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Annual Report on Immigration and Asylum (2010)

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Annual Report on Immigration and Asylum (2010)

Background

This paper summarises the main actions taken in 2010 at both EU and Member State level for each of the commitments made in the European Pact on Immigration and Asylum and the relevant asylum and migration objectives in the Stockholm Programme and its accompanying Action Plan. The reporting period is from 1st January 2010 to 31st December 2010.

Following publication of the First Annual Report on Immigration and Asylum,¹ the JHA Council adopted conclusions,² which were then endorsed by the European Council, and invited the Commission to continue reporting on the progress made, covering both the implementation of the European Pact on Immigration and Asylum and of the relevant sections of the Stockholm Programme, and its accompanying Action Plan. This report serves to meet this request.

Overview

The structure of this paper broadly follows the main commitments of the Pact, with main sections on Legal immigration and Integration; Irregular immigration and Return; Border Control; International Protection; Unaccompanied Minors; and the Global Approach to Migration. A Statistical Annex providing data for 2010 is also given. Each main section then addresses both the applicable Pact commitment(s) and Stockholm Programme objectives, giving, for each one of these, relevant developments and achievements, at both EU and Member State level.

Methodology

The summaries of developments at national level presented here have been prepared notably on the basis of factual information provided by National Contact Points of the European Migration Network (EMN NCPs). Information on developments at EU level has been provided primarily by the Commission. The inputs provided by the EMN NCPs have been invaluable for drawing up this paper. However, one should note that the summaries in this paper are the responsibility of the Commission; the EMN will under its own responsibility produce its complementary EMN Annual Policy Report 2010 where more detailed information may be obtained.³

This paper should not be treated as an exhaustive identification of all relevant Member State activity in relation to each commitment/objective. 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 2010 and/or because such developments were not reported by the EMN NCPs.

¹ The First Annual Report on Immigration and Asylum (2009) consisted of: (i) a Communication (COM(2010) 214) and (ii) a factual Commission Staff Working Paper (SEC(2010) 535).

² 3018th JHA Council, 3 June 2010, see http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/114881.pdf.

³ More information, including the EMN Annual Policy Report referred to, is available from <http://www.emn.europa.eu>. The EMN did **not** address Pact commitments: III(c), III(g), IV(a), IV(b), V(f), V(g), V(h) nor those Stockholm objectives which were principally for actions at EU level, e.g. on implementation of the Policy Plan on Legal migration [Section I.1.2]. They may be identified as those sub-sections with no information "At national level."

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I. LEGAL IMMIGRATION – INTEGRATION

1.1. I.1 Economic migration

I.1.1 European Pact on Immigration and Asylum

*Commitment: I.(a) to invite Member States and the Commission to **implement policies for labour migration**, with due regard to the *acquis communautaire* and Community preference, bearing in mind potential human resources within the EU, and using the most appropriate resources, which take account of all the needs of the labour market of each Member State, pursuant to the conclusions of the European Council of 13 and 14 March 2008;*

At EU level the implementation of the 2005 Policy Plan on Legal Migration⁴ progressed. In July 2010, the Commission presented proposals for two new Directives. The first one concerns third country national seasonal workers, who are needed, in particular, in the agriculture and tourism sectors. Seasonal workers are a group that need protection – they often face exploitation and poor conditions which may threaten their health and safety. The proposal introduces a special procedure for the entry and residence, and a common set of rights and obligations. The second legislative proposal sets up a fast-track entry procedure for intra-corporate transferees from non-EU countries bringing skills and knowledge that EU companies do not have at their disposal. It brings know-how and innovation to the EU economy and makes it more competitive.

As part of the work on assessing national labour market needs, the European Migration Network (EMN) undertook a study on "Satisfying Labour Demand through Migration."⁵ In addition, a study on "Employment and Labour Market Integration Policies in the European Union (2000-2009)" was commissioned from the International Organisation for Migration (IOM) on Migration,⁶ which *inter alia* shows that, at EU level, recent third-country national migrants accounted for an employment increase of almost 3.7 million and around a quarter of the overall rise in employment.

At national level, several Member States reported on the adoption of new policy in 2010 (IE, EL, FR, LU, HU, NL, PL, SI). This included the introduction of ministerial decrees setting conditions for obtaining residence permits for 'exceptional economic contributions' (FR) and conditions for exempting third-country nationals from acquiring work permits (HU), as well as the introduction of new arrangements concerning the issuing of employment permits for doctors (IE). In EL, the National Immigration Policy aimed primarily at the rational management of legal migration flows, using legal migration as a way to meet the labour market needs, in an effort to enhance the competitiveness of the national economy and promote smooth integration of long term migrants. In LU, following an analysis of the national economic situation, new measures were proposed in April 2010 aimed at improving national competitiveness and ensuring convergence between migration policy and labour shortages, while taking into account Union preference. An inter-ministerial Working Group is currently working on a set of recommendations to apply these measures. In NL, the Modern Migration Policy Bill was adopted during 2010 which provided for fast, effective and manageable admission procedures for third-country nationals arriving for economic reasons. PL reported on the adoption of their National Employment Action Plan which envisaged the creation of an appropriate migration policy responding to the needs in the labour market, as well as the

⁴ COM(2005) 669 final of 21 December 2005.

⁵ Synthesis and National Reports available from <http://www.emn.europa.eu> under "EMN Studies."

⁶ See <http://www.labourmigration.eu/research/report/13-migration-employment-and-the-outcomes-of-labour-market-integration-policies-in-the-european-union>.

reinforcement of integration for migrants in the labour market. Regulations prolonging, for an indefinite period of time, the possibility to undertake work by neighbouring third-country nationals on the basis of an employer's declaration of their willingness to employ such workers were also adopted. In SI the proposal for a new Act on Employment and Work of Foreigners was adopted, which included a number of new measures, such as free access to the labour market for third-country nationals who have resident status in another Member State.

