ongoing project MELITA, MT is working towards setting up contact points in strategic countries of origin and transit. This project faced difficulties during 2011 due to the conflict in Libya since most of the discussions were organised in Tripoli.

### *II.4.3 Schengen Governance*

At EU level, the European Commission proposed to strengthen the EU's area without internal borders by enhancing the evaluation and monitoring of the application of the Schengen rules.<sup>41</sup> In addition, in order to ensure a coordinated EU response to protect the functioning and the integrity of the Schengen Area, a mechanism was proposed for the temporary reintroduction of internal border controls in exceptional circumstances.<sup>42</sup> At the same time, it was proposed to launch a biannual debate on the functioning of the Schengen area, an idea endorsed by the Council in December 2011.<sup>43</sup> In the Communication on Migration<sup>44</sup> the Commission committed itself to issue guidelines to ensure a coherent implementation and interpretation of rules governing the Schengen area. In consultations with Member States' experts, the issue of temporary residence permits and travel documents to non-EU citizens and police measures in the internal border zones were identified as areas in which such guidelines could represent an added value.

In December 2011, Liechtenstein became the latest country taking part in the Schengen area bringing the amount of passport-free travel to over 400 million Europeans. On the accession of Romania and Bulgaria, the European Parliament adopted its legislative resolution approving the accession of Romania and Bulgaria by a large majority on 8 June 2011 and the Justice and Home Affairs Council of 9 June 2011 concluded that both Romania and Bulgaria fulfil the so-called Schengen criteria. The necessary unanimity in Council for taking the decision to lift internal border control with these two Member States has, however, not yet been reached.

Several amendments to the Schengen Borders Code (SBC) were proposed.<sup>45</sup> The Commission believes they improve clarity and narrow the scope for divergent interpretations, while responding to practical problems that have arisen. The aim is to provide for an explicit legal framework for bilateral agreements related to joint border checks on road traffic. The proposed amendments also aim to strengthen further the protection of fundamental rights by requiring that training is provided on the protection of unaccompanied minors and victims of trafficking, as well as providing third-country nationals with full access to international protection in accordance with EU law at joint border crossing points, operated through bilateral agreements, between Member States and neighbouring third countries. Negotiations have advanced in Autumn 2011 and adoption can be expected in the course of 2012.

The Commission adopted a recommendation amending the common "Practical Handbook for Border Guards (Schengen Handbook)"<sup>46</sup> to be used by Member States' competent authorities when carrying out the border control of persons, taking into account the latest developments. This Practical Handbook for Border Guards contains common guidelines, best practices and recommendations on border controls in order to assist the border guards of Member States in implementing the common rules on border control of persons and has to be regularly updated.

Regulation (EU) No 1342/2011 was adopted. It enables easier border crossing for people in the Kaliningrad area, as well as in a specific border area on the Polish side. The Kaliningrad region of the Russian Federation with a population of almost one million inhabitants is the only enclave within the EU. Treating the entire Kaliningrad area as a border area prevents an artificial division of

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<sup>41</sup> COM(2011) 559 final

<sup>42</sup> COM(2011) 560 final

<sup>43</sup> The first report was published in May 2012 as COM(2012) 230 final.

<sup>44</sup> COM(2011) 248 final

<sup>45</sup> COM(2011) 118 final

<sup>46</sup> C (2006) 5186 final

that region and will enhance economic and cultural interchange. At the same time, all provisions that guarantee the security of the entire Schengen area remain valid.

#### ***II.4.4 Agreements with third countries***

In addition to the signature of readmission agreements and their implementation protocols (see *Section III.1.3*), some Member States (EE, IT, LV, AT, RO, PT) also concluded bilateral or multi-lateral agreements with countries of origin or transit in view of strengthening external border control or combating irregular immigration. EE agreed on a bilateral action plan with the State Border Guard of Belarus in October 2011 and signed bilateral cooperation agreements with the Federal Security Services of the Russian Federation in August 2011 and with the Ministry of Interior of Georgia in December 2011, with the main purpose of exchanging information. EL organised meetings to identify focal points and try to improve cooperation and exchange of information with Turkey in the framework of the existing bilateral Readmission Protocol. PT signed a bilateral agreement with Timor to improve its internal security through technical cooperation (e.g. staff training, consultancy) and bilateral cooperation agreements to reinforce border controls through the introduction of new technologies (i.e. PASSE system) with Guinea, Sao Tome and Principe, Cape Verde and Timor. RO concluded an agreement with Moldova on the establishment and operation of a Common Contact Centre in Galati (Romania). NO referred to an agreement with the Russian Federation in relation to local border traffic which is not yet in force.

LT ratified the 2010 agreement with Belarus on travel of border residents, signed an agreement on activities of border representatives with the Russian Federation in August 2011 and continued its work as part of the LV-LT-Belarus Cross-Border Cooperation Programme and LT-PL-Russian Federation Cross-Border Cooperation Programme to maintain, modernise and develop the infrastructure of border crossing points and to train personnel. LT is also in the process of negotiating bilateral agreements to combat organised crime with Serbia and with Georgia. Border guards from PL and Ukraine intensified their cooperation in view of the 2012 European Football Championship and prepared a Joint Report on the risks of irregular migration during the event, which sets out the measures planned, including combined border checks and advance passenger information arrangements.

Several other forms of cooperation with third countries were also developed and/or continued in 2011. Some Member States referred to projects, such as the “Eastern Partnership - Integrated Border Management Initiative” (CZ, LV), two capacity-building projects with the migration authorities in Ghana (DK), the West Sahel Project (ES) and “Support to Integrated Border Management System in the South Caucasus (SCIBM)” (LV). LV also exchanged experience on second-line document control and transposition of EU legislation with Croatia, Belarus and Georgia within the framework of “Technical Assistance and Information Exchange (TAIEX).” Croatia also takes part in a quadrilateral police cooperation centre along with HU, AT and SI. FI operated a twinning cooperation project with Turkish Border Authorities to further develop its risk management capacity in line with the EU’s Integrated Border Management principles. Next to these European Commission supported projects, projects organised by IOM were also listed, such as a seminar on border control issues organised by IOM Moscow (LV) and on risk analysis, ethics and combating organised crime organised by IOM Kazakhstan (LV). Exchange visits and cooperation between border guards (departments) were mentioned by LV (in cooperation with the Russian Federation and Armenia), IE (with UK), and PT (with Angola, Cape Verde, Guinea-Bissau and Mozambique). The latter was part of the Technical-Police Cooperation Programme, in which the Portuguese Aliens and Borders Service (SEF) provided training to its counterparts on fingerprinting, secure documentation and for maritime border trainers in these Portuguese speaking countries. In connection with the preparation of the European Football Championship in PL and

Ukraine in 2012, the SK Border Guard department will select and prepare an expert document advisor to be deployed at its foreign mission in Kiev during the period from April to September 2012. Also LV signed a cooperation agreement with the UNHCR and Regional Office for the Baltic and Nordic Countries on 12 January 2011 which is aimed at encouraging information exchange on irregular migration. The agreement also gives the UNHCR the right to observe the Latvian State Border Guard's interaction with those seeking international protection and action of expulsion/return. DE and PL signed a declaration of intent to implement a pilot project on "Joint German-Polish, mixed-staffed offices."

#### ***II.4.5 Use of modern technology***

At EU level, the Commission Communication 'Smart Borders – options and the way ahead'<sup>47</sup> set out the main options for moving forward in this area. The future 'Smart Borders' initiative will consist of an Entry/Exit System (EES) to record the time, place of entry and the length of authorised short stay and a Registered Travellers Programme (RTP) allowing certain groups of frequent travellers to enter the EU using simplified border checks at automated gates. The Commission envisages presenting legislative proposals in the course of 2012 on the basis of an extensive impact assessment.

In close coordination with Frontex and the Member States, the Commission continued to develop the European Border Surveillance System (EUROSUR), which shall be gradually established from 2013 onwards. A Commission Staff Working Paper<sup>48</sup> highlighted the main actions to have it operational by 2013. This document detailed the progress made up to October 2010, complementing the 2009 progress report. The Commission adopted also a proposal for a Regulation establishing the European Border Surveillance System (EUROSUR)<sup>49</sup> which will streamline cooperation and enable systematic information exchange between Member States as well as with Frontex.

The Commission funded a study on the practical implications of an EU Electronic System for Travel Authorisation (EU ESTA). In line with the results of this study, the Communication on Smart Borders<sup>50</sup> concluded that the preparations for the development of an EU ESTA should be discarded at this stage.

At national level, most Members States (BE, CZ, DE, ES, EL, EE, FR, IT, LV, LT, MT, NL, AT, PT, SI, SK, FI, UK) and NO referred to the deployment of modern technological means, particularly in order to facilitate the entry of *bona fide* travellers, to improve the effectiveness of border checks, to upgrade existing or introduce new border management systems and to improve border surveillance.

Several Member States (BE, CZ, DK, DE, ES, FR, LV, NL, AT, PT, FI, UK) introduced or further implemented automated border checks to simplify and speed up border crossings. In CZ, the automated border control system 'Easy GO' (eGate) was piloted at Prague Ruzyně international airport. DE tested state-of-the art document reading and document verification devices to verify the authenticity of documents on the basis of optical and digital features. In FR, the checks concerned specific travellers who had pre-registered with the PARAFE Automated Fast-Track Crossing at External Borders programme (*Passage Rapide aux Frontières Extérieures*), and in FI they concerned border checks for EU/EEA/CH citizens at Helsinki International Airport and Vaalimaa

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<sup>47</sup> COM(2011) 680 final

<sup>48</sup> SEC(2011) 145

<sup>49</sup> COM(2011) 873 final

<sup>50</sup> COM(2011) 680 final

land border crossing point. NL reported on its maximum use of automated border control through its ‘Innovation of Border Management’ programme (*Programma Vernieuwing Grensmanagement (VGM)*) and the UK reported that it uses a number of automated fast-track border checks (e-Passport gates, IRIS) and is developing another (Automated Clearance Service plus). The NL system will eventually allow for the automated border crossing of EU nationals and will include the expansion of the Registered Travellers Programme (RTP). In addition, ES, LV and SE made reference to the EU’s Automated Border Crossing (ABC) System – LV participated in the workgroup of Frontex Agency on introduction of Automated Border Crossing (ABC) System and SE looked into the possibility of developing E-gates and/or automated border control (i.e. ABC-gates) plus questioned the added value of introducing ABC-gates. NO will start using eGate passports in 2012 (this was funded by the EU External Borders Fund, to which NO contributes). In LU, on the other hand, politicians wonder whether an automatic control system at airports would provide added value, given the limited volume of their air traffic.

In addition to these actions, EE set up an arrangement for three border-crossing points with the Russian Federation - an electronic booking system for transport vehicles was introduced at three Estonian border checkpoints (Narva, Luhamaa, Koidula) through which vehicle owners can book a border crossing time in advance (in order to solve the long queue problem). In relation to improving the effectiveness and ‘scrutiny’ of border checks, several Member States (BE, CZ, EE, ES, FR, IT, LV, PL, PT, SE, UK) and NO described newly implemented and ongoing measures. These consisted of introducing and/or increasing the existing number of passport readers and other devices to verify travel and identification documents, or procedures, including verifying biometric information (BE, DK, DE, EE, IT, LV, UK, NO). CZ, DK, ES and PT further implemented the Passenger Information systems, with CZ implementing an automated system for receiving and processing Advanced Passenger Information (API); DK fully implementing the POLKON system, allowing automatic checking of passenger and crew lists in national, SIS II and Interpol databases; ES allowing for passenger journeys by sea (i.e. between Morocco and Spain); and PT setting up the integral operation of the Automatic Recognition System for Passengers Identified by Documents (RAPID) at all national air border posts. NL’s ‘Innovation of Border Management’ programme mentioned above began to make use of pre-collected data on passengers and their luggage, which will complete its first phase 2012. The second phase will involve the setting up of an information system enabling different government agencies to store passenger data. Officials of the UK Border Agency and the European Commission have been working together to reach an agreed understanding of how the UK Government’s operation of the e-Borders system is compatible with EU law.

FR and UK made reference to use of the EU False and Authentic Documents online tool (iFADO). FR continued to use this tool, whereas UK played a key role in the establishment of the EU FADO (False and Authentic Documents Online) database and its public version PRADO (Public Register of Authentic Documents Online).<sup>51</sup> The control authorities’ version of the iFADO database has been made available to staff in government departments and technical discussions were completed in November 2011 to make it available to UK Police Officers over their intranet.

As to the future, further discussions were held in IE regarding the progression of the Irish Border Information System (IBIS), which will entail all information collected by carriers prior to travel being sent to an Irish Border Operations Centre where it will be screened against watch-lists. In NO, a pilot project will be established in 2012 which will provide advanced passenger information (electronic passenger lists) to NO.

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<sup>51</sup> <http://prado.consilium.europa.eu/>

In relation to improving the efficiency of border checks, EE and FI Member States introduced mobile equipment for border checks – for instance, EE introduced mobile document control devices ('Visotec Mobile 100') to carry out border checks when there is no static control equipment and connection to databases.

Regarding information systems, several Member States (CZ, DK, ES, IT, LV, LT, PL, SK, SE) prepared, developed, upgraded or interlinked national border management information systems, often making links to relevant upcoming EU systems, such as EUROSUR, and large-scale information systems, such as the Registered Traveller Programme and the Entry/Exit System. For example, LV updated its State Border Guard IT systems to enable it to host the SIS.

Several Member States (BE, DE, EE, EL, ES, FR, IT, LV, LT, MT, PL, SI, SK) and NO also described the deployment of modern technological means to improve border surveillance. Several of these actions were carried out within the framework of the EUROSUR mechanism. For example, EE led the PERSEUS project for surveillance of Europe's maritime borders. SK undertook preparations to introduce the new Schengen border control standard through the EUROSUR pilot project. SK was evaluated as one of the best prepared for the EUROSUR system, and was offered testing of this system. The prerequisite for the national implementation of EUROSUR system is the establishment of a national coordination centre, which SK is setting up. SI also reported that all the necessary measures for implementation of EUROSUR were in place. LT described the introduction of surveillance systems (towers with (day/night/thermographic camera) surveillance equipment, protective fences equipped with sensor cables and video surveillance tools; motion detectors). EE bought and installed wireless surveillance equipment, 'Smartdec', which helps to identify irregular border crossings between the border crossing points and in landscapes which are difficult to reach; ES has installed a communications node; IT installed radar stations for coastal surveillance and purchased surveillance and control equipment; and, similarly to EE, LV, launched a "wireless data transfer network" to facilitate REIS system of border control, acquired portable sensors (land border) and floating apparatus (sea border). In 2012, NO plans to establish the National Coordination Centre for European Border Surveillance at the National Crime Investigation Service (Kripas/NCIS).

#### ***II.4.6 Training of Border Guards***

At EU level, the amendment of the Frontex Regulation contains an explicit requirement for all border guards taking part in operations to have been trained in fundamental rights, to ensure full respect of fundamental rights and in particular the principle of *non-refoulement*. Furthermore the Regulation includes a new possibility for the Agency to implement with the Member States an 'Erasmus'-style exchange programme for border guards. The practical implementing rules will be adopted by the Agency during 2012. In the framework of the implementation of the Common Core Curriculum for Basic Level Training of border guards, a students' exchange programme was initiated in 2011. Regular training organised by Frontex for the members of the Rapid Border Interventions Teams (RABIT) Pool, as well as for the participants of Member States' border guards in joint operations hosted by other Member States, contributes greatly to the common understanding of tasks and the development of a European organisational culture of the border guard services within the European Union. In the framework of the Schengen evaluation, training was provided to Schengen evaluation experts, as well as to leading experts by Frontex.

At national level, many Member States (BG, CZ, DK, IE, EE, IT, CY, LV, LT, LU, HU, MT, NL, AT, PL, PT, SK, FI, UK) organised and delivered training to increase the skills and competences of their existing staff. Such training was provided in different formats, including courses, workshops, seminars, road-shows, online interactive training and training on the job, including practical and

theoretical components. Some (BG, IE, PT, RO, SK, UK) Member States also referred to Frontex training.

In NL, the Border Security Training Centre (BSTC) was established to provide course programmes and training sessions in the area of border security to the Royal Netherlands Marechaussee, but also to national and international cooperating organisations, including members of the agency of European border control organisations (Frontex), staff of the Immigration and Naturalisation Service (IND), the Government Road Transport Agency (RDW), Police, Customs, and the Netherlands Forensic Institute (NFI). HU created a "comprehensive further education system" for Border Police. In SK, a trainers' network was created at selected organisational units of Border Police Service and Aliens Police Service (BBAP PFP). The focus of the training provided in the Member States ranged from 'general', basic training covering all aspects of border control, to training on very specific topics, such as the identification of forged documents, fingerprinting, detection of stolen vehicles, search and rescue missions at sea, implementation of quality management systems, EU legislation, the use of new equipment and software and human rights.

LT, SK and FI organised language training to enable better communication between border guards and third-country nationals. The beneficiaries of training were primarily border guards, but detention staff, immigration officials, police officers, airline crew, and other relevant staff, were also involved. For example, FI organised training for the ground crew of the Nordavia airline in Arkhangelsk, Russian Federation, and the ground crew of Belavia airline in Minsk, Belarus. FI organises training for staff whenever an airline opens a new route originating from a risk country. The UK National Document Fraud Unit (NDFU) gave specialist support and advice to the UK Border Agency Olympic Project on training for volunteers and paid staff, as well as technical guidance for the development of the accreditation cards for the Olympic and Paralympics Games.

Many Member States (BE, BG, EE, EL, ES, IT, CY, LT, LU, HU, NL, AT, PL, PT, SK, FI, SE, UK) and NO also provided training to personnel responsible for external border controls on international protection. Table 4 indicates the total number of border guards and number of border guards who received training on asylum. With regard to the categories of staff trained, several Member States (BE, DK, EE, EL, ES, IT, CY, LT, LU, HU, NL, AT, PL, SK, FI, UK) and NO referred to the training of border officials and/or police officers. The content of the training varied, covering issues such as human rights (BG, EE, EL, CY, LT, NL, FI, UK), international protection (BG, EL, CY, HU, SK, UK), reception of asylum applicants (BG, LT, FI), international law (EE) and diseases (IT). IT referred to trainings for, for example, staff of Asylum Applicants Accommodation Centres and medical and paramedical personnel of Local Health Centres. EE and IT both received funding from the European Return Fund (ERF).

BG organised with the UNHCR training of officers guarding the state border (RDBP Elhovo, Smolyan and Airports) entitled "*Access to the territory and procedure for granting refugee status in Bulgaria and the application of the Dublin Regulation*" with the participation of State Agency for Refugees at the Council of Ministers and other non-governmental organizations – Bulgarian Red Cross and Bulgarian Helsinki Committee. Likewise, SI referred to the involvement of the UNHCR who provided training to border guards related to access to international protection in cooperation with the Police and in accordance with a memorandum of cooperation between the UNHCR and Police. PT and UK also mentioned the involvement of Frontex and UNHCR in delivering the trainings.