Improvements to the governance of legal migration were reported, including the modification of existing policies (CZ, IE, ES, LV, HU, FI, SK, SE, UK). In six Member States, these modifications related to legislative amendments (CZ, LV, HU, SK, FI, SE), and for FI this was still in Parliament, or implementation of new legislation adopted in December 2009 (ES). The legislative changes related to institutional changes (CZ, LV), the reinforcement and adjustment of the existing instruments for measuring the needs of the labour market (ES), the improvement of third-country national workers' rights to residence permits (HU, SK), the introduction of exemptions for particular categories of workers (SK) and the improvement of arrangements for particular worker groups (SE). In addition, IE updated immigration arrangements through the consolidation of policies with regard to work permit holders and the introduction of 'grace periods' for those working for less than five years who have become redundant involuntarily.⁷ UK also made amendments to their points-based system in 2010, which included the revision of criteria for Tier 1 (highly skilled applicants), as well as the introduction of additional requirements for Tier 2 (skilled workers with a job offer).

Several Member States (CZ, EL, ES, AT, PL, RO, SK, FI, UK) reported on their plans for the future development of their labour migration policy. These future plans included launching the 'Red-White-Red Card,' a new points-based migration model (AT); establishing a system of economic migration which would allow third-country nationals to apply for three different types of single permits depending on their skills (CZ); preparing the issuance of residence permits to third country nationals in the form of a separate document and the creation of one-stop-shop for immigrants (EL); providing the possibility of on-site hiring by companies (IT); setting up an flexible economic migration system, corresponding to the identified needs of the national labour market (RO); developing priorities and rules for economic migration (SK); and launching a pilot project for developing operating models for recruitment in the health sector, including international recruitment either as a national project or with other EU Member States (FI). Of these Member States, AT and PL foresaw potential amendments to their legislation concerning economic migration, which for PL included expanding the issuance of residence permits to graduates of higher schools and universities seeking employment. In addition, UK envisaged future reforms which would control economic migration by limiting, in the future, the number of third-country nationals entering the UK for employment and introducing measures to reduce abuse of immigration through 'student routes.'

To ensure that labour migration meets the various needs of the labour market, several Member States (EE, EL, IT, CY, HU, AT, PT, SI, UK) reported on the implementation of their Annual Quotas, as well as the changes experienced in their quota systems. A few Member States lowered their quotas (IT, CY, HU), with only one Member State reporting the retention of the same quota from the previous year (PT). In EL, a decrease was experienced in the number of requests by employers for third-country national workers. In SI, although the implementation of the work permit quota continued, no obligation was placed on employers to follow this quota in 2010. RO's draft National Strategy on Immigration for the period 2011-2014 envisaged setting up admission

⁷ This grace period refers to a six month period under which a worker can seek alternative work without a labour market needs test being applied.

quotas to manage labour market needs from 2011. An interim limit was introduced in the UK on economic migration of third-country nationals ahead of a permanent limit to be introduced in 2011.

ES and LT reduced their list of professions and/or sectors where labour shortages existed. In ES, the reduction was a consequence of a self-regulating mechanism reflecting labour market needs. For example, in LT the professions included in the Shortage Occupations List decreased, compared to 2009, with only six professions included in the second half of 2010. In addition, FR reported that the list of shortage occupations was extended in 2010 due to the continued implementation of agreements signed with different countries of origin for the concerted management of migration flows.

A few Member States reported the involvement of other actors for the implementation of labour migration policies. For example, consultations were held with various stakeholders for the negotiation of the new migration model (AT); a policy proposal (still under consideration) concerning the role, duties and practices of the public employment service in international recruitment was drafted (FI); and proposals to implement an annual limit on economic migration from third-country nationals (UK). Some Member States (BE, ES, FR, HU, UK) also emphasised the continued involvement of other stakeholders, including the Economic Migration Service (BE), the public employment agencies (ES, FR, HU), the Immigration Office (HU) and the Migration Advisory Committee (UK). In ES, the Tripartite Labour Commission on Immigration, consisting of the main employer and trade union organisations, as well as local authorities, continued its involvement.

With regard to salary thresholds, EE reported on governmental debates on lowering the salary threshold for third-country nationals entering the Member State, with it finally being decided not to lower the salary threshold.

Some Member States (EE, AT, PL, SK) targeted specific groups. These included (highly) qualified workers (AT, PL, SK), seasonal workers (EL), young people with higher education (EE), workers from Western Balkans and Caucasus regions (PL) and students and researchers (SK).

Four Member States (BG, CZ, PL, UK) changed their policy as a result of the economic crisis. These changes related to the limitation of work permits issued (BG); impacts on the Green Card project (CZ); more flexible approach of employers of third-country nationals experiencing temporary financial difficulties, resulting in reducing work hours and wages (PL); and tighter entry criteria for highly skilled third-country national workers (UK), including increased salary thresholds for workers entering on the Tier 1 visa for highly skilled workers.

*Commitment: I.(b) to increase the attractiveness of the EU for **highly qualified workers***

At EU level, work continued on the preparation for the coming into force of Directive 2009/50/EC on the EU Blue Card Scheme in June 2011. A meeting of the contact committee for this directive was held in September 2010, and a wide ranging debate took place based on questions that the Member States had sent in advance. Despite this, for the time being, formal transposition is so far disappointing, with only one Member State (ES) having formally communicated to the Commission its national measures of transposition and two others (EE, NL) of partial transposition.

At national level, most of the Member States (BE, BG, CZ, DK, DE, EE, ES, FR, IT, CY, LT, LU, MT, NL, AT, PL, PT, RO, FI, SE, SK) took steps to increase the attractiveness of the EU for highly qualified workers. These steps included preparations for the transposition of the Blue Card Directive, as well as the implementation of incentive mechanisms for highly-qualified workers.

With regard to the transposition of the Blue Card Directive, several Member States reported that they were in the process of transposing the Directive through the introduction of draft legislation (DE, EE, FR, LV, LT, AT, PL, PT, RO, SK), whilst others had undertaken preparatory work for transposition (BE, CY, EL, LU, HU, MT, NL, FI) or planned to do so in 2011 (IT, SE). Both ES and CZ adopted legislation transposing the Blue Card Directive, while in SI, national legislation was considered to be already in line with the Directive.

Additional measures aimed at attracting highly-qualified workers were undertaken. These measures included simplifying procedures and relaxing conditions for entry or renewal of permits (CZ, DE, ES, IT, HU, PT), facilitating or planning to facilitate access to the labour market for third-country nationals who graduated from education establishments in the Member State (IE, AT) and establishing a new fiscal regime related to the recruitment of highly skilled foreign nationals in order to decrease recruitment costs (LU). In addition, one-stop shops were opened in DK and new expat centres were established in NL, which aimed to provide high-quality services to highly skilled migrants in order to quickly enter and integrate in the Member State. Examples of those who benefited from these measures included third-country national graduates with university degrees from the Member States (IE); individuals providing exceptional economic contributions through the creation of jobs (FR); academics (ES, IT); highly qualified executives (ES); engineers, technicians and scientists (ES); teachers (PT); and artists of recognised international repute (ES).

A few Member States (FR, ,LT, AT) planned policies to further facilitate the reception of highly-skilled workers by simplifying administrative procedures, through the establishment of a single contact point for both employers and highly qualified migrants (FR), shortening terms for processing applications for residence permits for highly qualified workers from six to three months (LT) and introducing a points-based system which would favour the entry of (highly) qualified migrants (AT).

*and take new measures to further facilitate the reception of **students and researchers** and their movement within the EU;*

At EU level, the Commission started the evaluation of Directive 2004/114/EC on third-country national students and of Directive 2005/71/EC on third-country national researchers. In accordance with both directives, the Commission is preparing a report to the European Parliament and to the Council on their application in the Member States. These two reports will be available in 2011.

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

For students, a few Member States (IE, EE, PT) undertook new actions or modified procedures to facilitate the entry and stay of third-country nationals through the simplification of procedures. For example, EE introduced an exception in the Aliens Act from 1st October 2010, which allows third-country nationals legally staying in Estonia to apply for a residence permit in Estonia (instead of from the Estonian foreign representation) for studying in an officially certified study programme of Master's study or Doctoral study. FR and PT also undertook measures to promote academic facilities in order to attract third-country national students. For example, FR took new measures to promote the French education systems abroad through the Campus France Services. PT also reported on future plans to propose the extension of opportunities to issue temporary residence permits to students enrolled in a study programme or study research. LU continued to support the reception of third-country national students through the funding of exchange programmes.

IE launched a new five year strategy document ‘Investing in Global Relationships’ which set objectives for increased international student numbers in higher education and English language schools in order to increase the economic impact of the international education sector by €300 million to €1.2 billion by 2015.

In EE, legislative amendments were adopted concerning residence permit for study to participate in voluntary for voluntary service within the framework of a youth project or program recognised by the Ministry of Education and Research of Estonia. In ES, amended legislation regulating the regime for admission for study, student exchange, non-employee status training or volunteering, establishing permits for stay, as well as authorising the related third-country nationals to undertake remunerated activity providing this does not restrict the pursuit of their studies. The new legislation also recognised facilities for third-country students taking part in EU programmes aimed at promoting mobility towards and within the Union.

In HU, with regard to the modification of entry conditions, legislative amendments were adopted requiring students to show that they had sufficient resources for themselves and their family members.

Some Member States (IE, FR, LT, PL, UK) outlined planned actions relating to students. These related to legislative proposals facilitating the issuance of residence permits for students (PL); a review of access to the labour market by third-country national students by the Interdepartmental Committee on Student Immigration (IE); the planned establishment of a Mediterranean Office for Youth promoting student mobility (FR); an expansion of those who would be able to obtain a residence permit on the basis of studies (LT); and a review of the student ‘route’, in order to propose a more selective system for students entering the territory (UK).

For researchers, legislative amendments were implemented (ES) or introduced (LT) in order to facilitate the application for researchers wishing to enter these Member States. These new provisions concerned the creation of a ‘research visa’ which defined a facilitated regime for the granting of residence and work permits to workers engaged in research activities, as well as a special regime for researchers (ES), and proposed the reduction in the application processing time for researchers to three months (LT). In LU, legislation on training and research introduced in 2008 continued to show its effects with the situation of doctorate and post-doctorate researchers improving. LU also established structural indicators for the management of researchers, which would be integrated in the performance contracts 2011-2013 of research institutions and universities. PL undertook actions to elaborate its final policy-oriented conclusions for future actions in this domain. Among these were facilitating the admission of researchers and strengthening its scholarship system.

Concerning the transposition of Directive 2004/114/EC on admission conditions for students, BG proposed draft legislation which aimed to make additions specifying the groups of third-country nationals who are entitled to right of residence under the Directive.

*Commitment: I.(c) to ensure, in encouraging temporary or circular migration, pursuant to the conclusions of the European Council of 14 December 2007, that those policies **do not aggravate the brain drain**;*

See also *Commitment V.(b) [Section VI.1]*

At EU level, co-operation with third countries is an essential element of the EU's immigration policy, which promotes all measures that aim at minimising the negative and maximising the

positive impacts of highly skilled immigration on developing countries. The "Blue Card" Directive, for example, makes a clear reference to the need to develop ethical recruitment policies and principles applicable to public and private employers in key sectors, for example, the health and education sectors. The directive is without prejudice to EU or bilateral ethical recruitment agreements, and it allows Member States to reject an application for ethical recruitment reasons.

At national level, several Member States (DE, EE, ES, IT, SI, SE, UK) reported on ongoing actions to prevent or not aggravate the brain drain. These measures related to promoting the transfer of knowledge with the 'Returning Experts Programme' (DE); facilitating the return of third-country nationals who have benefited from working in the Member State (ES); implementing projects increasing the entrepreneurship of migrants returning to Africa (IT); improving brain circulation through enabling temporary return (SE); and implementing a Medical Training Initiative providing third-country medical specialists with a fixed period of training in the Member State before returning to their country of origin (UK).

Regarding the countries subjected to brain drain, UK developed a list of countries and professions subject to brain drain, based on the OECD's Corporation Development Assistance Committee's list of aid recipients, created by the UK Department of International Development. Measures in the UK aimed mostly at health sector professions.

With regard to future plans for combating brain drain, PT's Immigration Integration Plan 2011-2013 envisaged the creation of a working group to coordinate the attribution of scholarships with the needs of the countries of origin in order to limit brain drain.

On awareness raising campaigns, two Member States (EE, PL) undertook measures addressed to their nationals wishing to return from other (Member) States through the launching of a job vacancy website (EE) and the implementation of an information campaign providing Polish nationals with information which would assist them in deciding on returning to their home country (PL).