### III. REDUCING IRREGULAR MIGRATION AND TRAFFICKING IN HUMAN BEINGS

#### III.1 Reducing Irregular Migration

At EU level, the Council has adopted Conclusions addressing irregular migration on 11-12 April 2011 and 9-10 June 2011. Moreover the Commission adopted Communications on 4 May and 24 May 2011 which include priorities for reducing irregular migration.<sup>52</sup> These Council Conclusions and Commission Communications extensively examined the situation of irregular migration, including composition of flows, nature and scale of the impact, as well as measures and best practices undertaken by the EU and its Member States. In terms of information provision, the launched EU Immigration Portal also describes the risks related to irregular migration, such as becoming a victim of trafficking in human beings and of further exploitation by criminals and smuggling of migrants.

Table 5 provides an overview of the indicators used to measure irregular migration, namely refusals of entry, apprehensions and returns. On refusals, ES was by far the largest with 227 655 followed by PL (20 225). Most apprehensions occurred in EL (88 840), followed by ES (68 825), FR (57 975), DE (56 345) and UK (54 175), whilst for returns to a third country these were mainly from UK (40 485), ES (20 325), DE (14 120) and FR (13 360).

At national level, most Member States (BE, BG, DK, DE, IE, ES, FR, CY, IT, LV, LT, LU, HU, MT, AT, PL, RO, SI, SK, FI) described policies or actions aimed at preventing the risks of irregular migration. Reducing irregular migration was explicitly stated as a policy priority in BE, DK, FR, LV, AT and FI, with LV, SK, FI introducing new policies related to this. BG updated its risk analysis of the migration processes and prognosis for changes in migratory pressure. AT restructured the tasks of the Aliens' Police in order to increase its efficiency. In LV, the reduction of irregular migration was included amongst the actions outlined in the *Planned Action of the new Cabinet of Ministers* and was announced as a priority of the new Minister of Interior for his term in office. SK released a National Plan of Border Control Management (2011-2014), which includes measures to prevent the risks of irregular migration.

In its Government Programme, the new government in FI highlighted combating irregular migration as part of internal security and immigration policy. According to their Government Programme, the government will enhance the investigation and prevention of the use of irregular foreign workers. The Labour and Mines Inspectorate in LU made a joint declaration with the Minister of Work, Employment and Health of FR and made an agreement to cooperate with PT's Authority of Working Conditions (ACT) in order to strengthen mutual cooperation with these Member States regarding the control of transnational secondment of workers and the prevention the irregular employment of migrants.

Six Member States (IE, ES, FR, CY, LT, SK) introduced changes to legislation aimed at preventing the risks of irregular migration. Legislative amendments brought in by ES, CY and LT were aimed at preventing irregular entry / stay in the EU through fraudulent activity. For example, in ES the new Aliens Act Implementing Regulation (2011) reinforced sanctions on those migrants abusing legal routes into the EU, e.g. using counterfeit employment contracts, marriages of convenience, false legal representation of a minor and fraudulent registration in population register, and LT adopted amendments to the Code of Administrative Offences in order to include persons providing

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<sup>52</sup> COM(2011) 248: Communication on Migration; COM(2011) 291 plus SEC(2011) 620: Annual Report on Immigration and Asylum (2010); and COM(2011) 292/3: Communication on 'A dialogue for migration, mobility and security with the Southern Mediterranean countries'.

accommodation and persons providing false data for verification of letters of invitation to irregular migrants amongst the listed administrative offences. FR's Law relating to Immigration, Integration and Nationality of 16 June 2011 brought in different measures: the maximum period of detention was increased from 32 to 45 days, the resources available to the government departments to take action to prevent employment of undocumented foreigners were increased and 'temporary waiting zones' were created in case of unexpected inflows of migrants.

In addition to the policy and legislative developments described above, several Member States (BE, CZ, DK, EE, IT, AT, LU, SK, FI, UK) and NO undertook specific actions to ensure that the risks of irregular migration are prevented. This included actions taken at national level (CZ, DK, EE, SK, FI, UK), e.g. in carrying out inspections and on-the-spot checks (CZ, EE, FI) and in third countries (BE, IT, NO). DK implemented a system for merging data from various public databases to carry out compliance controls on conditions linked to the granting of residence permits, for example, for family reunification, study, etc. following legal amendments made in 2010. LU built a new detention centre which began operation in August 2011. MT also continued its policy of detention for those migrants found to be illegally resident on the Member State territory.

By contrast, SK introduced an 'alternative to detention' for third-country migrants ordered to return which allows the migrant to regularly report his/her stay or to make a warranty deposit, as long as he/she demonstrates proof of accommodation and financial coverage of his/her stay. These changes are applicable from the entry into force of the new Act on Aliens on 1 January 2012 although the Act was adopted on 21 October 2011. At local level, AT and UK introduced and continued modalities to prevent the risks of irregular migration: AT created new sections for 'border and aliens' police matters within each Provincial Police Command and the UK continued to implement its Local Immigration Teams (first launched in 2008), which are aimed at increasing engagement of local actors on local immigration issues and community concerns, with a focus on prevention of irregular migration. AT also restructured the roles and responsibilities of the Aliens' Police in order to increase its efficiency.

Within countries of origin, BE carried out awareness-raising activities to inform potential migrants of the risks of migrating irregularly using media such as radio programmes and information leaflets. In 2011, projects were carried out in Serbia, the former Yugoslav Republic of Macedonia, Kosovo, Guinea (Conakry), the Russian Federation, DR Congo and Brazil, as well as Serbia, Albania and Bosnia and Herzegovina. IT considered readmission agreements with third countries and preferential entry quotas useful in preventing the risks of irregular migration. PL and NO also reported that it takes a broad approach to preventing irregular migration through cooperation with third countries.

### **III.1.1 Information Exchange<sup>53</sup> and Training**

At EU level, information exchange was undertaken in a variety of ways. The amended Frontex Regulation provides for the possibility for the Agency to take over the ICONet.<sup>54</sup> The promotion of the use of ICONet by ILOs is also included in the amendment of the ILO Regulation which came into force on 16 June 2011. Following the dissolution of CIREFI, Frontex took over the collection of relevant data related to irregular immigration. Through its Risk Analysis Network (FRAN), the Agency ensures the regular collection, analysis and dissemination of relevant information (e.g. number of refusals at the external borders, apprehension and return of irregular immigrants) with a

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<sup>53</sup> See also *Section VI*

<sup>54</sup> Council Decision 2005/267/EC of 16 March 2005

view to facilitating better situational awareness by the competent national authorities.<sup>55</sup> Furthermore, Frontex organised two 'tactical meetings' aimed at facilitating topical discussions on various matters related to irregular immigration which constitute a common concern for the Member States. Frontex was also involved in the training of border guards (see also *Section II.4.6*).

At national level, Member States described a variety of actions taken to collect and exchange information on migratory routes involving smuggled, trafficked or otherwise irregular migrants and on trends and risks in (irregular) migratory flows. Most Member States and NO commented on the usefulness of information exchange with / through international organisations and agencies. This concerned cooperation with Frontex (with explicit mentions made by BE, CZ, DE, EE, FR, CY, LV, LT, PL, PT, FI, SE, SI, UK and NO), e.g. through Frontex's FRAN (BE, EE, PL, SK) and ICONet (PL, PT); Europol (DE, EL, FR, CY, LT, AT, SE, SI, SK, UK); Interpol (EL, FR, LT, SE, SK); and the Intergovernmental Consultation on Migration, Asylum and Refugees (NO). The NL, together with FR, IT and UK, launched the third stage of the MTM i-Map project which will involve participation from Europol, Frontex, IFAD (International Fund for Agricultural Development), Interpol, IOM, UNHCR, and UNODC (United Nations Office on Drugs and Crime). At the 2011 meeting of the G8, FR proposed that members adopt a standard definition for the common analysis of irregular immigration. NL implemented the proposals of the Committee on Operational Cooperation on Internal Security (COSI) in relation to general aviation and pleasure boating, which have the aim of improving information exchanges, cooperation and possibly, joint border controls.

Several Member States (IE, EL, LV, HU, AT, PL, SK, UK) cooperated bilaterally to improve their knowledge of migratory routes and flows. AT and HU (in conjunction with Europol) launched common analysis of smuggling routes through the Balkans and identified three main routes: through Turkey to EL via land; through EL to IT via sea; and through the former Yugoslav Republic of Macedonia, Serbia and HU to AT. As a result of the research, AT and HU have increased operational cooperation in this area. PL also exchanged information with HU. IE's Garda (Police) and the UK's Serious Organised Crime Agency (SOCA) further negotiated a planned a Memorandum of Understanding which would support the detection, prevention and investigation of human trafficking and other crimes. The Baltic Sea Region countries (EE, LV, LT, SE, FI) cooperate multilaterally on a regular basis in relation to (irregular) migration, e.g. through the "Task Force on Organized Crime" project. FI reported that it increased its information-exchange activities with other Baltic States. SE cooperated with other Nordic countries. SK reported on the use of the Daily Statistics Reports (DSR) and Monthly Statistics Reports (MSR) with HU, PL, and Ukraine.

Some Member States (BE, DE, LT, PL, FI) reported on information exchange between different national departments and agencies in relation to irregular migration routes, trends and risks. BE launched a number of meetings of the inter-departmental Forum for Information Exchange and Consultation with Regard to Irregular Immigration which brings together the Immigration Office, Foreign Affairs and the Commissioner General for Refugees and Stateless Persons, as well as the Social Inspection Services and the Federal Police with a view to elaborating preventive and operational measures. In FI, the LAMA working group led by the National Police Board and involving a number of relevant ministries and agencies met to discuss monitoring data on illegal entry and to recommend action. In LT, the permanent working group composed of representatives from Police, Customs, State Border Guard Service and Financial Crime Investigation Service prepared an assessment on irregular migration and smuggling of persons. In DE, the Joint Centre

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<sup>55</sup> See [http://www.frontex.europa.eu/situation\\_at\\_the\\_external\\_border/art28.html](http://www.frontex.europa.eu/situation_at_the_external_border/art28.html) for example of such an assessment.

for Illegal Migration Analysis and Policy (GASIM) makes use of an intensive exchange of information between a number of different authorities.

Several Member States (BE, CZ, DE, EL, ES, LV, LT, PL, PT, UK) and NO reported on the role of specific governmental research departments. In CZ, the Risk Analysis Department of the Alien Police Service produces reports based on data from a number of sources and disseminated to relevant institutions, regional police directorates and police departments, with a view to coming up with a practical response. CZ also has an Analytical Centre for Border Protection and Migration, an interdepartmental body functioning under the auspices of the Ministry of the Interior which collects information and statistical data, produces reports and strategic documents and proposes practical measures as well as legislative changes. ES has two different agencies monitoring information on irregular migration routes via land and via sea respectively and EL established an Operational Centre in September 2011 within the Aliens Directorate of the Hellenic Police headquarters to coordinate cooperation against irregular migration and enhance situational awareness at the external land, sea and air borders. EL also plans to establish a national co-ordination centre in the near future as an interdisciplinary executive agency of the Ministry of Citizen Protection. LV's State Border Guard analytical division summarises information data collected nationally and from Frontex in order to produce "tactical warnings" and monthly analytical reports on trends and the methods employed by criminal networks to smuggle and trafficking humans into the country. PL's Border Guard developed and made use of a Common Integrated Risk Analysis Model (CIRAM) for preventing irregular migration. PT's SEF constituted a Risk Analysis Unit (RAU), which analyses information related to migratory phenomena and trafficking in human beings at borders, along with information communicated by the ILOs and the intelligence services of third countries, by Police and Customs Cooperation Centres and the results of inspections conducted in the national territory and all the information obtained at border posts.

FR, NL and SK reported on cooperation with third countries in relation to developing information on migratory routes or flows. FR's Strategic Analysis Unit of the Border Police conducted five exploratory missions - to Egypt, Kosovo, Algeria, Ukraine, Bosnia and Herzegovina - aimed at further understanding irregular migratory flows from these countries. NL implemented the Silk Route Project, which is aimed at promoting post-crisis development in specific countries, and facilitated dialogue with participating third countries in relation to irregular migration. SK implemented the EU-funded Building of Migration Partnership (BMP) project, which focuses on the link between development and migration in Eastern and South-Eastern EU neighbouring countries. SK also cooperated with Moldova in a project aimed at enhancing Moldova's capacity to prevent irregular migration.

Some Member States (EL, FR, CY, PL, PT, UK) reported specifically on how they make use of information provided through their network of liaison officers. For example, in FR, the Border Police monitors operation of the network of liaison offices and security advisers, and draws up monthly activity reports.

Some Member States (EE, MT, FI, SK) and NO collected qualitative information on migratory routes and inflows. EE reported that it interviews all detected irregular migrants (both overstayers and those entering illegally) about their migratory route and whether or not they used a 'facilitator'. Similarly, NO's Police Immigration Service collects information from persons applying for asylum on their migration routes, modes of transportation, assistance from smugglers, use of travel and identity documents, etc. The FI National Police Board consults with a network of experts on illegal entry, informing decision-making on measures taken at local level and staff training needs and SK utilises information collected from informers and information held in criminal files.

Also, in relation to the development of information on irregular migration routes and flows, IT reported that, in light of continuing developments in North Africa it paid special “priority attention” to the analysis of migratory flows from Libya and Tunisia. Similarly, CY reported that it had gathered information and intelligence regarding the routes and *modus operandi* followed by irregular migrants or by members of smuggling or human trafficking networks, following the Arab Spring. NL proposed an EU ‘Swift Action Teams’ (SAT) pilot project to prevent possibly irregular migrants from travelling by plane to the EU.

Most Member States (BE, BG, CZ, DK, IE, EL, ES, EE, FR, IT, CY, LV, LT, MT, NL, AT, PT, SI, SK, FI, SE, UK) and NO reported that they had implemented training. IT, AT specifically reported that this represented an increase from previous years. In DK, peer-to-peer training was carried out by the Danish National Police to improve capacity to carry out targeted training of police employees in the Danish Police Districts, to upgrade their skills to address issues of illegal stay. EL reported that they completed the creation of a ‘trainers’ pool’. BE, EE and LV carried out training aimed at improving official’s skills in interacting with (irregular) migrants, refugees, and returnees. EE implemented three projects – one of these “Raising the capability of officials dealing with returnees returning to third countries” looked at the cultural differences and psychological behaviour of migrants and at best practise.

In relation to detecting and preventing irregular migration, four Member States (CZ, LT, SK, SE) trained officials, such as consular staff, Immigration Liaison Officers (ILOs), border guards and customs officials, on how to detect forged or false documents. In NL, labour inspectors received training in how to recognise the signs of potential labour exploitation. Some Member States (EL, CY, MT, SK) were supported in their training activities by Frontex. In SK, Frontex trained border police in statistical methods of risk analysis and languages (e.g. English). ES organised courses on irregular migration for senior police officers from Morocco, Mali, Guinea, Nigeria, the Gambia and Ghana provided by the Spanish National Police.

In relation to human trafficking, IE delivered a training course on "Tackling Trafficking in Human Beings: Prevention, Protection and Prosecution" to 90 members of the national police as well as members of police forces from HU, RO and UK. IE also delivered awareness raising training on human trafficking to 3 196 trainee police officers; 42 members of Irish Garda Reserve (police), 96 Immigration Officers; 192 Ethnic Liaison Officers and 80 Senior Investigating Officers. In CY, the Ministry of Foreign Affairs considered training its embassy/consular staff on the issue of human trafficking, especially its staff in countries which are considered countries of origin/transit of trafficked persons.

In addition, FI increased the number of basic courses in the area of migration at the Police Training College; SE began developing an interactive online training course on issues related to the Swedish Alien’s Act and relevant EU legislation for the Swedish Police, Customs and Coast Guard; and the UK Border Agency chaired the EU Working Group on Mobile ID devices for immigration and is developing a reference library of good practice guides and advice.<sup>56</sup>

Eight Member States (BE, CZ, IE, ES, IT, CY, LT, UK) reported on the development of equipment support in relation to combating irregular migration. Computer software was developed in BE - a central database concerning all aspects of return was implemented in order to streamline the national strategic approach on return. Two Member States (LT, UK) updated their hardware – e.g. with fingerprint readers and capture data and CZ equipped consular staff and ILOs with basic

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<sup>56</sup> Available at [www.e-mobidig.eu](http://www.e-mobidig.eu)

technical equipment (magnifying glass, UV lamp, etc). BE and ES supported third countries in their actions to prevent outward irregular migration by providing technical equipment: ES provided computer equipment for migration control to Mali, Guinea and the Gambia and BE sent hardware and information (e.g. electronic information on fingerprints to facilitate the identification of irregular migrants) to Morocco. IE and UK also agreed to strengthen their Common Travel Area (CTA) by enhancing electronic border systems with a view to combating abuse of the system.

With regard to future actions, ES plans in 2012 to deliver online training on border control (including the detection of false documents) for its National Police Force following a review. Similarly, SK are planning to carry out intensive training on the detection of false and forged travel documents, visas, ID cards, residence permits, motor vehicle documents, etc. for the national border police, to be held at least once a month. NO is planning to increase its staff at the Storskog border control post near to the Russian Federation in the North East of NO, following the signing of an agreement with the Russian Federation (signed 2010, but not yet in force). Also, further steps were taken to draft legislation on borders – this will be based on the conclusions of a White Paper (NOU 2009:20, "New Border Act: The police's border surveillance and entry and exit control") published in 2009. It is expected the Borders Act will be adopted in 2012-13.

### **III.1.2 Cooperating with (third) countries**

At EU level, important policy progresses were made under the Global Approach to Migration and Mobility and the Eastern Partnership<sup>57</sup> to improve the cooperation with third countries of origin and transit with the aim to control irregular migration. Remarkable developments were registered in relation to Southern Mediterranean countries and to Turkey. In relation with the former, the European Council in June 2011 adopted conclusions accepting the idea, proposed by the European Commission, to offer to Southern Mediterranean countries (first to Tunisia, Morocco and Egypt), tailor-made Dialogues on migration, mobility and security leading towards the establishment of Mobility Partnerships. In relation with the latter, the Justice and Home Affairs Council in February 2011 adopted conclusions approving the text of the readmission agreement negotiated by the European Commission with Turkish authorities, encouraging Turkish authorities to cooperate in the prevention of irregular migration and to fulfil the existing obligations on readmission, inviting the Member States to further approximate their modalities of implementation of the Visa Code towards Turkish visa applicants, and taking notice of the intention of the Commission to launch a Dialogue on visa, mobility and migration.