With regard to temporary and circular migration,⁸ some Member States (BE, CZ, ES, IT, NL, PL) undertook actions or introduced new legislation to favour this migration in 2010. These measures included the increased cooperation with third countries to implement the principles of circular migration (CZ); the offering of 9 224 seasonal contracts in countries of origin and the implementation of circular migration projects in the framework of bilateral agreements (ES); plus the setting of a quota of 4 000 third-country national seasonal workers in order to encourage circular migration programmes (IT). In addition, IT, NL introduced projects aimed at promoting circular migration. For example, in NL, the pilot project provided an opportunity for a small group of labour migrants from Indonesia and South Africa to perform temporary work. This project also aimed to enable the individuals to improve their professional positions or set up a business of their own upon return to their country of origin. PL adopted regulations prolonging, for an indefinite period of time, the possibility to undertake work by third-country nationals for up to 6 months without the need to obtain the work permit.

Concerning future actions, three Member States (CZ, NL, SE) planned to develop their circular migration policy, through the integration of third-country cooperation into a new legislative act (CZ), the continuation of pilot projects in third countries (NL) and the development of recommendations from the Committee on Circular Migration (SE). In addition, RO's draft National Strategy on Immigration, for the period 2011-2014, envisages the setting of quotas for temporary

⁸ The EMN has also undertaken a study on temporary and circular migration, see <http://www.emn.europa.eu> under "EMN Studies."

migrant workers, offering third-country nationals the possibility to gain professional experiences, which could subsequently be used in the country of origin upon return.

1.1.2 Stockholm Programme (Section 6.1.3)

*invites the **Commission** and the **Council** to continue to implement the **Policy Plan on Legal Migration**;*

See the entry under *Commitment I (a) [Section 1.1.1]*

Improving skills recognition and labour matching

At EU level, the Commission started preparation for its policy paper on addressing labour shortages through migration in EU Member States which could be adopted in 2012 in the form of a Green Paper. Currently there is no EU wide method to assess what skills are needed for specific labour shortages in the Member States and whether workers from third countries have the skills and qualifications needed to fill in such jobs. An EU wide system of identifying labour shortages would help those Member States that do not have their own well-developed systems, and would be more transparent for immigrants allowing them to apply where their skills are needed most. A common and transparent European framework improving the recognition of skills and qualifications of third country nationals would help employers to identify more accurately third country nationals to employ, and would allow the skills potential of migrants to be fully realised.

At national level, many Member States (DK, DE, IE, EL, ES, FR, IT, LV, LT, LU, MT, NL, AT, PT, RO, SI, SK) undertook actions related to skills recognition and labour matching.

For the former, actors involved in the process included university authorities (AT), government ministries (ES, LT), employers (ES, FR, SI), Trade Unions (ES), Qualifications Recognition Information Centres (MT) and national organisations for international cooperation in higher education (NL). In IT, greater powers were delegated to social partners for the recognition of skills and qualifications.

Five Member States (DE, EL, LV, LU, SI) developed their skills recognition process. For example, DE provided for uniform criteria to be developed for improving the assessment and recognition of international qualifications in a benchmark paper, with legislation to be introduced in 2011. EL transposed Directive 2005/36/EC, concerning the recognition of professional qualifications, into national legislation and prepared for the implementation of the National Qualifications Framework and its correspondence to the European one. LU published a new Regulation concerning the organisation of the recognition and validation of prior learning (including those acquired outside the school context). In SI, the Act on the Recognition of Professional Qualifications was adopted which defined a uniform procedure for the recognition of professional qualifications for third-country nationals in the medical and dental professions. RO adopted the Amending Protocol on the Agreement with Moldova, on mutual recognition of diplomas, certificates and scientific titles issued by educational institutions in the contracting States.

For the improvement of skills recognition in the future, IE and LT planned actions which related to the establishment of an amalgamated qualifications agency (IE) and the formulation of a human resource policy, which would include a national policy towards the recognition of regulated professions, as well as the allocation of an institution to deal with it (LT).

In order to assist third-country nationals with skills recognition, information sharing was undertaken by IT and PT through the publication of a dedicated handbook assisting third-country nationals with the recognition procedure (IT), as well as the publication of a guide to skills recognition which summarised the national educational system and the processes for academic and professional recognition (PT).

On labour matching, existing bilateral agreements for the coordination and management of migration flows were implemented by ES which included labour matching instruments. Moreover, coordination committees were established to manage these agreements.

Many Member States (BE, BG, CZ, DK, DE, IE, EE, EL, ES, HU, NL, SI, FI, SE, UK) reported on the methods and tools used to analyse labour market needs and shortages. These included the use of lists of bottleneck occupations (BE, IE, ES), lists of vacancies (CZ, EE, EL), reports from employers and inquiries conducted by the Public Employment Service (AT) and a yearly prognosis by the Ministry of Employment and the Economy on the structure of the workforce (trends, bottlenecks, labour demand) (FI). Some referred to stakeholders involved in the analysis of the labour market, which included employment agencies (BG, SI), national employment agencies (DE, EE, EL, ES, LU, HU, NL, AT), regional employment agencies (DK, ES), expert groups on future skills needs (IE), employers' associations and trade unions (ES), local employers (ES, AT, SI, UK), central statistics offices (PL), national research institutes (SE) and advisory committees (UK).

With regard to future measures, EL aims to undertake a nationwide survey creating a regional "immigrants map" on the quantitative and qualitative characteristics of the migrant population who reside and/or work there. ES plans to evaluate its current labour matching mechanism with a view to improving its flexibility, transparency and adaptability to the situation of the labour market, whilst MT aims to establish a Labour Market and Skills Shortage Committee, to provide transparent, independent and evidence-based analysis of labour market needs and shortages, identify underlying factors and produce skills-shortages lists. PL's draft "Migration Policy of Poland" aims to establish an efficient system for monitoring labour market needs and shortages in the future. RO's draft National Strategy on Immigration 2011-2014 will introduce annual evaluations of the national labour market, in order to identify labour shortages and set adequate quotas.

To ensure that labour demand could not be covered by national and other EU workers, LU (legislative procedure ongoing) and UK amended their labour immigration system whereby job vacancies were advertised with the national Public Employment Service for a reasonable period of time.

Several Member States (BG, CZ, LV, HU, NL, SK) described the effects of the economic crisis on national policies for skills recognition and labour matching. These included the reduction in the number of vacancies in Member States either as a result of their labour market analysis (CZ, ES, LV) or due to less work permits being issued (BG, HU, LV). In addition, NL established 33 mobility centres to combat the effects of the crisis.