Priority also continued to be given to neighbouring countries, focussing on areas such as border management, document security, readmission and reintegration or trafficking in human beings. In this context, short-term technical assistance continued to be provided, mainly through the MIEUX facility<sup>58</sup> (with around 15 requests for assistance processed during 2011), while several other projects have been launched (in Libya, Central Asian Republics – Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan, and Cape Verde). Support has been provided to help third countries to manage mixed flows of irregular migrants and refugees/asylum seekers, notably through projects to support the development of Regional Protection Programmes in Eastern Europe (Belarus, Moldova and Ukraine), Northeast Africa (Egypt, Libya and Tunisia), Great Lakes Region (Tanzania) and Horn of Africa (Djibouti, Kenya and Yemen).

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<sup>57</sup> COM(2011) 564 final

<sup>58</sup> <http://www.icmpd.org/MIEUX.1672.0.html>

At national level, several Member States (IE, ES, HU, IT, LV, LU, AT, PL, SE and UK) and NO referred to specific co-operation with countries of origin and / or countries of transit to deter or prevent irregular migration. AT cooperated with both HU and Serbia in combating human smuggling, and with Moldova and Bosnia Herzegovina, on the issue of irregular migration. AT also took part in the Convention on Police Cooperation in Southeast Europe. In October 2011, the AT, HU and Serbian Ministries of Interior signed a trilateral Joint Declaration on joint actions and cooperation measures.

ES developed an Agreement with the Republic of Cameroon in combating criminality in relation to terrorism, organised crime and irregular migration. IT holds an agreement with Tunisia to fight against irregular migration, which commits the Tunisian Police Authorities to intensify controls on departures, and to accept direct readmission of Tunisians arriving irregularly in IT. LT has a re-admission agreement with Kazakhstan and coordinates agreements with Serbia and Georgia on criminality which includes prevention of irregular migration and human trafficking. LU concluded its CAMPO<sup>59</sup> project in 2011, which promoted and encouraged legal mobility between Cape Verde and the EU by providing information on legal migration channels. The project also facilitated reintegration of returning emigrants into the Cape Verdean labour market. PL refers to a number of concrete bilateral projects set up to reduce irregular migration to and through its territory. These include capacity building projects with Moldova and Georgia, and support to the reintegration of migrants returning to Georgia. SE and NO highlighted policies in relation to liaison officers; for example, a NO liaison officer in Bangkok takes part in Immigration and Customs Enforcement (ICE), working with Thai and international partners to prevent irregular migration, trafficking and smuggling.

Many Member States (BE, CZ, IE, EE, HU, LV, NL, AT, PL, PT, SK, FI, UK) identified specific concrete actions taken to pursue policies of cooperation with countries of origin and of transit in order to deter or prevent irregular migration. These included the further development of the 'Forum Salzburg' Group, launched in 2010, which resulted in the creation of the 'Police-Equal-Performance-Project' in relation to law enforcement cooperation in Southeast Europe (AT), and setting up visa processing offices in third countries (IE reported offices now in Abuja, Abu Dhabi, Beijing, London, Moscow and New Delhi). CZ, as one of the leading states of the Prague Process, actively promoted enhanced cooperation with EU neighbouring states on the East and South-East borders with regard to all migration relevant issues, in particular the fight against irregular migration. EE held regular meetings with the Russian Federation and Eastern Partnership countries. As part of the LV-Russian Agreement on cooperation in combating irregular migration, LV describes an exchange of experience between the LV State Border Guard and the Russian Federal Service in relation to Detention Centres in the Russian Federation (Pskov) and in LV (Daugavpils). Operation KORDON 2011 also resulted in co-operation between LV and the Pskov Oblast Board of the Russian Federal Border Guard Service. NL reported that the last stage of its capacity building project, 'Strengthening Institutional Capacity and Competence of the Bureau of Immigration and Naturalisation, Liberia' was completed. PL has reported cooperation activities between its Border Guard and Ukraine, both in the context of the EURO 2012 European Football Championship finals, and in the realisation of the readmission agreement between EU and Ukraine. The PL Border Control Office also met with experts from Vietnam in the context of a seminar on 'Strengthening the capacities of the Vietnamese immigration service in combating illegal migration', and held meetings with diplomatic representatives of third-countries lacking diplomatic representation in the territory of Poland (Burundi, Sierra Leone, Somalia, Guinea Bissau, Cameroon). Official

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<sup>59</sup> <http://www.campo.com.cv/>; CAMPO: for greater mobility of skills between Cape Verde and the EU, <http://www.africa-eu-partnership.org/fr/node/1846>

consultations were also prepared with diplomatic representatives of Afghanistan, Congo, Pakistan, Nigeria and Iraq.

CZ, DE, HU and PT explicitly referred to their participation, along with other Member States, in the Poznan Ministerial Conference "Building Migration Partnerships," within the scope of the Prague Process. PT gave several examples of concrete actions for cooperation with third countries, including the ITINERIS Project, providing protection against the exploitation of the rights of migrants from Brazil to EU Member States, and promoted by means of a partnership between PT, ES, Brazil and ICMPD and focuses on protecting rights of migrant workers against human trafficking and exploitation. PT also seconded a staff member for a period of 18 months in Mozambique to manage the project "Capacity building for border management" which aims to combat irregular migration along border between Tanzania, Mozambique, Malawi and Zambia. FI continued to participate in a border security training project in Kazakhstan in Central Asia, and has launched a twinning project in Turkey.

SK undertook operative and inspection visits to selected foreign missions, including India and Pakistan, to allow a direct exchange of information with regard to the analysis of the risk of irregular migration. UK outlined a range of concrete actions in relation to partnership working with countries of origin, including China (a capacity building project, helping provincial Chinese authorities with migration flow, risk profiling, and document fraud detection). In relation to partnership working with countries of transit, UK undertook concrete actions in Turkey (in relation to training and capacity building on border control, document fraud detection, the development of reception and detention centres and best practice in countering "nationality shopping"; which will be intensified in 2012); and in the Ukraine (sharing expertise on border management issues, with a particular emphasis on preparations for the Olympics Games in 2012, which resulted in signing of a declaration of intention to cooperate on border and migration management). UK also referred to its active participation in the Budapest Process, and in the IGC Workshop on Protection in the Region, focussing on the protracted refugee situation in the Horn of Africa. Within the framework of Budapest Forum, HU has reported that it leads the initiative providing assistance to the preparations of the Western Balkans to EU integration in the field of Justice and Home Affairs.

In relation to future cooperation activities to deter or prevent irregular migration, CZ highlighted its intention to launch a pilot project in 2012, focussing on the exchange of analytical methods for detecting irregular migration channels and exchanging best practices on combating organised crime networks involved in smuggling of migrants and trafficking in human beings. The project will promote the development of Integrated Border Management model and facilitate the implementation of international standards regarding the security of travel documents, visas and other relevant documents. PL and SE will implement a twinning project to support the Armenian State Migration Service in strengthening migration management.

### **III.1.3 Readmission Agreements**

At EU level, the Commission published a comprehensive evaluation of the EU readmission policy<sup>60</sup> with 15 recommendations for further improvement. Amongst other measures, the Commission underlined the necessity of introducing provisions that commit to respecting fundamental rights, especially in consideration of third countries which are not party to the relevant international conventions. In case of persistent human rights violations in a third country, the Commission would be in favour of a possibility of suspending the agreement. Also, the Commission announced its

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<sup>60</sup> COM(2011) 76 final

intention of launching a pilot project aimed at monitoring the wellbeing of persons after they have been readmitted to a third country, with a view to establishing a so called “post-return monitoring mechanism.” The evaluation was followed by the Council conclusions adopted in June 2011 defining the EU strategy on readmission.<sup>61</sup>

The EU agreement with Georgia entered into force on 1 March 2011. Negotiations on readmission agreements with Turkey and Cape Verde were finalised at the level of negotiators. For Turkey the outcome was endorsed by the Council; for Cape Verde consultations with the Member States were also accomplished. Three mandates to negotiate readmission agreements with Belarus, Armenia and Azerbaijan were adopted by the Council following the respective Commission proposals.

The Commission continued its consultations with the Member States on the EU readmission negotiations and agreements. In its task to monitor the application of the EU readmission agreements in force, the Commission co-organised numerous meetings of Joint Readmission Committees (in particular with the Russian Federation, Ukraine, Moldova, Albania, Serbia, former Yugoslav Republic of Macedonia and Georgia). The proposal for a Regulation establishing an Asylum and Migration Fund<sup>62</sup> contains provisions proposing support for the cooperation with third countries on the implementation of readmission agreements, mobility partnerships and regional protection programmes. Based on the experience with the crisis in the Mediterranean, it also foresees an emergency assistance mechanism able to respond quickly to different aspects of migratory pressure in Member States and third countries.

At national level, Member States referred to EU readmission agreements, national protocols to implement these, and other bilateral agreements with third countries, which were concluded and/or entered into force. The entry into force, on 1<sup>st</sup> March 2011, of the EU’s readmission agreement with Georgia<sup>63</sup> was reported by CZ, EL and NL. As NO is not an EU Member State, it can only enter into bilateral readmission agreements with third countries. However, NO benefits from a clause in EU readmission agreements that encourages signatory countries to also conclude readmission agreements with Norway in the same terms. NO also maintains regular communication with the European Commission in relation to readmission agreements.

In order to make the EU readmission effective, the following Member States reported on signing implementing protocols with the following third countries: Bosnia and Herzegovina (AT), Montenegro (CZ), Moldova (CZ, MT), Russian Federation (CZ, EE, LU, HU, PL, AT) and Serbia (EE, AT, RO). Bilateral protocol agreements between Moldova and three Member States (LT, HU, MT) entered into force, as did the implementing protocol agreements between NL and the Russian Federation, MT and Albania, and HU and Albania and HU and Serbia. Some Member States (BE, CZ, LT, PL, PT, SK, FI) also negotiated EU implementing protocols with the following third countries: Bosnia and Herzegovina (BE, CZ, LT); Russian Federation (PT); Serbia (PT, SK); Ukraine (BE, CZ, PL); former Yugoslav Republic of Macedonia (LT) and Moldova (PL). Implementing protocol agreements are also being planned for beyond 2011 with Albania (CZ); Bosnia and Herzegovina (EL, ES, HU, SK); former Yugoslav Republic of Macedonia (EL, SK); Georgia (CZ, LT, HU, PL, SK); Montenegro (ES, SK); Moldova (EL, CY); Pakistan (EL), Russian Federation (EL, LT, FI); Serbia (EL, ES, CY, PL); and Ukraine (SK). Negotiations on implementing protocol between CZ and Serbia closed in September 2011.

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<sup>61</sup> 3096th Justice and Home Affairs Council, Luxembourg, 9 and 10 June 2011

<sup>62</sup> COM(2011) 751 final

<sup>63</sup> All EU Member States, except DK and IE, are signatories to this agreement.

Several Member States (BE, BG, CZ, EL, EE, IT, CY, LV, LU, PL, SK, FI, UK) and NO confirmed that readmission agreements add value – notably because they increase the efficiency of return policies (BG, CZ, LV, PL, NO), may incentivise migrants to return voluntarily (NO) or discourage persons to migrate irregularly to a Member State (EL) in cases where their country of origin has signed an agreement. BE, UK and NO reported that the readmission agreements are useful diplomatic tools that demonstrate cooperation between a Member State and a third country (BE, NO) and intensify cooperation on returns (UK) and LV noted the value of readmission agreements in enabling third countries to gather information on the number of nationals who have been forcibly returned from LV due to irregular stay. In relation to particular third countries, BE reported that it has found readmission agreements with Balkan countries particularly useful and EE commented on the importance of such agreements with the Russian Federation, Ukraine, Georgia and Moldova. CY noted the usefulness of EU readmission agreements in encouraging the cooperation and collaboration of third countries that are reluctant to negotiate such agreements on a bilateral level – particularly for smaller Member States that have a limited negotiating capacity.

ES and AT commented, however, that, while theoretically readmission agreements speed up requests to third countries and access to documentation, the quality and speed of readmissions depend on implementation - i.e. on the willingness of the country of destination to cooperate. Similarly, PT described constraints related to readmission agreements. It stated that the process for implementing some bilateral agreements can be overly long and inefficient.

In addition to EU readmission agreements, several Member States (BE, CZ, IT, LV, LT, LU, NL, AT, RO, SE, FI) and NO signed bilateral readmission agreements with the following third countries: Belarus (CZ); Kosovo (BE, CZ, LU, HU, NL, AT, FI, SI, SE, NO); Kazakhstan (LV, LT); Tanzania and Ukraine (NO); and a bilateral agreement with Switzerland and Armenia entered into force in CZ. SK concluded bilateral agreements with Switzerland and Vietnam. LT drafted texts for readmission agreements with Kosovo. AT's agreement with Kosovo was aimed at supporting assessment of citizenship and return; facilitating transit and transfer modalities; and the possible issuance of travel documents/substitutes. BE negotiated and CZ planned bilateral readmission agreements with Kazakhstan. IT signed a bilateral agreement with Tunisia with the purpose of strengthening controls preventing new departures of irregular migrants, facilitating the rapid readmission of irregular migrants returning from IT and providing training support and resources. EL is in the process of negotiating bilateral agreements with Indonesia, Bangladesh, Kazakhstan, Iraq, Afghanistan and Nigeria and maintains its efforts for enhancing cooperation with Turkey in implementing the bilateral Greek-Turkish Readmission Protocol signed in 2002.

### III.1.4 Return

At EU level, infringements procedures (against BE, LT, SE, NL, PL) have been launched for non-communication of national measures transposing the Return Directive.<sup>64</sup> The Commission organised three Contact Committee meetings in which Member States were encouraged to enter alerts related to entry bans in the Schengen Information System (SIS) in order to give full effect to the European dimension of entry bans issued in accordance with the Return Directive. Three comparative studies relating to the *situation of minors in return procedures*<sup>65</sup>, to *forced return*

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<sup>64</sup> Directive 2008/115/EC of 16 December 2008. As of 17 April 2012, Full transposition was notified by AT, BE, BG, CZ, DK, EE, FI, FR, EL, HU, LU, MT, PT, RO, SI, SK, ES, IT, LV, CY, DE, NL plus Liechtenstein, Norway and Switzerland; Partial transposition by LT; and no transposition so far by PL and Iceland. DK, IE and UK did not participate in the adoption of this Directive.

<sup>65</sup> <http://www.ecre.org/component/content/article/63-projects/261-return-of-children.html>

*monitoring*<sup>66</sup> and on *reintegration of returnees* were finalised. Two comparative studies on the *correct transposition of the Return Directive by Member States* and on the *situation of non-removable returnees* were launched.

The ECJ delivered two judgements<sup>67</sup> in which it clarified the extent to which national law provisions criminalising irregular stay are compatible with the Return Directive. The Court found that these rules preclude national law from imposing a prison term on an irregularly staying third-country national who does not comply with an order to leave the national territory or during the return procedure. However, the Court specified that such prison sentences could be applied to third-country nationals to whom the return procedure has been applied and staying irregularly with no justified grounds for non-return.

The Commission has encouraged Member States to make consistent use of the European Return Fund encouraging innovative measures for voluntary return or departure, which has become the preferred option of return, in line with the Return Directive. Those measures are eligible for co-funding up to 75% under the priority 3 of the Strategic Guidelines for the European Return Fund. Under the national Return Fund Annual Programmes, more than half of the total funds programmed (excluding technical assistance) are related to voluntary return. The European Return Fund, under its strategic priority to support specific innovative tools for return management, also supports actions and modes of cooperation with consular and/or immigration services, including projects which test new working methods to speed up the process of documenting returnees in cooperation with the consular authorities and immigration services of third countries. Looking to the future, the aforementioned proposal for a Regulation establishing an Asylum and Migration Fund would further support fair and effective return management with emphasis on voluntary return, promote a more strategic focus on EU standards through implementation of actions linked to the requirements of the EU *acquis* on return and through co-operation with other Member States.

Table 5 in the Statistical Annex provides a provisional overview of the number of third-country nationals ordered to leave and returned, with some data also on the breakdown between forced and voluntary returns. Of the data available, most forced return measures were implemented by FR (12 990), IT (12 180, first semester 2011) and EL (11 535). The number of third-country nationals returned through an Assisted Voluntary Return Programme were highest in ES (6 770) and BE (3 255).

At national level, nine Member States (DE, EL, FR, LV, LT, LU, NL, AT, SK) reported that they had completed the transposition of the Return Directive. Following transposition, LV began to enter information on expulsions into the Schengen Information System (SIS) and in reports to Frontex. DK, which did not take part in the adoption of the Return Directive, reported that they had incorporated EU legislation on reciprocal recognition of decisions on return into their legislation.

Some Member States (EE, EL, ES, IT, SK) provided information on the mutual recognition of removal orders and of refusal of entry alerts into the SIS. BE entered into an agreement with FR in relation to the provisions of Council Directive 2001/40/EC (on mutual recognition of expulsion decisions) for Algerian and Vietnamese citizens. IT entered an alert in the SIS in respect of third-country nationals removed and EE entered 222 refusal of entry alerts based upon entry bans into SIS. ES provided statistics for 2010: 900 persons were refused entry following a refusal of entry alert received via the SIS database. In NL, as the Returns Directive was only transposed in

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<sup>66</sup> [http://ec.europa.eu/homeaffairs/doc\\_centre/immigration/docs/studies/Forced%20Return%20Monitoring%20Study%20Final%20Report.pdf](http://ec.europa.eu/homeaffairs/doc_centre/immigration/docs/studies/Forced%20Return%20Monitoring%20Study%20Final%20Report.pdf)

<sup>67</sup> Cases C 61-11 and C 329-11

December 2011, return decisions earlier in 2011 were issued without entry bans and were not always recognised by other Member States. CY does not apply the provisions of the Schengen acquis with regards to the SIS. However, where information regarding an expulsion decision is received, the details of the person involved are inserted into the 'stop list' database, which is the national database equivalent to SIS.

EL, IT and MT benefited from return support in relation to specific and disproportionate pressures in order to ensure the effectiveness of their return policies and were supported in eight expulsion flights by other Member States. For instance, ES, EE, FR, UK and NO supported EL in implementing effective return actions. ES, EE and UK participated in the Frontex ATTICA project in EL (EE contributed 133 days); FR participated, amongst other operations and along with other Member States, in the Frontex RABIT operation (see also *Section II.4.2*) in which 36 experts of their Border Police participated; NO signed a cooperation agreement with EL in November 2011 which would involve (amongst other actions) NO funded IOM voluntary returns programmes in EL; and ES participated in an inter-governmental peer review mission to EL to support border control. UK also provided support to MT on plans to facilitate diplomatic relations and agreements on returns with countries where MT has a lack of representation and ES participated in the HERMES operation to assist IT in its returns. DE and PL also reported on their participation in Frontex operations to support Member States facing disproportionate pressures.

Many Member States (BE, CZ, DK, DE, IE, EL, FR, IT, CY, HU, NL, AT, PL, RO, SI, SK, FI, SE, UK) and NO reported that they participated in joint return flights. Several of these (BE, DK, IE, ES, FR, IT, AT, SK, FI, SE, UK) described participation in joint flights organised through Frontex and/or reported (BE, DK, IT, NL, AT, RO, SK, FI, SE, UK) on joint flights organised with other Member States bilaterally. SK reported on a joint return flight organised by ES to Pakistan, where the air company of the previous connecting flight refused entry to both the returnee and the escort police, and in a joint return flight to Serbia organised by DE, where the third-country national concerned was transported to the airport of the country of return (Kosovo), but denied entry by police authorities at the airport on arrival (Pristina), because Kosovo did not accept the emergency travel document issued by the Embassy of the Republic of Serbia. DK participated in joint return operations with other Nordic countries, typically in collaboration with Norway and Sweden, where a total of 7 joint operations were completed, all to Iraq, and led by SE, with some 30 individuals removed from Denmark.

Six Member States (BE, IE, ES, NL, SE, UK) reported that they led joint flights: BE organised one to Kinshasa/DRC and Lagos/Nigeria; ES organised a flight to Georgia, a flight to the Ukraine, and two flights with stopover in both countries; NL organised three and took part in four organised by other Member States; and UK led on a Frontex return joint operation to Nigeria. The flight successfully removed 51 people with no right of stay in UK and a total of 61 people with no right of stay in AT, FR, ES, HU and NO. SE organised three joint return operations financed by Frontex, as well as ten independent joint return operations. UK also reported that it participated in meetings of the Frontex Core Country Group and Direct Contact Points in Return Matters to evaluate recent return operations and define needs for the future.

Seven Member States (BE, IE, EL, LT, NL, AT, UK) described other forms of cooperation with other Member States. For example, BE signed bilateral cooperation agreements with DE, FR, LU, NL and Switzerland and AT organised four bilateral return operations with PL in 2011. EL readmitted irregular migrants who had transited through the country on the basis of the existing bilateral readmission agreements with FR and IT. A number of projects were also ongoing involving bilateral cooperation between Member States: BE and NL continued to collaborate through the 'European Initiative on Return Management' (EURINT) by elaborating a common

approach to identifying irregular migrants from specific countries of origin (Nepal, Azerbaijan, Armenia and Pakistan); IE and UK participated in Operation Gull, which facilitates the checking of passenger status of third-country nationals travelling between the UK and Ireland via Northern Ireland; and the national border guard service of LT cooperated with those of NL within the framework of Council Directive 2003/110/EC (on assistance in cases of transit for the purposes of removal by air) to remove 39 third-country nationals via Riga (LV) and one via Schiphol (NL) airports.

FI outlined the aim to draft a comprehensive return policy that would take into account the role of Frontex in relation to organising joint return operations, as a key objective in the Ministry of the Interior's financial plan for 2011-2014. HU supported the development of an annex to the Handbook on the Schengen Borders Code: "Transit by land of returnees" (Annex 39).

LV adopted legislation to transpose Directive 2003/110/EC and Council Decision 2004/573/EC (on the organisation of joint flights for removals). Because of this, to date, it has only participated in joint flights as an observer in order to acquire experience in organising joint flights.

Some Member States (BE, CZ, IT, NL, FI) introduced policy or legislation in relation to assisted voluntary return (AVR) in 2011. BE's new Federal government (sworn in on 6 December 2011) outlined its intention to prioritise voluntary return in its coalition agreement. FI continued to develop AVR through a specific project running 2010-2012, which aims *inter alia* to develop and consolidate assisted voluntary return practices and policies. IT introduced new legislation to regulate implementation of Assisted Return programmes providing logistical and financial support for eligible returnees. NL planned a new subsidy framework that will apply to NGOs and international organisations that provide in-kind assistance for sustainable return and reintegration to asylum applicants or former asylum applicants and CZ put forward plans to build a national Return Centre responsible for the AVR agenda. By contrast, FR introduced assisted return without financial aid in 2011 for third-country nationals classed as destitute or dangerous, who have been present in mainland France for less than three months.

Most Member States (BE, CZ, DK, IE, EE, EL, ES, FR, IT, LV, LT, LU, HU, MT, NL, AT, PL, PT, RO, SI, SK, FI, SE, UK) and NO implemented AVR projects - some (CZ, EL, EE, IT, LU, MT, AT, RO, SK, FI) explicitly stated that this was through the support of the EU's European Return Fund. AT implemented nine voluntary return projects (through the Return Fund): four of these provided counselling for returnees (including those in detention) and their families; three projects specifically coordinating return and reintegration assistance for voluntary returnees to Nigeria, Georgia and Russian Federation/Chechen Republic; one project provided reintegration support in the form of micro-credits in Kosovo; and one pilot project supported the development of organisations to support the voluntary return of female victims of trafficking in human beings. In MT, the project 'RESTART II' provided reintegration packages of up to €2 600 and training to assist in the setting up of economic activity at the returning country. A new project - RESTART III - is planned for January 2012. It is expected to fund up to 100 applicants and to provide vocational training to returnees including through agencies such as the Employment and Training Corporation and the Malta College of Arts, Sciences and Technology. CY reported that it is planning to establish an office of IOM to assist with assisted return in the future.

The European Return Fund also supported the Italian Networking for the Assisted Voluntary Return (NIRVA) Network Project. The network provides several services, such as organising the return journey and starting the reintegration process in the social and labour network in the country of origin. The EU also financed the IOM project "Creation of the Voluntary Return European Network (VREN)" with the participation of 15 EU Member States and Switzerland. SE launched the

European Return Platform for Unaccompanied Minors (ERPUM) with NL, NO and UK, which aimed, amongst other goals, at developing models for a humane and organised return for unaccompanied children. SE also participated in Common Planning and Evaluation Platform with BE, NL, DE and FR in to find common reintegration projects in which Member States can cooperate and share the costs.

DK, EE, NL, PL and NO reported on other incentive systems to assist voluntary return. DK implemented two projects to promote assisted voluntary return for specific groups, 'Assisted voluntary return for Victims of Trafficking, Unaccompanied minors and other Vulnerable Groups' and a pilot project 'Tracing of Unaccompanied Minors' Families in Country of Origin.' EE implemented the *Voluntary Assisted Return* and Reintegration in Estonia (VARRE) project with the IOM, seven returnees participated in the project. NL's Repatriation and Departure Service launched four programmes for post-arrival assistance for migrants returning to Afghanistan, Azerbaijan, Burundi, and Sierra Leone and IOM in NL launched the project 'Assisted Voluntary Return for Families with underage Children'. PL undertook other projects that are not aimed at organising voluntary returns, but on improving the cooperation between countries, e.g. in organising charter flights, confirming the identity of citizens and issuing substitute travel documents. Additionally, a number of seminars were conducted for various stakeholders, such as local authorities, non-governmental organisations, Border Guard and Office for Foreigners, in order to present the Assisted Voluntary Returns programme, in particular the scope of assistance provided to returnees, and to share experience and work out ways of enhancing collaboration in providing interested migrants with return and reintegration assistance. NO's Directorate of Immigration (UDI) launched a programme for vocational training for failed asylum applicants to improve their prospects upon return.

### III.1.5 Employer Sanctions

At EU level, the Employer Sanctions Directive<sup>68</sup> is a new tool to hold employers of irregularly-staying migrants accountable. Transposition by Member States into national legislation should have occurred by 20 July 2011. Only some Member States have done so and the Commission has launched (against BE, IT, LU, SE) a first set of infringement procedures for non-communication of national measures transposing Directive 2009/52/EC<sup>69</sup> providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals.

At national level, some Member States (BE, CZ, FR) described existing national legislation regulating sanctions on persons employing migrants illegally. Several Member States (CZ, DE, EE, FR, IT, LV, HU, MT, NL, AT, SI, SK) transposed the Employers Sanctions Directive. In seven Member States (DE, EE, LV, HU, NL, AT, SK) the legislation was transposed via amendments to existing legislation. For example, EE transposed the Directive through amendments to the Aliens Act, Code of Criminal Procedure as well as Individual Labour Dispute Resolution Act, whilst AT introduced amendments to its Aliens' Employment Act. For LV, four pieces of legislation - relating to labour, administrative violations and criminal law - were amended. In the remainder of the transposing Member States, the provisions of the Directive were brought in through new legislation. A few Member States (FI, LT, SE) are currently in the process of drafting legislation to transpose the Employer Sanctions Directive. A few Member States (EL, CY, PL, PT) are awaiting adoption of draft legislation to transpose the Directive. EL has finalised the draft legislation transposing the Directive though it is not yet adopted. In the meantime, Law 3996/2011 "Reform of the Labour

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<sup>68</sup> Directive 2009/52/EC of 18 June 2009

<sup>69</sup> Directive 2009/52/EC of 18 June 2009

Inspectorate” was adopted, which aims to increase the effectiveness of the Labour Inspectorate in combating *inter alia* employment of irregular migrants. CY’s Council of Ministers approved its draft legislation in October 2011 and the bill is currently being discussed at the House of Representatives; PT presented its draft legislation to the parliament on 10 March 2011 – the process of parliamentary approval has now begun and it is expected that the law will be adopted in 2012; and in PL the draft act is expected to become legally binding in early 2012. In LU the Directive has not yet been transposed and up to the end of 2011 no draft legislation had been presented to the Council of Government.

DK, IE and UK have not ‘opted in’ to the Employer Sanctions Directive. For DK, national legislation does, however, contain rules on sanctions against employers hiring irregular migrants. Control operations are carried out in workplaces to ensure compliance, by the Danish police, together with other relevant authorities, including the immigration authorities. In IE the National Employment Rights Authority has the responsibility of ensuring compliance with employment rights legislation and for investigating alleged breaches of employment law (including employment of irregular migrants). In the UK, through its “Civil Penalties regime” an employer who knowingly employs a third-country national working in breach of their conditions of stay / entry can face criminal prosecution. Naturally, NO is also not a signatory to the Employer Sanctions Directive. Its Labour Inspection Authority of Norway is responsible for examining the conditions of remuneration, working conditions and health and safety of migrants and for reporting suspected violations to the Directorate of Immigration and/or the police.

Four Member States (ES, EE, PT, UK) provided information on sanctions that had been imposed. In ES, the national Security and Police Forces responded to 18 cases of human trafficking for the purposes of labour exploitation and arrested and charged 37 people for exploitation between January and September 2011. EE reported that the number of recorded cases of employment of irregular migrants decreased in 2011 to 88 from 141 in 2010 - it cites the main reason as regular inspections by the Police and Border Guards and the deterrent of sanctions. In PT, as part of its strategy to combat employment of irregular migrants, 552 administrative offences were filed in 2011 (to end September). In the UK, through its civil penalty regime, the UK Border Agency collected over £3.2million (approx. €3.8M) in penalty payments in 2011. Over 6 500 civil penalties have been issued to employers since the “Civil Penalties regime” started in February 2008 to the end of September 2011.

Some Member States (CZ, ES, EE, FR, LU, SK, UK) provided information on the types of penalties which can be issued to employers breaching the conditions of employment of migrants, and which are in alignment with those outlined in Articles 5-7 of the Employer Sanctions Directive. In addition, SK publishes lists of employers who have been identified by labour inspectors as contracting illegal work / employment on the website of the National Labour Inspectorate. This list serves other ministries involved in tax and insurance payment collection, as well as for reviewing applications for subsidy and recovery of subsidies already paid.

In CZ, the maximum fine for employers breaching legislation regulating the employment of migrant workers doubled to 10 million CZK (approx. 400 000 €); a minimum fine of 250 000 CZK (approx. 10 000 €) was also established. In ES employers hiring workers whose permits do not allow them to work may receive fines of up to €500 for each worker; the hiring of workers with no residence permit (i.e. illegally staying migrants) is punishable with a fine of between €10 000 and €100 000 per worker. In SK, the minimum fine that can be imposed is €2 000 and the maximum is €200 000; there is also a fine for illegal work, which is up to €331. In the UK, civil penalties of up to £10 000 (€12 000) can be imposed on persons employing irregular migrants.

### III.1.6 Regularisations

At EU level, there is no competence for regularisations, although Member States, when adopting the European Pact on Immigration and Asylum, agreed to use only case-by-case regularisation, rather than generalised regularisation, under national law, for humanitarian or economic reasons.

At national level, no Member State undertook generalised regularisations and three (BE, AT, UK) explicitly stipulated that they did not carry out such generalised regularisations. However, eight Member States (AT, BE, FR, CY, HU, LT, PT, UK) plus NO did undertake case-by-case regularisations, whilst DK, DE, EE and FI did not do any kind of regularisation (generalised nor case-by-case) and they have no legislation in place to allow for it.

Table 6 in the Statistical Annex gives a provisional overview of the number of third-country nationals regularised in some Member States. By decreasing order, the highest number of regularisations were made by IT (22 500), BE (9 300), FR (7 205) and PT (6 835).

IT, by regularising the last 22 500 domestic workers, finalised a process started in 2009 when a targeted case-by-case regularisation was launched. Through this measure, the government allowed employers illegally hiring national, EU and third-country national workers to regularise their position. In EL, case-by-case regularisation is granted, in exceptional circumstances only, to those third-country nationals who demonstrate special ties with Greece unless there are public order considerations. In FR, case-by-case regularisations can be undertaken for humanitarian reasons, integration reasons or economic reasons. LV also takes into consideration the personal, social and economic link of an individual with the country of residence, as well as the rights and legal interests of the third-country national and national legislation. In CY and HU regularisations are undertaken for humanitarian reasons or – in the case of CY - where a removal cannot be executed within six months (in this case the irregular migrant is given a special residence and employment permit for a set period of time and under certain conditions). PL plans to undertake a regularisation programme for those third-country nationals who have been living (irregularly) in PL since 20 December 2007 or before; or who have been living (irregularly) in PL since 1 January 2010 and who prior to that date were granted a final decision on refusal to award the refugee status along with a removal order. Applications will be assessed on a case-by-case basis. In the UK case-by-case regularisation is only ever considered where there are exceptional compassionate circumstances.

### III.2 Actions against Trafficking in Human Beings

At EU level, a new Directive on preventing and combating trafficking in human beings was adopted<sup>70</sup> and the EU Anti-Trafficking Coordinator took up her mandate in March 2011. A new Integrated Strategy on countering trafficking in human beings, scheduled for May 2012, will provide for an overall strategic policy orientation, improve coordination and coherence between different relevant stakeholders, and elaborate existing and new EU policies relevant to human trafficking while focusing on implementation failures and new tendencies in human trafficking. A new group of 15 experts in trafficking in human beings was appointed on 17 November 2011 in order to provide the Commission with expertise related to trafficking in human beings. The first meeting of the newly set up Commission Inter-Service Group took place in December 2011: it brings together 17 different Commission services to ensure that EU policy on trafficking in human beings draws on the entire range of relevant policy fields.

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<sup>70</sup> Directive 2011/36/EU of 5 April 2011

At the 2011 Anti-Trafficking Day, seven JHA agencies<sup>71</sup> signed a joint statement on their future cooperation in the field.<sup>72</sup> The Commission (Home Affairs together with Eurostat), has started a data collection initiative on trafficking in human beings at EU level, whose result are expected in 2012. In 2011 another study on typologies of and policy responses to child begging in the EU has been launched (currently implemented by ICMPD). The anti-trafficking policy website continues to work as a 'one stop shop' for practitioners and the public interested in the problem of trafficking.<sup>73</sup> The EU Immigration Portal includes a section on 'Protecting the victims of trafficking' too.

Addressing trafficking is a priority for the EU in the field of fight against organised crime in the period 2011 – 2013. Eight strategic goals in this area have been adopted by the Standing Committee on Operational Cooperation on Internal Security (COSI). Draft operational actions in the area of fight against trafficking in human beings have been formulated and were adopted by COSI in December 2011. The first updated implementation report of the 2009 Action Oriented Paper (AOP) on strengthening the EU external dimension on combating trafficking in human beings was adopted by the JHA Council in June 2011. The report recommends developing a list of priority countries and regions for future partnerships in the area of human trafficking.

The Commission has also funded new projects targeting different aspects in the field of trafficking in human beings such as training of judiciary, data collection, prevention activities on trafficking for forced labour and a network for parliamentarians.

Table 7 provides key statistics on human trafficking. Of the data available, the highest numbers of third-country nationals receiving a residence permit as victims of human trafficking are to be found in IT (665) and NL (245). Other Member States, who could provide data, each issued less than 60 permits, with six (EE, LV, LT, HU, MT, FI) granting none. With regards to arrested traffickers, this was highest for FR (4 880), followed by EL (850) and EE (490). Data on convicted traffickers is available for seven Member States only, with the highest numbers of convictions reported by EE (55) and LT (10).

At national level, many Member States reported on action undertaken with countries of origin and transit to better inform communities and to combat human trafficking. In relation to awareness-raising campaigns, BE continued collaboration with the Brazilian authorities to raise awareness on human trafficking and smuggling. ES outlined a number of actions including awareness raising activities in third countries in its 'Master Plan for Spanish Co-operation 2009-12.' CY and PL published leaflets targeting victims of human trafficking in foreign languages, such as English, Russian, Vietnamese, Bulgarian Arabic, Russian, Romanian, and Spanish. The leaflets provide information on where victims can access support in the Member State. In CY, Stop Trafficking leaflets were distributed by an NGO at passport control areas of the CY airports. PT's Observatory for Trafficking in Human Beings created a website, as well as a database, along with a geo-reference platform to gather information about trafficking in human beings. The UK developed an animated film (entitled 'Mai and Tam Take Control') targeting Vietnamese migrants and demonstrating the risks posed by traffickers – the project was led by the International Child Protection Network (ICPN) through its UK Child Exploitation and Online Protection (CEOP) protection.

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<sup>71</sup> EIGE, EUROJUST, EUROPOL, FRA, CEPOL, Frontex and EASO

<sup>72</sup> <http://ec.europa.eu/anti-trafficking/entity.action?id=55a48066-dcf5-4e71-b191-cedcf0caa97a>

<sup>73</sup> <http://ec.europa.eu/anti-trafficking/>

LV (who considers its own citizens constitute also a community under threat) took action to protect its nationals from the risks of human trafficking, placing information on the risks of human trafficking (types of recruiters, on work abroad, on the consequences of trafficking in human beings and possibilities of help to the victims of human trafficking) on the web pages of the Ministry of Welfare, Ministry of Foreign Affairs, Ministry of the Interior and State Police and non-governmental websites. It also placed posters promoting the “Stop Sex Trade” campaign at all border crossing points. HU and PL also carried out actions to prevent the trafficking of their own nationals.