*invites the **Commission** to assess the impact and effectiveness of measures adopted in this area with a view to determining whether there is a need for **consolidating existing legislation, including regarding categories of workers currently not covered by Union legislation;***

At EU level, the evaluation of existing directives, which has started, will help to prepare a possible consolidation of existing legislation and in the definition of categories of workers to be covered. See also *Section I.3.2*.

*Efforts to promote concerted **mobility and migration with countries of origin** should be closely **linked** with efforts to promote the development of opportunities for decent and productive **work** and improved **livelihood** options in **third countries** in order to **minimise the brain drain**. (Section 6.1.2).*

See the entry under *Commitment V.(d)* [Section VI.1]

I.1.3 Key statistics

Table 1 in the Statistical Annex gives a provisional overview of the residence permits issued in 2010 by reasons (education, remunerated activities and other reasons⁹). Of the Member States providing such data, most residence permits were issued in 2010 by IT (326 000 up to and including September 2010), FR (189 500) and DE (125 978). Member States which issued permits mainly for the purpose of education were FR (58 000 or 30.6% of all permits), DE (42 775 or 34%) and SE (14 188 or 39.7%). Those who issued permits mostly for the purpose of remunerated activities were IT (200 500 up to and including September 2010 or 61.5%), and again DE (25 015 or 19.9%) plus SE (21 507 or 60.3%). The highest number of permits issued for ‘other reasons’ were again by FR (114 500 or 60.4%), IT (113 00 or 34.7%) and DE (58 188 or 46.2%).

I.2 Family Reunification

I.2.1 European Pact on Immigration and Asylum

*Commitment: I.(d) to **regulate family migration** more effectively by inviting each Member State, in compliance with the European Convention for the Protection of Human Rights and Fundamental Freedoms, to take into consideration in its national legislation, except for certain specific categories, its own reception capacities and families' capacity to integrate, as evaluated by their resources and accommodation in the country of destination and, for example, their knowledge of that country's language*

At EU level, see the entry below under *Stockholm Programme* (Section I.2.2).

At national level, several Member States (BE, ES, CY, HU, AT, FI, SI, SE, UK) documented changes to existing policies. These included modifications to the (set of) conditions for family reunification, to the categories of persons exempt from fulfilling these conditions, and to the procedures for applying for or renewing residence permits within the framework of family reunification. In order to facilitate integration of reunited families, ES introduced measures on the schooling of minors, including an improvement of the estimation of the necessary places available at the respective schools.

Some Member States (BE, DK, ES, PL, SI) undertook or adopted new legislation to promote the integration of third-country nationals coming for the purpose of family reunification. ES introduced grants for local authorities to develop innovative integration programmes with a total value of one million euros in 2010. These grants included specific measures for third-country nationals who arrive for the purpose of family reunification. PL's draft Migration Policy of Poland proposed that concrete measures to promote the integration of third country national family members would be set

⁹ Other reasons groups together all other permits issued, including *inter alia* family reunification, for unremunerated trainees, volunteers. Owing to the different and inconsistent manner in which the data for these other reasons were available at the time this report was published, they have all been grouped together in this one column.

out in an Action Plan once the policy was adopted. In SI, legislative amendments removed the restrictive provision of providing integration assistance to family members of persons granted international protection for a period of three years maximum.

With regard to the (set of) conditions for family reunification, BE and SE added to national regimes by stipulating that sponsors were to provide proof of a stable income to support the family member(s), as well as suitable accommodation.

Some Member States (CY, HU, SI, SE) made legislative changes introducing exemptions concerning categories of persons who did not have to fulfil conditions set for family reunification. Those granted international and subsidiary protection were mostly targeted (HU, SI, SE), as well as children (FI, SE) and staff and their family members, employed by companies of “international interest” (CY). With regard to future actions, LT also recommended, through its draft law, the facilitation of conditions for family reunification for students, owners and directors of small and medium sized companies, waiving the general requirement to have resided for two years, instead to hold a temporary residence permit valid for no less than one year and to have reasonable expectations to obtain the right to permanent residence.

Additional legislative changes were made by EE, EL, ES, HU and SE. These changes referred to the inclusion of new groups eligible for family reunification (ES, SI), as well as the limitation of those eligible (ES, SI); the facilitation of applications for family reunification for rejected asylum applicants on Member State territory (SE); the introduction of new conditions for proof of stable income (FI); the waiving of the two year obligation prior to obtaining a temporary residence permit for some categories of spouses (EE); and the introduction of new conditions for terminating the right of residence of a third-country national family member (HU). Legislation in EE also included conditions additional to the Directive 2003/86/EC for obtaining an independent residence permit. Moreover in EL, legislation regulated the temporary residence of family members of third-country nationals appealing against the decision rejecting their residence permit until a judicial decision is pronounced.

In addition to legislative changes, BG planned amendments which would provide a simplified procedure for obtaining a residence permit for family reunification of a long-term resident, while RO prepared amendments to its relevant Aliens law to transpose Directive 2003/86/EC.

On language requirements, a few Member States (FR, NL, UK) introduced greater conditions, while others (IT, AT), planned to introduce such conditions in the near future. FR, for example, entered into conventions with 38 additional countries in 2010 concerning the evaluation of language skills and knowledge of French language prior to the admission of a spouse. AT planned language integration measures which would be principally targeted at family members before entry via family reunification and would oblige them to have up to level A1 of German. In IT, conditions were also being introduced with regard to the social integration of family members which obliged them to learn the Italian language.

A few Member States (BE, DE, FI) referred to the need to step up action against marriages of convenience. BE, for example, introduced a legislative proposal tightening the current terms for family reunification in order to improve the fight against marriages of convenience. Due to the national election, however, this action was postponed. DE adopted a bill extending the required minimum length of a marriage. Legislative changes were also made in SK and FI which extended reasons for refusal of applications when false, incomplete or misleading information was provided.