In relation to other forms of cooperation, four Member States (BE, IE, NL, AT) reported on cooperative action specifically with Nigeria. AT and BE participated in the 'Enhancing Multi-stakeholder cooperation to fight human trafficking in countries of origin and destination' project with Nigeria; IE began exploring options for a Memorandum of Understanding with the Nigerian National Agency for Prohibition of Trafficking in Persons (NAPTIP) to enhance cooperation in the combating of human trafficking; and NL also cooperated with the NAPTIP in setting a joint approach to prevent human trafficking from Nigeria.

Five Member States (CZ, DK, CY, LV, LT) undertook actions in relation to countries at the Eastern border of Europe, namely: Belarus (CZ, LT), Moldova (CZ), Ukraine (CZ, DK, CY) and Russian Federation (LV, LT). CZ's actions were aimed at strengthening cooperation with stakeholders in source countries and exchange of best practice and LV signed a cooperation agreement in relation to combating human trafficking with Russian Law Enforcement Authorities. Similarly, LT met with authorities of Belarus and the Russian Federation working in the field of prevention and control of human trafficking to discuss the most important issues and best practices. CY organised and participated in a number of workshops – a workshop in Ukraine was entitled “Strengthen the protection of the victims of trafficking and ensure a better protection during repatriation by the creation of a multidisciplinary operational network.” DK has approved a further phase (2012-2014) of the Danish Programme against Human Trafficking with implementing partner IOM in the Ukraine, through which it will engage with governments and NGOs in Ukraine, Moldova and Belarus to counter trafficking in human beings.

DK, ES, EL, AT, PL, UK reported on cooperation with other third countries. DK's Good Governance Programme with Mali operates some activities aimed at tackling human trafficking, and a further programme in Burma has established an 'anti-trafficking' network which, with other measures, aims to reduce migration amongst local women from disadvantaged areas. AT participated in three projects to enhance cooperation with third countries in combating human trafficking – one in Nigeria (see above), a second in the Western Balkans, Kosovo and Turkey aimed at creating opportunities for combined law enforcement action, and a third in the Western Balkans and Turkey aimed at collecting and analysing data on organised crime. EL continued cooperation with Albania and its efforts for enhancing cooperation with Turkey in the area of combating human trafficking. UK took part in a number of actions targeting the prevention of human trafficking from China, Vietnam, Cambodia plus Romania – this involved a two-day workshop in Beijing organised by IOM for senior Chinese consular and immigration officials to strengthen victim identification procedures and introduce safe and voluntary return mechanisms for victims of human trafficking; and work with stakeholders in Vietnam, Cambodia plus Romania (countries considered a source of child trafficking victims or a destination country of UK travelling sex offenders) to raise awareness of child protection issues and deliver prevention work. ES contributed to the actions of international organisations, such as UNIFEM, UNFPA, UNDP, UNHCR, and also takes part in bilateral actions with Latin America and Asia Pacific region, such as the creation of a regional centre in Tapachula, Mexico, for the assistance of victims of human trafficking. ES also participated in the 2<sup>nd</sup> Latin-American Summit of Public Prosecutors which

resulted in the creation of the Latin-American Network of Prosecutors specialised in combating human trafficking.

Seven Member States (CZ, ES, LV, AT, PL, PT, UK) reported on policy developments in relation to cooperation with the countries of origin and of transit, in particular to combat human trafficking and to provide better information to communities under threat. CZ drafted a new National Strategy on trafficking in human beings for 2012 – 2015. Measure III of the Strategy, which aims at enhancing cooperation at international level with emphasis on source countries, was incorporated into the Strategy. Similarly, LV's Ministry of the Interior developed an Action plan for "Improving of the Efforts at Combating of Trafficking in Persons." PL implemented several actions under its National Plan of Action against Trafficking in Human Beings for 2011-2012 (some described above). AT began to elaborate a National Action Plan against Trafficking in Human Beings for 2012-2014 which would replace the Plan that ran 2009-2011. PT implemented its Second National Plan against Human Trafficking (2011-2013). Finally, the UK implemented its new strategy on human trafficking - amongst the goals outlined is to build capacity in source and transit countries and address the root causes by alleviating poverty. ES has incorporated the fight against human trafficking in strategic development policies concerning the main countries of origin of human trafficking victims.

#### IV. PROMOTING INTERNATIONAL PROTECTION

Table 8 provides an overview of Asylum Applicants and First Instance Decisions in 2011.<sup>74</sup> In 2011, there were 302 455 asylum applicants, a 16.8% increase from 2010, and it is estimated that around 90% of these were new applicants and around 10% were repeat applicants. The main countries of citizenship of the applicants were Afghanistan (28 000 or 9% of the total), Russian Federation (18 200 or 6%), Pakistan (15 700 or 5%), Iraq (15 200 or 5%) and Serbia (13 900 or 5%) with the highest number registered in FR (57 335), followed by DE (53 255), IT (34 115), BE (31 915), SE (29 670), UK (26 430), NL (14 600), AT (14 420), EL (9 310) and PL (6 900). These ten Member States accounted for more than 90% of all applicants. When compared with the population of each Member State, the highest rates of applicants registered were recorded in MT (4 500 applicants per million inhabitants), LU (4 200), SE (3 200), BE (2 900) and CY (2 200). A total of 237 365 first instance decisions were made,<sup>75</sup> of which 177 900 were rejections (75% of decisions), 28 995 (12%) were granted refugee status, 21 400 (9%) subsidiary protection and 9 065 (4%) authorisation to stay for humanitarian reasons.

##### IV.1. Common European Asylum System

At EU level, the proposal to recast the Qualification Directive was adopted in December 2011.<sup>76</sup> In particular, the text strengthens the criteria for qualification for international protection, notably the notions of actors of protection and internal protection, as well as the provisions related to the best interests of the child and to gender. It further approximates the rights granted to refugees and to beneficiaries of subsidiary protection on access to employment, recognition of professional qualifications and health care, and it extends the validity of residence permits for beneficiaries of subsidiary protection.

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<sup>74</sup> As published by Eurostat (see also News Release 46/2012 of 23 March 2012)

<sup>75</sup> It should be noted that first instance decisions made in 2011 may refer to applications registered in previous years.

<sup>76</sup> Directive 2011/95/EU of 13 December 2011

The Commission's revised proposal for the Asylum Procedures Directive<sup>77</sup> established a single asylum procedure (for refugee and subsidiary protection statuses) comprising common guarantees. The only Member State without a single procedure (IE) has opted out of the negotiations on this proposal. The Commission proposal amending the Asylum Procedures Directive foresees an obligation for Member States to ensure that personnel likely to receive applications for international protection, including officials who first come into contact with persons seeking international protection, in particular those carrying out surveillance of land or maritime borders or conducting border checks, have relevant instructions and receive the necessary training.

The original Reception Conditions Directive (2003/9/EC) left certain areas too open for interpretation by Member States which meant that an applicant for international protection did not receive the same level of care and comfort across the EU. That is why the Commission proposed a recast Reception Conditions Directive.<sup>78</sup> The aim of these amendments is to have a more harmonised and coherent reception system to make sure that the same dignified standards of living are applied throughout the EU, irrespective of where an asylum application has been made. An explicit reference to victims of trafficking as vulnerable persons is also included and provides for specific reception guarantees, such as the need to identify in a timely and appropriate manner their special needs including the necessary medical and psychological support.

For the recast Dublin Regulation,<sup>79</sup> discussions focused on the issue of an emergency mechanism which could suspend Dublin transfers to a Member State subject to particular pressures under certain circumstances. In order to end the stalemate, the October 2011 JHA Council announced a shift of discussions from addressing crisis towards preventing them via an 'evaluation and early warning' mechanism. The Commission supported the principle of having such a mechanism within the Dublin Regulation. In the Commission's view, the mechanism should serve the purpose of effectively identifying and addressing both situations of particular pressure, as well as problems in the functioning of asylum systems. It should be equipped with solidarity measures to enable Member States to support each other better in dealing with such challenges.

Negotiations on EURODAC were stalled throughout 2011 as Council pushed for inclusion of law enforcement access – the Commission noted that this could be proposed but only as part of real progress on negotiations on the remainder of the asylum package. The feasibility study on EURODAC<sup>80</sup> as a supporting tool for the Common European Asylum System will be postponed to at least 2013. The feasibility study on joint processing of asylum applications on the territory of the EU is ongoing and results are foreseen for the end of 2012.

The proposal for a Regulation establishing an Asylum and Migration Fund<sup>81</sup> will continue to strengthen and develop the Common European Asylum System by ensuring the efficient and uniform application of the EU *acquis* on asylum and enhance the solidarity and responsibility sharing between the Member States, in particular towards those most affected.

At national level, Member States remained committed to establishing a Common European Asylum System and activities undertaken towards this goal are outlined elsewhere in this *Section IV*.

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<sup>77</sup> COM(2011) 319 final

<sup>78</sup> COM(2011) 320 final

<sup>79</sup> COM(2008) 820 final

<sup>80</sup> Council Regulation No 2725/2000 of 11 December 2000

<sup>81</sup> COM(2011) 751 final

## IV.2. European Asylum Support Office (EASO)

At EU level, the European Asylum Support Office (EASO) was inaugurated in Malta in June 2011. EASO has coordinated teams of experts from Member States in order to help Greece to cope with the increasing flow of asylum seekers reaching its borders, as well as to support the Greek authorities in order both to improve reception conditions for asylum seekers and refugees and to increase the quality of decision making and the capacity of the Greek authorities to process asylum applications. These actions occurred in the overall context of the reform of their Asylum System that Greece is currently undertaking. EASO has also conducted a short term deployment of Asylum Support Teams in Luxembourg to train newly recruited officials in order to process the increasing number of applications they are receiving. Furthermore the agency is taking over some activities, tools and methodologies from practical cooperation measures formerly undertaken by the European Commission and/or Member States, and is developing new concepts in order to facilitate the exchange of information, and the convergence of EU standards in the field of asylum within the framework of existing EU law. Formal negotiations on the participation of associate countries to the EASO were launched in 2012 with the aim to conclude them during the Danish Presidency of the Council of the EU.

One of the measures being transferred to EASO is the European Asylum Curriculum (EAC).<sup>82</sup> Some Member States are translating EAC modules in their national languages making use of the European Refugee Fund (ERF), while EASO has provided translation for some modules in Greek in order to train officials in the framework of the overall deployment of Asylum Support Teams there. Concerning the common educational platform, the Commission called on the Member States in its Communication on Solidarity<sup>83</sup> to set, in early 2012 a quantitative target for their asylum officials, to be trained using the European Asylum Curriculum by 2014.

The Commission called on EASO to review procedures for secondment of asylum officials in 2012. It also called on EASO and Frontex to agree in 2012 clear cooperation arrangements to maximise analysis, technical assistance and deployment of means and experts. At the same time, the effectiveness of any such cooperation depends on the Member States' contributions to the EASO's and Frontex's activities and assets.

At national level, Member States made notable contributions to support the establishment of EASO notably in terms of the provision of staff for Asylum Support Teams established in EL and LU.

## IV.3. Intra-EU Solidarity

At EU level, the Commission adopted a Communication on enhanced intra-EU solidarity in the field of asylum,<sup>84</sup> addressing *inter alia* the Commission's practical and financial support for relocation of beneficiaries of international protection in the framework of the EU Relocation Malta (EUREMA) project.<sup>85</sup>

Table 9 provides statistics on third-country nationals relocated in and resettled to EU Member States. Of the data available, most third-country nationals were relocated to DE (150).

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<sup>82</sup> <http://www.asylum-curriculum.eu/>

<sup>83</sup> COM(2011) 835 final

<sup>84</sup> COM(2011) 835 final

<sup>85</sup> See [http://www.doi.gov.mt/en/press\\_releases/2011/06/pr1243.pdf](http://www.doi.gov.mt/en/press_releases/2011/06/pr1243.pdf) for an overview.

At national level, several Member States (BE, DK, DE, FR, CY, LT, NL, AT, PT, SK, FI, SE, UK) and NO reported having set up or taken part in initiatives to support some Member States faced with specific and disproportionate pressures on their national asylum systems. This concerned support in particular to EL and MT (see report on EUREMA below). Actions included participation in EASO support through its Operating Plan (reported by BE, CZ, NL, AT, SK, FI, SE, UK); secondment of experts and staff (SK, UK); support for the implementation of EL's Action Plan for Migration Management (BE, CY, NL, AT); the processing of asylum applications (PT, FI); reception conditions (FI); and the transfer of asylum applicants (LT). NO also provided support to EL - e.g. by funding research and voluntary organisations in addition to assistance in improving the quality and capacity of Greek reception facilities, and involvement in the Operating Plan to EL, organised by EASO. Conversely, SI explained that its current austerity policy prevents the provision of assistance to other Member States exposed to particular pressures on their asylum systems.

With regards to the participation in EASO support, the majority of Member States seconded experts for the Asylum Intervention Pool (e.g. BE, CZ, AT, SE) or the EAC Expert Pool (e.g. BE, SE). In addition, the UK made interpreters available to MT.

In 2010-2011, ten Member States (DE, FR, UK, SI, SK, HU, RO, LU, PT, PL) pledged to relocate beneficiaries of international protection from MT through the EUREMA (European Re-allocation for MT) project, following a successful project by FR the previous year to relocate Iraqi nationals from MT. Some 227 persons were relocated to six of the Member States that had made pledges. For the 2011-2012 project, eight Member States (BG, HU, LT, LU, PL, PT, RO, SK) pledged places through the EUREMA project, with further bilateral pledges by five Member States (DE, ES, NL, IE, DK) plus NO and CH. The total number of places pledged in 2011 for relocation from MT in the 2011-2012 EUREMA II project is 97 which, when added to the bilateral pledges, amounts to 362.

#### **IV.4. Enhancing the External Dimension**

At EU level, Regional Protection Programmes (RPPs) in North Africa (Egypt, Libya, Tunisia) were launched, whilst RPPs in Tanzania and Eastern Europe (Belarus, Moldova, Ukraine) – both Phase II - and in the Horn of Africa (Djibouti, Kenya, Yemen) continued to be implemented.

Negotiations progressed slowly with the Council and the European Parliament on establishing the Joint EU Resettlement Programme due to a procedural disagreement between the co-legislators over a choice of a procedure for the establishment of the annual joint EU priorities (delegated vs. implementing acts). However, they are likely to be finalised in 2012. The aforementioned proposal for a Regulation establishing an Asylum and Migration Fund<sup>86</sup> also contains an ambitious resettlement and relocation component allowing Member States to support not only the preparatory actions related to resettlement and relocation operations but also the setting up and development of necessary infrastructure and services.

At national level, several Member States (BE, CZ, DK, IE, FR, IT, NL, PT, FI, SE, UK) and NO resettled refugees from different regions of the world, mainly in cooperation with UNHCR. ES launched an Annual Refugee Resettlement Programme.

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<sup>86</sup> COM(2011) 751 final

Some of the refugees resettled in EU Member States came from Northern Africa, including emergency cases from Libya (FI) and Tunisia (PT), as well as Congolese and Eritrean refugees from Libya (BE) and Sudanese refugees who had fled to Tunisia from Libya (IE). Other Member States and NO resettled Afghan refugees (FI, SK, SE, and NO), Somali refugees (SK, SE), Sudanese refugees (FI, SE), Ethiopian refugees (IE, SE), Palestinian refugees (IT), Senegal and Syria refugees (PT), Congolese refugees from Rwanda (FI), Congolese refugees (SE) and Myanmar refugees from Thailand (FI). In the case of SK, this concerned only resettlement for six months after which refugees were resettled to their final country of destination.

Four Member States (DE, FR, SE, UK) and NO favoured the resettlement of particular categories of refugees, such as families and single parents with newborn babies and small children (DE), Iraqi nationals from Iraq or neighbouring countries (i.e. Jordan, Syria, Lebanon and Turkey) who were threatened for belonging to a religious minority (FR) and refugees from Afghanistan and Horn of Africa (SE). UK favoured Somali and Ethiopian refugees from Kenya, plus a small number of refugees from Yemen, Bhutanese refugees from Nepal, and Iraqi refugees from Syria and Jordan.

Some Member States (IE, CZ, DK, NL, FI, SE, UK) and NO have set a quota with respect to the number of persons accepted for resettlement. The size of the annual quota varies, however, from one Member State to another. For example, and referring to [Table 9](#), DK resettled some 515 persons, FI some 585 persons and SE some 1 620 persons in 2011. NO accepted 1 340 persons and in response to the Libyan uprising, also offered 250 additional resettlement places through UNHCR. NO indicated also that 60 per cent of the persons accepted for resettlement through the set quota should be women.

Following the Arab Spring, HU adopted a Governmental Decision on the launch of an asylum solidarity programme in Northern Africa. To this end, HU focuses its resettlement commitments to the Northern African region and considers developing and implementing a pilot resettlement programme for the region in close cooperation with UNHCR.

Several Member States reported on other resettlement-related activities, for example, the development of a resettlement project for Palestinian refugees (IT), resettlement delegation missions (SE) and the participation in the final conference of the project jointly implemented by UNHCR, the IOM and the International Catholic Migration Commission (ICMC) on 'Promotion of resettlement in the EU countries through practical cooperation of the Member States' (PL, SK). With regard to future measures, NL indicated that they will resettle another 2 000 refugees between 2012 and 2015.

#### **IV.5 Unaccompanied Minors**

At EU level, the Commission continued the implementation of the 2010 Action Plan on Unaccompanied Minors (2010 – 2014).<sup>87</sup> The Directive on trafficking in human beings<sup>88</sup> includes new provisions on particular assistance, support and protection to unaccompanied child victims of trafficking in human beings. The recast Qualification Directive<sup>89</sup> strengthens the obligation to trace family members of unaccompanied minors and contains an indicative list of elements to be taken into account when assessing the best interests of the child, in particular the principle of family unity. The Schengen Borders Code proposal<sup>90</sup> includes a specific mention of the training module on

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<sup>87</sup> COM(2010) 213 final

<sup>88</sup> Directive 2011/36/EU of 5 April 2011

<sup>89</sup> Directive 2011/95/EU of 13 December 2011

<sup>90</sup> COM(2011) 118 final

unaccompanied minors for border guards. National contact points for consultation purposes on minors currently established on a voluntary basis will be formally established and made obligatory. A comparative study on best practices in the field of return of minors, including unaccompanied minors, was carried out by an external contractor. An expert meeting on unaccompanied minors devoted to the issue of guardianship/representation was organised by the Commission in June 2011.

Close cooperation with the countries of origin and transit are important elements of the common EU approach to unaccompanied minors. The issue was discussed in the migration subgroup of the G8, in the context of the EU-Africa Partnership on Migration, Mobility and Employment and of the Rabat Process on Migration and Development (expert meeting on vulnerable groups). The 2012 EASO Work Programme provides that the agency will organise a number of activities concerning age assessment, including setting-up a working group on age assessment, delivering technical documentation and developing training activities plus a handbook on age assessment.

Table 10 in the Statistical Annex gives an overview of the provisional number of unaccompanied minors including, where possible, a distinction between those who did and those who did not apply for asylum in 2011. Of the data available, SE (2 655), DE (2 125) and BE (2 040) received the largest number of unaccompanied minors applying for asylum.