1.2.2 Stockholm Programme (Section 6.1.4)

*evaluation and, where necessary, review of the directive on **family reunification**, taking into account the importance of integration measures*

At EU level, a European Court ruling on family reunification has to be mentioned. Relevant case law had already stated that the Directive on family reunification of third country nationals "*imposes a precise positive obligation on Member States, requiring them in cases determined by the Directive to authorise family reunification of certain members of the sponsor's family and leaving them no leeway in this.*"¹⁰ This principle was further fortified in a judgment of the European Court of Justice on 4th March 2010 (Case-578/08) when interpreting the provision which enables Member States to require stable and regular financial resources. The European Court of Justice held that this "*may*" clause in question must be interpreted strictly and must not be used by the Member States in a manner which would undermine the objective of the Directive, which is to promote family reunification, and the effectiveness thereof.¹¹

BE and NL described the effects experienced on their family reunification policy due to jurisprudence. BE indicated that the Constitutional Court declared certain elements of Belgian Law discriminatory due to distinctions between EU and third-country nationals regarding the application of legal deadlines. NL noted that the family reunification policy was brought into line with the obligations ensuing from Directive 2003/86/EC, following the aforementioned judgment, which forbid the distinction between 'family formation' and 'family reunification'.¹² The policy change resulted in a decrease in the income requirement which had applied to family formation applications, as well as the application of a uniform age for all categories.

1.3 Other legal migration

1.3.1 European Pact on Immigration and Asylum

*Commitment: I.(e) to strengthen **mutual information on migration** by improving existing instruments where necessary;*

At EU level, two Contact Committees have taken place in 2010, dealing, on the one hand, with the Blue Card Directive, and, on the other, with the four Directives on legal migration (Family Reunification, Long-term Residents, Students and Researchers Directives). Members of these committees were from national administrations responsible for the transposition and application of the directives. Through this committee, Member States may, on an informal basis, ask questions and hear the Commission's and the other Member States' views on the interpretation of the Directive.

The European Migration Network (EMN)¹³ continued to serve as a useful source of information to support policymakers *inter alia* through its Studies (e.g. on unaccompanied minors, assisted return,

¹⁰ Para 60 C-540/03 Action for annulment under Article 230 EC, brought on 22 December 2003.

¹¹ Case-578/08 Chakroun on Article 7(1) the possibility to require stable and regular financial resources from the sponsor. The specific questions were whether the phrase 'recourse to the social assistance system' allows Member States to include special assistance granted by local authorities and whether a distinction can be drawn according to whether the family relationship arose before or after the sponsor entered the territory of the host Member State. The answer was "no" to both questions.

¹² Family formation refers to the establishment of a family relationship after the entry of the sponsor into the Member State while family reunification means the reunification of family members with a sponsor legally-residing in the Member State.

¹³ All EMN outputs are available from <http://www.emn.europa.eu>.

labour demand and on non-EU harmonised protection statuses) and Ad-Hoc Queries (99 individual queries launched in 2010 alone with, on average, 16+ Member State responses to each one or, alternatively, over 1600 individual responses provided by the EMN NCPs). The Mutual Information Mechanism (MIM), however, was practically not used (only 3 communications received from one Member State in 2010).¹⁴

The modalities of data collection based on the Migration Statistics Regulations 862/2007 were further developed, thus allowing for a more complete statistical coverage. The harmonisation of migratory statistics has facilitated better comparisons between the Member States and served to better support also the development of policy.

Elsewhere, in the context of information exchange on irregular migration, the possibility for FRONTEX to take over the ICONet¹⁵ is part of the negotiations on the amendment of the Frontex Regulation (See *Section III.1.1*). The promotion of the use of ICONet by ILOs is included in the amendment of the ILO Regulation expected to be adopted in 2011. CIREFI ceased to exist, according to the agreement reached among Member States, and FRONTEX was invited to take over the collection of relevant data related to irregular immigration instead. Through its Risk Analysis Network (FRAN), the Agency now 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 view to facilitating better situational awareness by the competent national authorities. Furthermore, FRONTEX also facilitates topical discussions on various matters related to irregular immigration which constitute a common concern for the Member States, again in place of CIREFI.

In the context of information exchange in asylum, the EURASIL network organised nine workshops, including workshops focusing on the latest situation in Somalia, Iraq and Afghanistan. The EURASIL network also facilitated *ad hoc* written queries on asylum-related matters submitted by Member States for feedback. Additionally, the construction of the Common Country-of-Origin Information (COI) Portal began. The COI Portal will be a tool enabling 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. Once the European Asylum Support Office (EASO) has become fully operational, it is expected that it would take over the activities of both EURASIL and COI.

At national level, most Member States (BE, BG, CZ, DK, DE, EE, IE, ES, FR, IT, LV, LT, HU, NL, AT, PL, PT, SI, SK, FI, SE, UK) shared and exchanged information on migration with other Member States, which took different forms. Many Member States (CZ, IE, EE, EL, ES, IT, CY, LT, HU, NL, AT, PL, PT, SI, SK, UK) referred to the European Migration Network (EMN) as a method of sharing and disseminating information, with HU and PT specifically mentioning the creation of their new EMN national website and CY referring to the establishment of the EMN National Contact Point and National Network in 2010. CY, LV and LT emphasised the added-value of the EMN Ad-Hoc Queries¹⁶ as a way of obtaining information in a relatively short period. Several Member States also made use of other existing (EU) platforms and networks, such as EURES (BG,

¹⁴ As concluded in the last report on the implementation of the MIM (COM(2009) 687), any information currently communicated through the MIM is now provided in this report on the implementation of the Pact.

¹⁵ ICONet is a secure web-based information and coordination network for Member States' Migration Management Services, OJ L 83, 1.4.2005, p. 48.

¹⁶ See <http://www.emn.europa.eu> under "EMN Ad-Hoc Queries."

PL), EUROSTAT (CZ, NL, PL, PT, SK, UK), FRAN¹⁷ (BG, CZ, PL, SK), ICMPD¹⁸ (BG, CZ, PL), ICONET¹⁹ (IE, PL, SK), GDISC²⁰ (CZ, NL, UK) and MIM²¹ (NL). LT referred to the exchange of information with international organisations, such as IOM and UNHCR. Few Member States (BE, DK, FR, AT) had ongoing exchange of information and co-operation with other Member States via bilateral contacts. BE set up a twinning project between the Belgian and Bulgarian Migration Directorates to strengthen the exchange of information. FR engaged in specific cooperation to strengthen mutual information with DE, IT and UK, especially in the area of sea surveillance (IT), irregular migration in the Calais area (UK) and other themes (DE).