At national level, several Member States (BE, DK, ES, IT, LV, LU, HU, AT, PL, SI, FI) reported on legislative developments in relation to unaccompanied minors. Many of these improved the rights of unaccompanied minors and provided greater assistance and protection to them. For example, ES's New Regulation on Aliens and the Amendments to LV's Immigration Law introduced new provisions relating to age determination and return procedures with respect to minors' rights (ES) and the procedure for removal of vulnerable persons, including minors (LV). The new provisions in LV state that vulnerable persons should be accompanied to their country of return in order to ensure that they are handed over to a suitable guardian. LU also reported on legislative changes which include the obligation to provide administrative and jurisdictional assistance to unaccompanied minors and the granting of access to the basic education system, depending on the duration of their stay. In HU legislative changes stipulated that unaccompanied minors must be provided shelter through the regular Hungarian child protection system rather than through a reception centre. AT referred to the imposition of an obligation on competent authorities to ensure that minors can be returned to the care of a family member, an official guardian or an adequate reception facility in the country of origin, in cases of return. SI amended its International Protection Act on the implementation of guardianship extending and more precisely defining the powers of the legal representative, as well as equating unaccompanied minors with nationals in exercising their rights to health care.

Furthermore, PL and FI reported on the enhanced focus on the best interest of children and their development and health (FI), whilst SI reported that its inter-departmental working group (composed of representatives from the ministries of interior, education and sports and of labour, family and social affairs) dealt primarily with the procedure at the border or the first contact with an unaccompanied minor; guardianship; age assessment; accommodation; finding their families; and return/reintegration.

In addition to the above legislative changes, BE, DK, IT and SK introduced changes to their residence permit system related to unaccompanied minors, which for SK was via its new Act on Stay of Aliens adopted in October 2011, which entered into force on 1 January 2012. BE introduced greater legal compliance for unaccompanied minors who have not applied for asylum and new provisions regarding residence permit applications and IT amended provisions to the procedure which allows unaccompanied minors turning 18 to convert to (another) legal residence permit.

According to the new provisions, a resident permit for study and work may be obtained by those minors having been placed in custody or subjected to protection, with approval by the Committee for Foreign Affairs. BE also produced guidance on sustainable outcomes for minors (BE). DK established that a residence permit cannot be granted to an unaccompanied minor on the grounds of age, or an insufficient social network in the home country, where return to a reception / care centre is possible. Together with other Member States and the IOM Denmark, DK is involved in a project to establish such a centre in Afghanistan, the country of origin from which DK receives the majority of its unaccompanied minors. DK has also reported that residence permits issued under the specific rules set out above are only valid until the minor reaches the age of 18, after which, return to the country of origin will normally take place.

Six Member States (IE, EL, ES, IT, PL, FI) referred to policy developments. These developments included prohibiting the detention of unaccompanied minor asylum applicants and ensuring that each child has the right to attend school in accordance with the Government Programme (FI); the stated aim of allocation of a dedicated social worker for each unaccompanied minor (IE); agreements with the autonomous cities of Ceuta and Melilla to improve assistance to unaccompanied minors (ES); the development of protection services and the provision of accommodation in secure places within the scope of the National Programme for the protection of unaccompanied minors (IT); and the launch of the National Plan of Action Against Trafficking in Human Beings for 2011 – 2012 with particular emphasis on unaccompanied minors (PL).

ES, AT and SE commented on their support for the implementation of the Action Plan on unaccompanied minors. For instance, ES reported on a project delivered in Senegal aiming at the prevention of irregular migration by unaccompanied minors from Senegal to the EU. The project focused on targeted awareness-raising activities, as well as career and educational guidance and training to young people at risk of becoming unaccompanied minors. AT undertook actions as part of the UBAUM I project including the development of best practice guidelines for family tracing, evaluation and development of quality standards in asylum proceedings and training of legal advisors.

In addition to these changes, in PT the two Commissions responsible for the protection of children's rights placed emphasis on the protection of children and the prevention of risks that affect their safety, health, training and education. EE implemented two projects in relation to unaccompanied minors, one of which focussed on the minimum standards for the reception and protection of asylum applicants aiming to enhance the capacity of the Estonian asylum system. In IT, following the announcement of a humanitarian emergency due to the Arab Spring, specific competences were attributed to the Ministry of Labour and Welfare for the provision of support to those municipalities supporting or authorising expenses for the reception of unaccompanied minors. SK was involved in two regional projects, financed by the European Refugee Fund, focussing on care for unaccompanied minors, and one project at national level dealing with psychological and pedagogical care for unaccompanied minors. EL also funded several programmes for unaccompanied minors addressing, for instance, the assistance and transfer to Accommodation Centres, medical assistance, as well as psychological and social support. Developments also occurred in relation to the European Returns Platform for Unaccompanied Minors (ERPUM). SE launched the ERPUM project in cooperation with NL, UK and NO, aimed at developing models for a humane and organised approach to return for unaccompanied minors. UK also reported the development of plans, as part of the ERPUM project, for the return of unaccompanied children to Afghanistan, in cooperation with NL, SE and NO. In addition, NO began developing an information campaign for unaccompanied minors and their families in Afghanistan, to be carried out in cooperation with UNICEF.

EL, ES, NL, UK as well as NO, reported on the implementation of future measures relating to unaccompanied minors. For example, EL's "Central Scientific Council for Preventing and Combating Minors' Victimization and Criminalization" will focus in 2012 on unaccompanied minors and the issues they face. A focus group has been set up to identify the main problems and deal with common issues, such as detention and lack of accommodation facilities for unaccompanied minors. ES plans to adopt a Framework protocol for unaccompanied foreign minors. This will aim to coordinate the involvement of all the related institutions and administrations, from locating the minors to identifying them, determining their ages, placing them in the care of the public service for the protection of minors, and documenting them. The NL started a review of the unaccompanied minor policy in 2011, with all amendments identified entering into force in 2012. The review aimed, as a main objective, to more rapidly grant a decision on unaccompanied minors' stay. As a result, NL planned to abolish the existing residence permit for unaccompanied minors. Emphasis was also placed on the return of unaccompanied minors not in need of protection. The UK is considering ways to increase its level of family tracing within a number of third countries and NO reported that they will present a White Paper on migrating children in 2012, and that they are initiating and sponsor efforts to develop more effective and reliable age assessment methods.

## V. MAXIMISING THE DEVELOPMENT IMPACT OF MIGRATION AND MOBILITY

At EU level, the Commission adopted a Communication on a Dialogue on Migration, Mobility and Security with Southern Mediterranean countries, which was endorsed by the European Council in its conclusions of 24 June 2011.<sup>91</sup> The dialogue on migration, mobility and security with Morocco and Tunisia has been officially launched in October 2011. Negotiations with Tunisia are evolving very positively and a Mobility Partnership could be concluded in the first semester of 2012. Talks with Morocco have been slowed down due to the negative vote of the European Parliament on the Fisheries agreement in December 2011, but will be reopened in March 2012 after the positive vote of the European Parliament on the agreement on liberalisation of agricultural and fisheries products in February 2012. Egypt expressed in September 2011 its lack of readiness to start the dialogue for the time being. For the Euro-African Dialogue on Migrations (the Rabat Process), a new Action plan for the 2011-2013 period has been adopted at the Ministerial Conference held in Dakar in November 2011. A second Action Plan (2011-2013) was adopted at the third Africa-EU Summit that took place in Tripoli on 29-30 November 2010. Implementation did not proceed in 2011 due to issues within the AU Commission in relation to its African co-chair (Libya).

Dialogue and cooperation with countries in Eastern and South-Eastern Europe has also been substantially reinforced, notably through the regular meetings at ministerial, senior officers and technical levels between the EU and those countries, including the annual meetings of the Justice, Freedom and Security sub-committees. An Eastern Partnership Summit was held in Warsaw: a joint declaration reaffirming the total commitment to increased mobility between all the partners was issued. Dialogues on visa-free regimes have been launched with Ukraine and Moldova, visa-facilitation and readmission agreements are being implemented with both those countries and Georgia and the Commission has been mandated to negotiate similar agreements with Armenia, Azerbaijan and Belarus. A Mobility Partnership has been signed with Armenia, adding to the existing Mobility Partnerships with Moldova, Cape Verde and Georgia.

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<sup>91</sup> COM(2011) 292 final

The GAMM priorities will be further promoted as they will increase the policy coherence at European level in the field of migration and development and will support capacity building in third countries. A Commission Staff Working Paper on Migration and Development,<sup>92</sup> accompanying the GAMM Communication, underlined the importance of putting in place a more comprehensive framework on migration and development and suggestions were made to broaden the traditional agenda. As a result, new priority issues to be addressed include mitigating the negative social consequences of emigration on communities and families in countries of origin, improving protection for the human rights of migrants during their transit process and supporting the integration of migrants in destination countries by building on EU best practices. Better attention will also be paid to the South-South dimension of migration in EU dialogue with partner countries and in external cooperation.

Furthermore, on 13 October 2011, the Commission adopted the Agenda for Change on increasing the impact of EU Development Policy.<sup>93</sup> Recognising that migration has increasing weight in the economies of several developing countries, the Agenda for Change calls on the EU to better address the interrelationship between migration, mobility and employment and to promote regional labour mobility in the Global South. In addition, the EU should assist developing countries in strengthening their policies, capacities and activities in the area of migration and mobility, with a view to maximising the development impact of the increased regional and global mobility of people.

Elsewhere, and in terms of Policy Coherence for Development (PCD), the Commission produced in 2011 its biannual report.<sup>94</sup> The Commission also organised an expert meeting in May 2011 to discuss environmentally induced migration as part of the EU external migration policy within the GAMM framework.

At national level, many Member States (BE, DK, DE, ES, CY, LT, NL, AT, PT, SK, FI, SE, UK) and NO undertook actions to integrate migration and development policies effectively. These included studies (DK, NL, SE, NO), approaches or strategies for integrating migration and development policies (DK, ES, SK), and solidarity projects (AT, DK, DE, FI, LT, PT, UK).

In relation to research, in DK, a three-year study on migration and development was concluded, which analysed the relationship between migration and development, with a view to inform future development policies and pilot projects, whilst Maastricht University in NL is conducting policy-supporting research within the framework 'Migration and Development: A World in Motion'. The duration of the project is from 2009 to 2014, and includes research projects on remittances, 'brain drain', return, migration, and development as a part of EU external policy and EU cooperation with third countries in mobility partnerships. Reports from SE's Parliamentary Committee for Circular Migration and Development were presented in May 2010 and March 2011 and in NO, the Norwegian Peace Research Institute (PRIO) published a handbook on the role of diasporas in peace building, including case studies from the Horn of Africa. ES and SK both referred to methodological approaches to mainstream migration into international development policy, with SK implementing this approach through action plans in their Migration Policy documents. Solidarity projects have included working with diaspora communities (AT, FI and UK); cross border co-operation (LT); and support to migrants in countries of origin (PT, UK). In ES, the Spain-ECOWAS Migration and Development Fund earmarked €10 million to boost the positive and alleviate the

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<sup>92</sup> SEC(2011) 1353 final

<sup>93</sup> COM(2011) 637 final

<sup>94</sup> SEC(2011) 1627 final

negative effects of migration, through financing projects for civil society and strengthening institutions of the Member States and the ECOWAS Commission in their management of the migration phenomenon. Projects carried out within the framework of this Fund include: ‘Return Migration and Development in Nigeria: global best practices in particular migration perspectives’ and ‘Promotion of development nexus of migration in the ECOWAS region.’

Other activities included developing a website providing information to entrepreneurs and investors in countries in Africa and funding capacity-developing projects for migrants' organisations to promote civic engagement of migrants (BE); involvement in international initiatives, such as the Third Euro-African Ministerial Conference on migration and development (Dakar) in November 2011 and the Western Balkans Ministerial Forum (Ohrid) in October 2011 (CY); supporting countries, for example, the Western Balkans, in combining development and the implementation of coherent migration policies by fostering regional platforms for the exchange of experience and good practices (DE); continued support for an Inter-departmental Committee on Development during 2011 (IE); development of cooperation agreements to promote cooperation in the implementation of official development aid programmes (SK); regularly consultation with diaspora groups (UK); and participation in the UN initiative the Global Forum on Migration and Development (NO).

Several Member States made reference to planned future actions to integrate migration and development policies effectively in the near future. For example, CZ, in the context of the Action Plan of the Prague Process, will undertake specific projects on migration and development, including a study of relevant policies and legislation (on migration, taxes, the recognition of diplomas etc.) of countries of origin and destination in order to identify successful practices and focus on possibilities of facilitating circular migration. IT's Ministry of Labour is formalising cooperation agreements to promote regular migration with Ukraine, Moldova, Albania, Egypt, Morocco, Tunisia, Ghana, Philippines, Sri Lanka, India, Pakistan, China, Bangladesh, Ecuador and Peru. IT will also develop a service network in third countries abroad to improve the management of migratory (labour) flows by creating local coordination offices in Italian Embassies in third countries with the responsibility of operative support and cooperative development.

## V.1 Remittances

At EU level, the Commission and several Member States are supporting developing countries in the establishment of policy frameworks more conducive for remittances through a number of projects. Efforts to mitigate brain drain have been advanced by supporting the World Health Organisation (WHO) Code of practice on the international recruitment of health personnel. The EU supports 51 out of the 57 countries that have been identified by the WHO as facing an all out Human Resources for Health (HRH) crisis. The EU Programme for Action to tackle the critical shortage of health workers in developing countries (2007 – 2013)<sup>95</sup> produced a clear set of actions to be supported, aimed at enhancing developing countries' capacities to train, manage and retain their health workers.

A study was launched in September 2011 with the overall objective of analysing the state of implementation of existing EU commitments with regard to remittances and of developing additional practical proposals. The study will identify the following pending issues: improving data collection at both the EU and partner country levels; making estimations of informal flows; determining the needs of migrants and their families; making a preliminary assessment of the

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<sup>95</sup> COM(2006) 870 final

impact of the implementation of the Directive on payment on transparency and cost; and assessing the feasibility of creating an EU-wide remittance portal.

At national level, several Member States (BE, DK, DE, ES, FR, IT, UK) and NO were active in promoting co-development actions and support instruments for transferring migrants' remittances. DE launched a website to inform migrants about the services and fees of banks and other money transfer institutes, which aims to improve the transparency of the money transfer market and to increase competition. The website ultimately aims to make money transfers to countries of origin both cheaper and more secure. NO has also established a public website "Sending Money Home," set up by the Norwegian Consumer Council, which allows migrants to compare the prices of remittance transfers.

ES and UK contributed to such developments through their participating in the World Bank-led Global Remittances Working Group, which committed to reducing average costs of transferring remittances from 10% to 5% by 2014. DK reported its support for a World Bank study on migration, remittances and development support, aimed at improving the flows of migration and remittances in sub-Saharan Africa and the UK reported that its Department for International Development had also continued to support various initiatives to help reduce the cost and improve the speed and safety of transmitting remittances to countries such as Bangladesh, Ghana and Pakistan. In IT, a protocol of agreement was signed by the Ministry of Interior and the Italian Banking Association to promote the financial inclusion of migrants. Research was also carried out by the Bank of Italy on Credit to immigrants in IT and by the Italian Banking Association on Immigrants and Financial Inclusion. Conversely, in IT, Law decree no.138, approved on 14 September 2011 with Law no. 148, setting out additional urgent measures for financial stabilisation and development, introduced a new stamp duty of 2% on international money transfers made by non-EU citizens to non-EU countries.<sup>96</sup>

CZ and SE reported planned actions to promote co-development actions and support instrument for transferring migrants' remittances to their countries. In terms of the recently endorsed *Action Plan of the Prague Process*, cooperation on migration and development will be supported by a specific project led by CZ, analysing policies and legislation (on migration, taxes, the recognition of diplomas etc.) of countries of origin and destination in order to identify successful practices and focus on the possibilities of facilitating circular migration. In SE, the *Parliamentary Committee on Circular Migration and Development* proposed to set up a website where consumers can compare the costs of transferring a given sum of money to a given country through different operators. The implementation of this proposal is currently under consideration.

## **V.2 Working with diasporas**

At EU level, the contribution of diaspora organisations as agents for development of their countries of origin vis-à-vis both policymakers and donors are increasingly valued. Hence, the budget line for non-state actors and Local Authorities in Development is also open to diaspora organisations. The EC-UN joint initiative for migration and development fosters exchange of experience and best practices among diaspora organisations, provides capacity building and supports their involvement in the development of their countries of origin. Promoting dialogue and cooperation with diaspora is one of the key aspects of this programme. One of the studies financed by the European Commission is on the possible involvement of diaspora groups with EU action in the Horn of Africa. Moreover, one of the 12 initiatives of the 2011-2013 Migration Mobility and Employment (MME) Action plan

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<sup>96</sup> This measure was abolished at the beginning of 2012.

aims to establish an Africa–EU Diaspora Cooperation Framework in order to engage diasporas in the development of Africa and to build capacity, knowledge and transfer skills.

At national level, few Member States were able to report on specific national policies with regard to supporting diaspora groups in enhancing development in their country of origin. SE reported that the Government Communication "Global Challenges - our responsibility" specifically states that it is necessary to increase knowledge nationally about diasporas and their contribution to development in countries of origin; promote the transfer of knowledge from individual labour immigrants and diasporas to their countries of origin; work to enable more secure and cheaper remittance transfers; and support activities that will encourage entrepreneurship among migrants.

However, several Member States (BE, DK, DE, IT, NL, AT, PT, FI, SE and UK) have all reported on specific activities with regard to supporting diaspora groups in enhancing development in their country of origin. In AT, the Austrian Development Agency (ADA) created a number of events involving diasporas during the time of the World Cup, and enhanced their visibility and profile with the Austrian business community, increasing self-esteem. AT also implements the 'Migration for Development in the Western Balkans' (MIDWEB) project, supported by the Ministries of Labour, Social Affairs and Consumer Protection, European and International Affairs and IOM, which works with the Balkan diaspora to provide information about opportunities for legal migration for potential labour migrants and to improve development in the Balkans. In BE, the *Belgian Cooperation Development Department* has a specific budget line to co-finance projects and programs from associations of migrant diasporas who wish to contribute to the development of their countries of origin, and also supports the fourth implementation phase of the MIDA Great Lakes Programme, with the aim to encourage the mobility of the skills and resources of the diaspora in response to local development needs. A "Diaspora Cell," established within the Chamber of Commerce CBL-ACP by the DGDC in collaboration with the Belgian Investment Company for Developing Countries (BIO) and Centre for Development of Enterprise (CDE), further supports migrants willing to invest in their countries of origin. The Danish Refugee Council in DK supports a fund for diaspora involvement in rehabilitation and redevelopment in former home countries, aimed specifically at the Afghani and Somali diaspora. In DE, an independent programme was launched to allow migrant organisations to receive advice, and (sometimes) financial support, for development-related project proposals in their countries of origin. FI provides specific development cooperation funds for the initiatives of diaspora organisations in Finland within their countries of origin. The Somali diaspora in Finland has been most active in this respect. In IT, regional and local governments, with immigrant associations, NGOs and civil society organisations, have established partnership relations with similar institutions and organisations in migrants' countries of origin, to facilitate return and initiate co-development relations.