LT, PL and FI shared information at regional level, FI within the framework of the Nordic Council of Ministers and LT, PL within the Council of the Baltic Sea States. SK exchanged information at multilateral level on irregular migration with HU, PL and Ukraine.

On other measures, PL concluded an agreement with the State Border Guard Service of Ukraine to establish, among other priorities, cooperation in the field of analytical activities. PL also presented its draft Migration Policy which recommended intensifying the process of cooperation with other Member States in terms of exchanging information.

*Commitment: I.(f) to improve **information on the possibilities and conditions of legal migration**, particularly by putting in place the instruments needed for that purpose as soon as possible;*

At EU level, the Euraxess website²² continued to provide information on the rights and obligations of researchers from third countries, as well as posting job vacancies. The Commission also continued its work on the future EU Immigration Portal. All Member States have co-operated with the Commission in the drafting of texts concerning their national immigration policies. The Portal will be launched in 2011.

At national level, almost all Member States 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, LU, HU, MT, NL, AT, PL, PT, SI, SK, FI, SE, UK), in specific brochures published in different languages (BE, CZ, DE, CY, LU, MT, AT, PL, SI) and/or in other media (AT, UK).

In addition, six Member States (BG, EE, FR, IT, NL, PL) make use of their embassies abroad for providing information to third-country nationals considering to migrate to their Member State. FR also noted that the French Office for Migration and Integration was present in a number of countries of origin and provided information targeting permanent and/or seasonal workers. In addition, IT emphasised the role of third-countries authorities and NGOs in multiplying the information provided by its national authorities.

Five Member States (EE, FR, PL, SE, UK) reported on providing specific information to third-country national students, with EE, PL publishing information on universities' websites and SE on specific web pages. FR also emphasised the role of the Campus France Service, present in 89

¹⁷ FRONTEX Risk Analysis.

¹⁸ International Centre for Migration Policy Development

¹⁹ Secure web-based Information and Coordination Network for Member States' Migration Management Services, established by Council Decision 2005/267/EC, OJ 2005 L 83, p. 48.

²⁰ General Directors of Immigration Services Conference

²¹ Mutual Information Mechanism for national asylum and immigration measures, established by Council Decision 2006/688/EC, OJ L 283, 14.10.2006, p. 40–43

²² <http://ec.europa.eu/euraxess/index.cfm/general/index>

countries abroad. UK used the participation of overseas staff in student fairs and conferences to inform and raise awareness about its immigration requirements.

Three Member States (BG, CZ, SK) highlighted the important role of their information and integration centres which delivered information to newly-arrived third-country nationals.

With regard to specific measures implemented in 2010, FR set up and NL improved their single portal to present information about legal migration in a unified way. EE, PT, FI also set up new or further developed existing websites, the purpose being to provide information to diaspora encouraging nationals to re-migrate (EE), facilitating the renewal and issuance of residence permits (PT) and improving the streamlining of information provision by category of migrants (FI). FI also reported on the current reform of the Info Bank Online service, which aimed to support immigrant integration by providing information on Finnish society and its services in 15 languages from the perspective of the immigrant user. This targeted three main groups, namely immigrants living in FI, immigration authorities and third-country nationals planning to migrate to FI. HU and SE established new online visa application and administration systems, which, for the latter, enabled the applicant to check their application status online. LU continued the project 'Migrate properly informed,' in Cape Verde, which aimed to better inform Cape-Verde nationals about the possibilities and constraints for migrating. In the NL, the Immigration and Naturalisation Service closely cooperated with the Dutch Ministry of Foreign Affairs to improve the consistency in the provision of information provided by Dutch embassies and consulates.

Six Member States (BE, LU, NL, PL, RO, UK) referred to future measures. These measures related to the implementation of a new website with more easily accessible information on legal migration possibilities in 2011 (BE); the improvement and harmonisation of the information related to immigration published on different websites (LU); the development of an Immigration and Naturalisation Service website with a strong client focus (NL); the organisation of information campaigns on issues related to labour migration in the main countries of origin (PL, RO); the publication of a guide for third-country national workers (RO); and the creation of a single portal to improve the quality of information provided to visa applicants (UK).

ES changed its information policies as a result of the economic crisis, in order to avoid creating false expectations when providing information to third-country nationals for the prevention of irregular migration.

Several Member States (IE, EL, ES, CY, LT, NL, AT, RO, SI, SK, FI, SE) made contributions to the EU Immigration Portal. ES also indicated that the two main websites providing information on admission, procedures, employment and hiring, run by the Ministry of Labour and Immigration, would be linked to the Portal once it was established.

1.3.2 Stockholm Programme (Section 6.1.4)

*consolidation of all legislation in the area of immigration, starting with legal migration, which would be based on an **evaluation** of the existing *acquis de l'Union* and include **amendments needed** to simplify and/or, where necessary, extend the existing provisions and improve their implementation and coherence*

The Commission plans to consolidate the legislation in the area of legal immigration in an Immigration Code only in 2013 - taking into account evaluations of the existing legislation and the need for simplification and transparency.

invites the **Commission** to consider how existing information sources and networks can be used more effectively to ensure the availability of the comparable data on migration issues with a view to better informing policy choices, which also takes account of recent developments; (Section 6.1.3, A concerted policy in keeping with national labour-requirements)

See the entry under *Commitment I.(e)* [Section I.3.1]

I.4 Integration

I.4.1 European Pact on Immigration and Asylum

Commitment I.(g) to invite Member States, in line with the common principles approved by the Council in 2004, to establish ambitious policies, in a manner and with resources that they deem appropriate, to promote the harmonious integration in their host countries of immigrants who are likely to settle permanently

At EU level, in March 2010 the Commission published its Report to the 2010 Ministerial Conference on Integration: *The consolidation of the EU framework on integration*.²³ By 2010, all the integration tools announced in the 2005 Common Agenda for Integration had been put in place to support Member States to establish ambitious policies. The fourth European Ministerial Conference on Integration was held in Zaragoza in April 2010 and Conclusions of the Council and the Representatives of the Governments of the Member States were adopted on Integration as a Driver for Development and Social Cohesion at the JHA Council of 3-4 June 2010.²⁴

The European Fund for the Integration of Third-Country Nationals continued to provide financial support for integration. The Commission approved the national annual programmes for 2010 and started processing the final reports of 2007. By 30 June 2010, 1 949 projects had been funded. Concerning Community Actions, the 2010 annual work programme was adopted in July 2010 and the call for proposals was published in November 2010. More than 100 proposals were submitted, with selection taking place in 2011.