NL, together with Switzerland and the IOM, are financing the development of a 'Diaspora Handbook.' The Handbook will show how policymakers can best involve diaspora groups in the countries of origin and cooperate with them, by showing good practices and lessons learned. It will also include sources from where more information can be found.

To facilitate the post-conflict reconciliation process in Guinea-Bissau, PT supported the organisation of a conference "Peace and Reconciliation" which targeted the PT-based diaspora from Guinea-Bissau. PT has facilitated and supported a fruitful dialogue between the diverse groups of the diaspora. In SE, the 'Kosmopolit' project targets foreign-born nationals to support trade promotion, helping to give developing countries greater access to the Swedish market, and improve those countries' chances of attracting foreign investment. Further, the project 'Investment Cooperation with Entrepreneurs from Immigrant Backgrounds' supports business ideas which have the potential to become viable enterprises in the entrepreneur's country of origin. The UK's

Department for International development (DFID) co-funds the ‘Common Ground Initiative’ (CGI) which aims to increase funding to small and diaspora organisations to create sustainable change in disadvantaged communities in countries of origin, mainly in Africa.

## VI. PROVISION AND EXCHANGE OF INFORMATION TO SUPPORT POLICY DEVELOPMENT

The developments described in this paper were informed through a number of associated instruments some of which have been outlined previously in the relevant section. Indeed, the provision and exchange of information in order to better inform policymakers continued to be an important activity across the whole range of asylum and migration issues.

At EU level, the European Migration Network (EMN)<sup>97</sup> continued to serve as a useful source of information to support policymakers *inter alia* through its Studies (e.g. on temporary and circular migration; on labour demand and undertaking studies on visa policy as a migration channel and on practical responses to reducing irregular migration) and Ad-Hoc Queries (76 individual queries launched in 2011 alone with, on average, 17+ Member State responses to each one or, alternatively, over 1300 individual responses provided by the EMN NCPs). The EMN also made a number of innovations, such as the production of briefing EMN Inform notes, as part of an external evaluation of the EMN, in order to better inform policymakers. Another development was the completion of a multilingual Glossary of asylum and migration with 300+ terms based on EU *acquis* serving *inter alia* to improve comparability between EU Member States through the use and common understanding of the terms and definitions contained therein.

In light of events in 2011, the Commission took steps in order to revive the Mutual Information Mechanism (MIM),<sup>98</sup> which was again infrequently used. The MIM is a web-based platform which allows Member States to rapidly exchange information on national asylum and immigration measures in a catalogued, uniform and registered format, whilst strengthening mutual confidence. Following a meeting of the National Contact Points held in December 2011, the Commission developed draft Common Guidelines on the use of the MIM, setting a list of cases where information should be communicated via MIM (such as regularisations, reintroduction of borders checks, sudden influx of third country nationals, temporary residence permits, and abuse of entry systems).

In the context of information exchange in asylum, the Eurasil network organised six workshops, including workshops focusing on the latest situation in Nigeria, Iraq and Afghanistan. The Eurasil network also facilitated ad hoc written queries on asylum-related matters submitted by Member States for feedback. Additionally, the EU COI Portal was launched in July 2011. The EU COI Portal is a tool which enables users in national authorities examining asylum applications to rapidly access COI via a reliable, secure and user-friendly 'one-stop-shop' at EU level. This is achieved by linking Member States' COI IT systems to the COI Portal, allowing the users to search across the connected systems. Preparations began regarding the transfer of the EU COI Portal and the activities of the Eurasil network to the European Asylum Support Office (EASO).

At national level, all Member States shared and exchanged information on migration with other Member States. In addition to participating in the work of the European Migration Network, to which NO became a member in 2010, and benefitting from its Ad-Hoc Queries for collecting and exchanging information, several Member States and NO reported that they made use of other

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<sup>97</sup> All outputs of the EMN are publicly available at <http://www.emn.europa.eu>.

<sup>98</sup> Council Decision 2006/688/EC of 5 October 2006

existing (EU) platforms and networks, including the EU Immigration Portal (BE, DE, PL, UK), National Contact Points for Integration (PT, SK, UK), Eurasil (NO), FRAN (CZ, SK), GDISC (CZ, NL, SE, UK and NO), ICMPD (CZ, IT, PL), Eurostat (CZ, PL, UK), IGC (NL, FI, UK and NO), OECD (FI), ICONet (IE), i-MAP (IT). Some Member States (EL, ES, MT, NL, PL, PT) highlighted the importance of the Mutual Information Mechanism (MIM).

A number of Member States (IE, EE, LV, LT, AT, PL, PT, FI, UK) referred to cooperation at regional level and national level. Concerning the Baltic Region, LV referred to meetings of the Migration Sub-group and Statistics Working Group of the Baltic Council of Ministers, in cooperation with LT, EE, DK, NO, PL, SE and FI. The participating States discussed changes to their relevant national legislation on migration and use of, and means of obtaining, EU funds to improve migration services. In this context, the Migration Department in LT, in cooperation with its LT EMN NCP, held a meeting of the Statistics Working Group of the Baltic Sea countries in 2011.

In relation to minors, EE referred to cooperation amongst the National Contact Points for Unaccompanied and Trafficked Children and within the Baltic Sea's Working Group for Cooperation on Children at Risk. FI reported on cooperation within the framework of Nordic cooperation on migration and asylum (NSHF) with FR, SE, DK, NO and Iceland.

Information was also shared by AT at national level, with regional cooperation undertaken through an operative network "Forum Salzburg." PT continued, in 2011, to perfect the immigration statistics portal, making detailed statistical information available at national level about the foreign community resident in PT. The UK highlighted their national efforts to share information, such as the use of the Migration Statistics User forum for users to discuss their need for, and use of, migration statistics. The UK also established a new format for statistical publications on immigration which includes topic based briefs and more detailed tables that provide greater access to time series data and breakdowns by detailed nationality.

In relation to asylum, SK collaborated with other Member States in exchanging information on the best asylum procedures through the European Network of Asylum Reception Organisations (ENARO), with exchanges in 2011 with Switzerland.

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## VII. STATISTICAL ANNEX

This Annex contains data, primarily as provided by the Commission's Eurostat and in accordance with the Regulation (EC) 862/2007. Due attention must be paid to the notes given for each Table and, following the practice of Eurostat, data values are rounded down or up to the nearest five.

In some cases, where Eurostat data were not available and unless indicated otherwise, the data were provided by the EMN from their respective national agencies. Nominally, therefore, these are **provisional data covering the first nine months of 2011** and they are indicated in *italics*, as well as in the corresponding Notes for each Table. Ultimately, these provisional data, which are nominally in accordance with Regulation (EC) 862/2007, will be finalised and also made available via the Eurostat database.

**TABLE 1: PROVISIONAL FIRST RESIDENCE PERMITS, BY REASON, IN 2011**

Member State	Total	Family reasons	Education reasons	Remunerated activities	Other reasons
BE	NA	NA	NA	NA	NA
BG	NA	NA	NA	NA	NA
CZ	NA	NA	NA	NA	NA
DK	22 990	2 850	5 510	9 830	4 805
DE	72 820	27 475	22 580	17 155	5 610
EE	3 205	1 225	370	1 221	385
IE	NA	NA	NA	NA	NA
EL	13 100	7 480	1 050	3 380	1 190
ES	NA	NA	NA	NA	NA
FR	193 400	82 885	56 960	24 690	28 870
IT	331 100	141 405	30 260	119 342	40 095
CY	9 780	295	1 085	7 100	1 395
LV	3 775	930	490	530	1 830
LT	2 290	690	305	1 205	90
LU	2 385	720	280	520	865
HU	18 950	2 256	5 959	6 595	4 140
MT	1 265	230	410	390	235
NL	41 855	16 745	8 920	8 420	7 770
AT	NA	NA	NA	NA	NA
PL	31 060	6 895	5 100	15 440	3 630
PT	25 576	11 565	6 320	6 775	920
RO	NA	NA	NA	NA	NA
SI	NA	NA	NA	NA	NA
SK	3 950	1 125	375	1 420	1 010
FI	23 680	10 290	5 815	6 390	1 185
SE	87 655	23 790	6 835	26 120	30 910
UK	NA	NA	NA	NA	NA

<b>NO</b>	26 765	11 060	3 865	7 520	4 325
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Notes:

1. Unless indicated to the contrary below, data are *provisional for the first nine months of 2011* and rounded to the nearest five and as provided by the respective EMN NCP (see below also).
2. "NA" means data are not available at the time this report was published.
3. The following periods are covered in the data from the following Member States:
  - DK:** January – November 2011
  - DE, FR, IT, LT, LV, PT, SE, NO:** whole of 2011
  - MT:** from 1st January to 23 October 2011
  - HU:** from 1<sup>st</sup> January to 31 October 2011
4. **DE:** Issued residence permits 2011 with first entry from 01/01/2011 onwards (current new arrivals) and cut-off date 31/12/2011, i.e. data are for the whole of 2011. Source: Bundesamt für Migration und Flüchtlinge (2012): "Wanderungsmonitor"
5. For **LU**, resident permits for 'education reasons' include residents permits issued for 'pupils' (110) and 'students' (170). Resident permits for 'remunerated activities do not include resident permits issued for 'researchers' (30).
6. For **MT**, data for permits granted for family reasons include residence permits issued in accordance with the Family Reunification Directive, national policies and family members of Maltese nationals. Data for permits granted for education reasons include residence permits issued in accordance with the provisions of the Students' Directive and others issued for the purpose of English language study and other short courses.

**TABLE 2: UNEMPLOYMENT RATE<sup>99</sup> OF THIRD-COUNTRY NATIONALS, IN 2011**

Member State	Total (%)
BE	NA
BG	NA
CZ	NA
DK	19.4
DE	14.6
EE	19.7
IE	15.0
EL	20.6
ES	35.3
FR	NA
IT	12.1
CY	NA
LV	15.4
LT	NA
LU	NA
HU	NA
MT	NA
NL	NA
AT	9.8
PL	NA
PT	23.4
RO	NA
SI	NA
SK	10.0
FI	24.3
SE	31.6
UK	NA
NO	11.3

**Notes:**

1. Unless indicated to the contrary below, data are *provisional for the first nine months of 2011* and rounded to the nearest five and as provided by the respective EMN NCP (see below also).
2. "NA" means data are not available at the time this report was published or, in the case of **LT**, because no data can be given as the small sample size is statistically unreliable.
3. **FR**: In 2010 this was 23.5%.

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<sup>99</sup> Based on the ILO definition, Eurostat defines unemployed persons as persons aged 15 to 74 who: (1) are without work; (2) are available to start work within the next two weeks; and (3) have actively sought employment at some time during the previous four weeks. The unemployment rate is the number of people unemployed as a percentage of the labour force. The labour force is the total number of people employed plus unemployed. Current deviations from the definition of unemployment in the EU Labour Force Survey: Spain, Italy and United Kingdom: Unemployment is restricted to persons aged 16-74. In Spain and Italy the legal minimum age for working is 16. Employment data used for Italy includes also those above 74. Unemployment rate can be broken by groups of country of citizenship, age groups and sex.

4. **EL, AT**: average of 1st, 2nd and 3rd quarters of 2011
5. **ES**: data refers to the Economically Active Population Survey, 3rd Quarter 2011.
6. **LV**: Data are for the whole of 2011 and provided by the State Employment Agency.
7. **FI**: Average rate for the year 2011
8. **DE** and **IT** data include both TCNs and EU nationals and for **IT** are for the whole of 2011.
9. **PT**: Data for whole of 2011.
10. **SK** data are for the whole of 2011 and explains that its lower unemployment rate of foreigners in part relates to Slovak legislation, which stipulates that if the employment of the foreigner for the purpose of which s/he obtained a temporary residence permit is terminated, s/he is obliged to leave the Slovak Republic.
11. **CY** indicates that the total unemployment rate in November 2011 reached 8.2% and third country nationals who reside permanently in Cyprus constitute about 8% of this rate.
12. **NO**: Data are for the whole of 2011 and are on the basis of registrations at the *Norwegian Labour and Welfare Services*. Corresponding unemployment rate for EU citizens in Norway is 5.2% and for its nationals 2.2%.

**TABLE 3: NUMBER OF VISAS ISSUED, BY TYPE, IN 2011**

Member State	[Schengen] Short-term ("C" type)	[National] Long-stay ("D" type)
BE	201 525	28 120
BG	742 760	8 460
CZ	557 455	NA
DK	84 265	5 970
DE	1 588 595	162 260
EE	142 030	NA
IE	Not applicable	100 375
EL	755 775	24 870
ES	1 337 990	NA
FR	1 938 555	165 745
IT	1 445 745	237 810
CY	NA	51 290
LV	156 305	3 020
LT	340 690	2 485
LU	8 810	545
HU	278 020	6 790
MT	31 110	NA
NL	390 460	NA
AT	270 540	20 215
PL	893 455	2 535
PT	126 515	13 165
RO	127 455	8 770
SI	38 125	NA
SK	69 680	1 235
FI	1 244 680	NA
SE	192 490	2 485
UK	Not applicable	NA
NO	138 495	NA

**Notes:**

1. Unless indicated to the contrary below, data for "[Schengen] Short-term ("C" type)" visas are as provided by the Member States to the Commission (May 2012) in accordance with Article 46 of the Visa Code and for the whole of 2011,<sup>100</sup> whilst data for "[National] Long-stay ("D" type)" visas are, unless stated to the contrary below, are *provisional for the first nine months of 2011* and as provided by the respective EMN NCP. In both cases, data are rounded to the nearest five.
2. "NA" means data are not available at the time this report was published, whereas "Not applicable" means that these Member States do not issue such visas as they are not (yet) part of the Schengen area.
3. [Schengen] Short-term ("C" type) visas entitle the holder to stay on the territories of all Member States for a period of maximum three months in any six-month period from the date of first entry in the territory of the Member States. Such visas may be issued for the purpose of a 1 – 2 ("C") or multiple entries ("MEV C Visas") or with limited

<sup>100</sup> Data are also available at [http://ec.europa.eu/home-affairs/policies/borders/borders\\_visa\\_en.htm](http://ec.europa.eu/home-affairs/policies/borders/borders_visa_en.htm).

territorial validity ("LTV C") which entitles the holder to stay only in the Member State(s) for which the visa is valid. Unless stated to the contrary below, the data presented are for all of these types.

4. [National] Long-stay ("D" type) visas are for stays exceeding three months and are national visas issued in accordance with Member States' national legislation.
5. **CY**: data cover the period from January to November 2011.
6. **IE**: data include 60 092 entry visas and 40 281 re-entry visas. Re-entry visas are issued to nationals of visa required countries who are legally present in IE and wish to leave temporarily (e.g. for holidays, business) and re-enter IE.
7. **BE, DE, FR, IT, LV, PT, RO, SK, SE**: Data cover the whole of 2011.
8. **BG, RO**: Do not (yet) issue Schengen visas; theirs are national short-term visas.

**TABLE 4: TRAINING OF BORDER GUARDS ON ASYLUM, IN 2011**

Member State	Total number of border guards	Border guards who received training
BE	NA	NA
BG	NA	NA
CZ	NA	NA
DK	NA	NA
DE	NA	NA
EE	NA	95
IE	NA	NA
EL	NA	NA
ES	16 780	NA
FR	NA	NA
IT	NA	NA
CY	NA	NA
LV	2 755	65
LT	3 560	45
LU	NA	NA
HU	3 300	NA
MT	NA	NA
NL	NA	NA
AT	NA	NA
PL	15 220	NA
PT	700	20
RO	NA	NA
SI	2 285	61
SK	940	845
FI	1 920	135
SE	NA	NA
UK	NA	0
NO	NA	NA

**Notes:**

1. Unless indicated to the contrary below, data are *provisional for the first nine months of 2011* and rounded to the nearest five and as provided by the respective EMN NCP (see below also).
2. "NA" means data are not available at the time this report was published.
3. **FI**: training is composed of: Basic courses (two, Border Guard Basic Course classes 17 and 18), a total of 98 students; Master course: 17 students; Officer training: Bachelor's degree: 15 officers; Master's degree: 5 officers. NB: Asylum training has been included in the curriculum for basic and further training for border guards, enabling all border guards to be trained in this topic.
4. **HU**: no aggregated data on training available for 2011. 71 persons graduated at the Police Academy in 2011; 400 persons in the framework of the vocational training project funded by External Border Fund. In addition, there were the students graduating at police secondary school.
5. **PL**: data corresponds to the total number of the Border Guard officers trained on asylum.

6. **UK:** the UK is not a full participant in Frontex, it sends fewer Officers to this activity and thus fewer to the associated mid-level courses. One officer completed the Frontex mid-level officer course in 2011; all frontline immigration officers receive human rights training at national level.

**TABLE 5: THIRD-COUNTRY NATIONALS REFUSED ENTRY, APPREHENDED, ORDERED TO LEAVE AND RETURNED, IN 2011<sup>101</sup>**

**a) Refusals of Entry, 2011**

Member State	Total refused	Refused at the land border	Refused at the sea border	Refused at the air border
BE	2 730	Not Applicable	35	2 695
BG	2 810	2 310	140	360
CZ	360	Not Applicable	Not Applicable	360
DK	115	Not Applicable	NA	115
DE	3 365	Not Applicable	25	3 340
EE	2 205	560	1 625	25
IE	2 545	475	130	1 940
EL	11 160	10 470	225	460
ES	227 655	219 465	250	7 945
FR	11 090	2 125	970	7 990
IT	8 635	Not Applicable	4 345	4 295
CY	575	Not Applicable	15	560
LV	1 230	910	40	275
LT	2 215	2 100	35	80
LU	NA	Not Applicable	Not Applicable	NA
HU	11 790	11 460	Not Applicable	330
MT	80	Not Applicable	0	80
NL	3 500	Not Applicable	75	3 425
AT	445	145	Not Applicable	305
PL	20 225	19 270	85	870
PT	1 795	Not Applicable	5	1 785
RO	3 620	2 965	80	580
SI	7 970	7 605	5	360
SK	595	590	Not Applicable	5
FI	1 420	1 185	20	215
SE	155	Not Applicable	NA	155
UK	14 720	1 480	2 395	10 840

**Notes:**

1. Unless indicated to the contrary below also, data are rounded to the nearest five and as provided by Eurostat (April 2012) for the entire year 2011.
2. "NA" means data are not available at the time this report was published, , whereas "Not Applicable" means that such data are not relevant, e.g. because a Member State does not have an external EU land and/or sea border.

<sup>101</sup> More details on irregular migration are given in Frontex's FRAN Quarterly Reports, see, for example, [http://www.frontex.europa.eu/situation\\_at\\_the\\_external\\_border/art28.html](http://www.frontex.europa.eu/situation_at_the_external_border/art28.html).

## b) Apprehensions and Returns, 2011

Member State	Third-country nationals apprehended	Third-country nationals ordered to leave	Third-country nationals returned following an order to leave	Third-country nationals returned to a third country following an order to leave	Forced Returns	Voluntary Returns	Of those returned voluntarily, the number returned via an Assisted Voluntary Return Programme
BE	13 550	NA	5 915	5 700	2 150	3 765	3 255
BG	1 355	1 355	665	335	NA	NA	NA
CZ	3 085	2 520	530	530	330	225	255
DK	400	2 170	455	485	1 215	45	0
DE	56 345	17 550	14 075	14 120	NA	NA	NA
EE	1 020	480	415	355	85	130	10
IE	2 470	1 805	755	755	195	360	300
EL	88 840	0	10 585	10 585	11 535	3 290	1 440
ES	68 825	73 220	23 350	20 325	NA	NA	6 770
FR	57 975	83 440	20 425	13 360	12 990	2 775	NA
IT	29 505	29 505	6 180	6 180	12 180	245	130
CY	8 230	NA	4 605	NA	3 500	795	0
LV	130	1 060	1 055	0	50	1 055	75
LT	1 895	1 765	1 655	1 645	110	1 165	30
LU	NA	NA	NA	NA	25	525	100
HU	3 810	6 935	4 610	4 180	890	410	350
MT	1 730	1 730	160	160	NA	NA	NA
NL	6 145	29 500	9 475	NA	NA	NA	NA
AT	20 080	8 520	5 225	3 765	2 190	3 040	195
PL	6 875	7 865	7 050	6 920	1 605	5 435	1 165
PT	9 230	8 570	1 245	1 090	690	585	555
RO	3 365	3 095	2 875	2 875	410	130	NA
SI	4 350	4 410	1 745	1 170	NA	NA	NA
SK	1 145	580	445	435	390	95	95
FI	3 305	4 685	3 235	2 490	2 210	305	305
SE	20 765	17 600	13 470	9 845	2 495	9 740	1 415
UK	54 175	54 175	49 080	40 485	NA	NA	NA
NO	NA	2 170	455	485	3 330	NA	1 570

### Notes:

1. Unless indicated to the contrary below also, data are rounded to the nearest five and as provided by Eurostat (April 2012) for the entire year 2011, except when indicated in *italics*, in which case they are *provisional for the first nine months of 2011 (or other reference period as stated in the footnotes below)* and provided by the respective EMN NCP (see below also).
2. Data for the last three columns are not recorded via Regulation 862/2007 and are as provided by the respective EMN NCP (see below also). In principle, the 4<sup>th</sup> and 5<sup>th</sup> columns should sum up to be the same as the 3<sup>rd</sup> column, although, for various reasons, including as a result of the rounding, this is not the case for all Member States.
3. "NA" means data are not available at the time this report was published.
4. **BE, LV, PT:** data are for the whole of 2011.
5. **CY, CZ:** data cover the period from January to November 2011.
6. **EL:** For Voluntary Return, data cover the period from January to October 2011.

7. **EE:** Returned as part of forced return measures: data cover the period from January to November 2011; Returned voluntarily: data cover the period from January to June 2011.
8. **FI:** Returned as part of forced return measures: data cover the period from January to December 2011; Returned voluntarily: data cover the period from January to December 2011.
9. **IT:** Returned as part of forced return measures: data cover the period from January to June 2011; Returned voluntarily: data cover the period from January to August 2011.
10. **LV:** data are provisional for the whole of 2011.
11. **SE:** Voluntary returns means persons who have received support for re-establishment in the country of origin. Data on forced returns, voluntary returns and persons returned via an Assisted Voluntary Return Programme cover the whole of 2011.
12. **PL** indicates the following breakdown for Assisted Voluntary Return Programme: 15 persons (AVR programme of the Office for Foreigners,) and 1 150 persons (AVR program of IOM and the Office for Foreigner and the Border Guard).
13. **ES:** Assisted Voluntary Return Programme data cover until 7th December 2011. A breakdown was also provided: 20 - Social Care Return Programme; 95 - Productive Return Programme; 4 755 - Advance Cumulative Payment of Unemployment Benefit Programme.
14. **HU** indicates the following breakdown for forced return measures: 65 (by air); 90 (part of air); 740 (by land).

**TABLE 6: NUMBER OF THIRD-COUNTRY NATIONALS REGULARISED, IN 2011**

Member State	Total
BE	9 300
BG	NA
CZ	NA
DK	NA
DE	NA
EE	NA
IE	NA
EL	780
ES	NA
FR	7 205
IT	22 500
CY	50
LV	NA
LT	40
LU	0
HU	NA
MT	NA
NL	NA
AT	NA
PL	NA
PT	6 835
RO	NA
SI	NA
SK	0
FI	NA
SE	NA
UK	NA
NO	NA

Notes:

1. Unless indicated to the contrary below, data are *provisional for the first nine months of 2011* and rounded to the nearest five and as provided by the respective EMN NCP (see below also).
2. "NA" means data are not available at the time this report was published, which may, in some cases, be owing to the Member State not having a regularisation programme in 2011.
3. **BE**: Annual data from (January to December 2011)
4. **FR, PT**: data are for whole of 2011 and for FR correspond to "admission exceptionnelle au séjour" comprising of 3 010 regularised for economic reason and 4 195 for personal and family bounds.
5. **EL**: data given on the basis of article 44, par. 2 of law 3386/2005 as amended by law 3907/2011 (i.e. granting of residence permits for exceptional reasons)
6. **IT**: Provisional data as of June 2011. Following their September 2009 regularisation programme and up to the end of 2011, a total of 235 090 regularisations were made out of 295 130 applications submitted.
7. **UK** provided 2010 data: 1 785
8. **LU** indicates that no third-country nationals was regularised, based on Article 89, but that two third-country nationals were issued an authorisation to stay for 'private reasons,' based on humanitarian grounds.

9. **CY** refers to the approximate number of detainees released under conditions in 2011.

**TABLE 7: DATA ON HUMAN TRAFFICKING, IN 2011**

Member State	Third-country nationals receiving a residence permit as victim of human trafficking	Arrested traffickers	Convicted traffickers
BE	50	NA	NA
BG	NA	NA	NA
CZ	NA	NA	NA
DK	NA	NA	NA
DE	40	NA	NA
EE	0	490	55
IE	NA	NA	NA
EL	60	850	NA
ES	NA	205	NA
FR	NA	4 880	NA
IT	665	480	NA
CY	30	35	0
LV	0	35	0
LT	0	30	10
LU	NA	NA	5
HU	0	NA	NA
MT	0	5	NA
NL	245	NA	NA
AT	NA	NA	NA
PL	5	NA	NA
PT	15	NA	NA
RO	NA	NA	NA
SI	NA	NA	NA
SK	NA	NA	NA
FI	0	30	5
SE	40	105	5
UK	NA	NA	NA
NO	50	NA	30 (since 2003)

**Notes:**

1. Unless indicated to the contrary below, data are *provisional for the first nine months of 2011* and rounded to the nearest five and as provided by the respective EMN NCP (see below also).
2. "NA" means data are not available at the time this report was published.
3. **BE:** Data on victims refer to number of third-country nationals who proved to be victim after introducing a complaint according to the procedures described in law (January - December 2011).
4. **EE:** Data on arrested traffickers refer to cases of THB related crimes in pre-trial procedure.
5. **IT:** Data on arrested traffickers cover the whole of 2011.
6. **CY:** Data cover the period from 1 January to 21 December 2011.
7. **FR, LV, PT:** data cover the whole of 2011.
8. **SK:** Data on victims refer to victims of human trafficking identified by the IOM from January 2011 to October 2011.
9. **SE:** Third-country nationals receiving a residence permit as victim of human trafficking includes both victims and witnesses and could also include victims of other types of crime. Arrested traffickers includes also suspected traffickers.
10. **UK:** 26 suspects of trafficking were arrested in Romania since 2008 by Joint Investigation Team UK – RO.

11. **NO:** In addition to the 52 persons counted as victims in the table, 4 persons were granted a permit as witnesses in cases concerning human trafficking. NO does not collect statistics on traffickers arrested or involved in trafficking cases but highlights that in 2010, 40 new cases of trafficking were investigated.

**TABLE 8: ASYLUM APPLICANTS AND FIRST INSTANCE DECISIONS BY OUTCOME, IN 2011**

Member State	Asylum Applicants (incl. New)	Total Decisions	of which Total Positive	incl. Geneva convention	incl. Subsidiary protection	incl. Humanitarian reasons
BE	31 915 (25 360)	19 825	5 075	3 810	1 265	-
BG	890 (705)	605	190	10	180	-
CZ	750 (485)	685	320	105	200	10
DK	3 945 (3 945)	3 570	1 315	735	385	190
DE	53 255 (45 695)	40 295	9 675	7 100	665	1 910
EE	65 (65)	65	15	10	5	5
IE	1 290 (1 280)	1 365	75	60	15	-
EL	9 310 (NA)	8 670	180	45	85	45
ES	3 420 (2 970)	3 395	990	335	630	20
FR	57 335 (52 140)	42 190	4 580	3 340	1 240	-
IT	34 115 (34 115)	24 150	7 155	1 805	2 265	3 085
CY	1 770 (NA)	2 630	70	55	0	15
LV	340 (335)	90	20	5	15	-
LT	525 (405)	305	25	5	15	-
LU	2 150 (1 915)	1 015	45	40	5	-
HU	1 690 (NA)	895	155	45	100	10
MT	1 890 (1 865)	1 605	885	70	690	125
NL	14 600 (11 565)	15 790	6 830	710	4 065	2 050
AT	14 420 (NA)	13 245	4 085	2 480	1 605	-
PL	6 900 (4 985)	3 215	475	155	155	170
PT	275 (275)	100	50	20	30	-
RO	1 720 (1 695)	1 075	75	70	10	0
SI	360 (305)	215	20	15	5	-
SK	490 (320)	215	115	5	80	35
FI	2 915 (NA)	2 595	1 065	160	715	190
SE	29 670 (29 645)	26 720	8 805	2 335	5 390	1 075
UK	26 430 (25 435)	22 835	7 190	5 480	1 590	120
<b>TOTAL (EU-27)</b>	<b>302 455 (NA)</b>	<b>237 365</b>	<b>59 465</b>	<b>28 995</b>	<b>21 400</b>	<b>9 065</b>
NO	8 995 (NA)	9 545	4 015	2 810	765	435



Notes:

1. Data are rounded to the nearest five and as provided by Eurostat for the entire year 2011 (see also News Release 46/2012 of 23 March 2012), except when indicated in *italics*, in which case they are updates provided by the respective EMN NCP.
2. "NA" means data are not available at the time this report was published.
3. Note that there is no direct correlation between New Asylum Applicants and Decisions made in a particular year, since, for example, some decisions may have been made on asylum applicants which were submitted prior to 2011.
4. "-" means that Humanitarian reasons are not applicable in BE, BG, IE, FR, LV, LT, LU, AT, PT and SI.

**TABLE 9: THE NUMBER OF THIRD-COUNTRY NATIONALS RELOCATED AND RESETTLED, IN 2011**

Member State	TCNs Relocated to Member State	TCNs Resettled to Member State
BE	0	25
BG	NA	NA
CZ	NA	0
DK	0	515
DE	150	145
EE	NA	0
IE	10	45
EL	0	0
ES	NA	NA
FR	NA	130
IT	0	220
CY	NA	NA
LV	NA	NA
LT	0	0
LU	0	0
HU	0	0
MT	NA	NA
NL	NA	540
AT	NA	NA
PL	NA	NA
PT	NA	30
RO	0	216
SI	NA	0
SK	0	0
FI	NA	585
SE	NA	1 620
UK	NA	455
NO	0	1 340

Notes:

1. Unless indicated to the contrary below also, data are rounded to the nearest five and as provided by Eurostat (May 2012) for the entire year 2011, except when indicated in *italics*, in which case they are *provisional for the first nine months of 2011* and provided by the respective EMN NCP (see below also).
2. "NA" means data are not available at the time this report was published.
3. **DK**: There is no reallocation scheme to DK. DK has pledged to receive on an ad hoc basis up to 10 persons from Malta in 2011 on permits according to the Danish resettlement. No permits were issued in 2011 but 7 were issued by 6 March 2012.
4. **DE, IT**: data cover the whole of 2011.

**TABLE 10: UNACCOMPANIED MINORS, IN 2011**

Member State	Unaccompanied minors (Total)	Unaccompanied minors <u>not</u> applying for asylum	Unaccompanied minor asylum applicants
BE	3 850	NA	2 040
BG	25	NA	25
CZ	NA	NA	10
DK	NA	NA	270
DE	2 125	NA	2 125
EE	NA	NA	0
IE	NA	NA	25
EL	NA	NA	60
ES	2 700	NA	NA
FR	NA	NA	595
IT	8 575	7 750	825
CY	NA	NA	15
LV	0	NA	0
LT	10	0	10
LU	20	NA	20
HU	70	NA	60
MT	NA	NA	25
NL	NA	NA	485
AT	NA	NA	1 005
PL	45	NA	NA
PT	NA	NA	5
RO	NA	NA	55
SI	60	NA	60
SK	170	150	20
FI	150	NA	150
SE	NA	NA	2 655
UK	NA	NA	1 275
NO	NA	NA	720

Notes:

1. Unless indicated to the contrary below also, data are rounded to the nearest five and as provided by Eurostat (May 2012) for the entire year 2011 for asylum applicants who declare themselves to be an unaccompanied minor, except when indicated in *italics*, in which case they are *provisional for the first nine months of 2011* and provided by the respective EMN NCP (see below also).
2. "NA" means data are not available at the time this report was published, whereas "Not Applicable" means that it is not possible to record this figure.
3. **BE**: Data on unaccompanied minors are registered by Guardianship Service (including minor asylum applicants) and cover the whole of 2011. This is not necessarily equal to the whole stock of unaccompanied minors residing in Belgium. Data on unaccompanied minor asylum applicants refers to the number of unaccompanied minors who declared themselves as being a minor and covers the period from January to December 2011.
4. **AT, PT**: Data cover the whole of 2011.
5. **NO**: Data cover the period from January to October 2011.

## VIII. ABBREVIATIONS USED

ABC System	Automated Border Crossing System (UK)
ACT	Authority of Working Conditions (PT)
ADA	Austrian Development Agency (AT)
API	Advanced Passenger Information (CZ)
AVR	Assisted Voluntary Return
BBAP PFP	Border Police Service and Aliens Police Service (SK)
BIO	Belgian Investment Company for Developing Countries (BE)
BMP Project	“Building of Migration Partnership” Project
BSTC	Border Security Training Centre (NL)
CDE	Centre for Development of Enterprise (BE)
CEOP	Child Exploitation and Online Protection (UK)
CGI	Common Ground Initiative
CIRAM	Common Integrated Risk Analysis Model (PL)
CIREFI	Centre for Information, Discussion and Exchange on the Crossing of Frontiers and Immigration
CTA	Common Travel Area
DFID	Department for International development (UK)
DGDC	Directorate General for Development Cooperation
DSR	Daily Statistics Reports (SK)
EASO	European Asylum Support Office
ECOWAS	Economic Community Of West African States
eGate	Automated border control system ‘Easy GO’ (CZ)
EIF	European Fund for the Integration of third-country nationals
EMN NCP	European Migration Network National Contact Point
ENARO	European Network of Asylum Reception Organisations
ERF	European Return Fund
ERPUM	European Returns Platform for Unaccompanied Minors
EURASIL	European Union Network for Asylum Practitioners
EUREMA	EU Relocation Malta
EUROSUR	European External Border Surveillance System
FOO	Frontex Operational Office
FRAN	Frontex Risk Analysis Network
FRONTEX	European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union
GASIM	Joint Centre for Illegal Migration Analysis and Policy (DE)
GDISC	General Directors’ Immigration Services Conference
MTM i-MAP	Interactive Map on Migration
IBIS	Irish Border Information System (IE)
ICMC	International Catholic Migration Commission
ICMPD	International Centre for Migration Policy Development
ICONet	Web-based Information and Coordination Network for Member States’ Migration Management Services
ICPN	International Child Protection Network
iFADO	EU False and Authentic Documents online tool
IFAD	International Fund for Agricultural Development
IGC	Intergovernmental Consultations on Migration, Asylum and Refugees
ILOs	Immigration Liaison Officers

IMDi	Directorate of Integration and Diversity (NO)
IOM	International Organization for Migration
JUPO	Finnish Ontology for Public Administration Services (FI)
KIM	Contact Committee for Immigrants and the Authorities (NO)
MAC	Migration Advisory Committee (UK)
MELITA	Maltese project within Frontex to assist in repatriation initiatives (MT)
MIDWEB	Migration for Development in the Western Balkans
MIM	Mutual Information Mechanism
MSR	Monthly Statistics Reports (SK)
NAATP	Romanian National Agency against Trafficking in Persons
NAPTIP	Nigerian National Agency for Prohibition of Trafficking in Persons
NCIS	National Crime Investigation Service (NO)
NDFU	National Document Fraud Unit (UK)
NFI	Netherlands Forensic Institute (NL)
NIRVA	Italian Networking for the Assisted Voluntary Return (IT)
NSHF	Nordic Cooperation in Migration and Asylum
OECD	Organisation for Economic Co-operation and Development
PBS	Points Based System (UK)
PRADO	Public Register of Authentic Documents Online
PRIO	Norwegian Peace Research Institute (NO)
RAPID	Automatic Recognition System for Passengers Identified by Documents (PT)
RDW	Government Road Transport Agency (NL)
RESTART II	IOM Assisted Voluntary Return project in Malta
RPPs	Regional Protection Programmes
RT	Registered Travellers
SAT	Swift Action Teams (i.e. pilot project proposed by NL)
SCIBM Project	Support to Integrated Border Management System in the South Caucasus (LV)
SEF	Borders and Migration Service (PT)
SIS	Schengen Information System
SOCA	Serious Organised Crime Agency (UK)
TAIEX	Technical Assistance and Information Exchange
TCNs	Third-Country Nationals
UNHCR	United Nations High Commissioner for Refugees
ONODC	United Nations Office on Drugs and Crime
UDI	NO's Directorate of Immigration (NO)
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNIFEM	United Nations Entity for Gender Equality and the Empowerment of Women
VAC	Canadian Visa Application Centres
VARRE	Voluntary Assisted Return and Reintegration in Estonia (EE)
VGM	Innovation of Border Management (NL)
VREN	Voluntary Return European Network