At national level, several Member States (BE, DK, DE, IE, EL, ES, FR, CY, LU, AT, PT, SE) reported on their policy or the adoption of new policy. This included the establishment of new integration strategies (AT, PT); legislative changes concerning integration (DK, EL, ES, FR, LU, PL, FI, SE); the publication of a new integration policy document (BE) and nationwide integration programme (DE, CY, LU); institutional changes (BE, EL, LU, AT); and the introduction of new funding initiatives (IE).

Legislative changes introduced included the right to vote and stand for elections at municipal level for certain categories of legally residing third-country nationals (EL, ES) and third-country nationals of Greek origin (EL), plus for all legally-residing third-country nationals (LU); the automatic acquisition of citizenship for third-generation immigrants and, under certain conditions, for second generation immigrants (EL); a facilitated access to citizenship by naturalisation for third-country nationals who had an 'exceptional integration pathway' (FR); new requirements to respect the integration contract in case of renewal of temporary residence permits and to sign the 'Charter of the Citizen's rights and duties' in case of naturalisation (FR); the definition of execution modalities for the existing Reception and Integration contracts (LU); new requirements to demonstrate a certified knowledge of the national language in order to be granted residence and/or

²³ SEC(2010) 357 of 19 March 2010.

²⁴ Council document 9248/10.

settlement permits (PL); institutionalised participation of third-country nationals in public life at municipal level with the setting up of Councils on Immigrant Integration in each municipality (EL); plus provisions establishing new integration models (FI) and introduction plans (SE). In IE, new funding initiatives focuses on the promotion of integration through sport. In DK, new legislation underlined the responsibility of the individual third-country national for their integration process, while also recognising the need for a strong commitment from the host society to support successful integration.

Other Member States (EL, LV, MT, PL, FI, UK) modified their existing policies. For example, MT amended its legislation concerning the status of third-country nationals who are long-term residents, which transposed Directive 2003/109/EC, and introduced new integration measures in connection with the acquisition of such status. In order to facilitate access of third country nationals to the long term resident status, EL simplified the procedure for obtaining the required Greek language certificate and lowered the relevant permit fee. FI proposed an amendment to the Citizenship Act which aimed to facilitate access to citizenship for persons demonstrating sufficient command of one of the national languages. LV and PL modified their legislation to further define access to education for different categories of third-country nationals and establish compensatory courses at schools for third-country nationals (PL). In the UK, the Migration Impacts Fund, introduced under the previous government, was closed, with local authorities taking over responsibility for funding the supported projects.

In other developments, CZ published its ‘Annual Report on the implementation of National Strategy for the Integration of Immigrants;’ EE introduced a free induction programme for newly-arrived third-country nationals; and AT launched the “National Action Plan (NAP)” on Integration, which defines the principles and goals of national integration policy.

Several Member States (BE, BG, IE, LT, PL, RO, SI) planned developments in their integration policy. This included the introduction of a new Integration Act (BE- Flanders), foreseen for 2011; the elaboration of a new national strategy on Migration, Asylum and Integration and the creation of national forums for integration (BG); the implementation of more funding initiatives (IE); the possible establishment of a coordinating institution for the integration of third-country nationals (LT); the introduction of facilitated rules of stay for legally residing third-country nationals positively impacting on integration (PL); the extension of the categories of third-country nationals being able to participate in integration programmes (PL); the improvement of the access to housing (PL); and the enhancement of integration activities for third-country nationals, together with the setting up of integration information centres (RO). LT also planned the future implementation of the Council of Europe Convention on the participation of third-country nationals in public life at local level, whilst for SI, the planned amendment of the Regulation on Integration in 2011 aims to broaden the scope of beneficiaries of language courses provided free of charge.

Most Member States (BE, BG, CZ, DE, IE, EE, EL, ES, FR, IT, CY, LV, LU, HU, MT, NL, AT, PL, PT, RO, SI, SK, SE, FI, UK) have measures in place to enable migrants to learn the language of the host countries and to acquire knowledge of the host society’s history and culture (BE, CZ, DK, DE, EE, EL, ES, FR, IT, CY, LV, LU, MT, NL, PL, PT, RO, SK, FI, SE, UK). EE started to offer free language courses to unemployed and low paid third-country national migrants, additionally to the induction programme and courses for citizenship exams. Among innovative measures, BG and IE undertook regional schemes. These related to mobile teams delivering language and civic integration courses in regions where there was a limited number of third-country nationals (BG), as well local volunteers conducting English language classes (IE). In NL, the ‘House for Democracy and The Rule of Law’ was established in September 2010 which aimed to increase people’s knowledge of and participation in democracy, targeted at particular groups, including third-country

nationals participating in civic integration programmes. Concerning civic orientation, SE introduced new legislation guaranteeing a minimum of 60 hours of civic orientation to newly-arrived third-country nationals. Similarly, DE planned to extend its orientation courses from 45 to 60 hours.

Many Member States (DE, EE, EL, ES, FR, CY, LU, HU, AT, MT, PL, PT, RO, SI, SE, UK) also referred to support services, programmes and/or projects to enhance migrants' access to employment, including job-related language training (DE, AT, SI); employment preparation activities (EE, ES, PL, SE); social support and training (CY, MT); mapping of labour market possibilities for newly-arrived third-country nationals (EL, HU); project promoting immigrant entrepreneurship (PT); advisory programmes (PL, RO); and projects focusing on refugees' access to employment (EL, UK). In AT, for example, a new location "Habibi – House for Education and Professional Integration" was established, acting as a one-stop-shop for labour market oriented integration of migrants. A comprehensive multiannual agreement was signed in FR in order to facilitate the professional orientation of third-country nationals who had signed the 'Reception and Integration Contract' and shorten the delay to access employment. This foresaw the adaptation of services offered by the Public Employment Service to newly-arrived third-country nationals, the definition of the services offered by the Public Employment Service to the migrants during their first five years and the prevention of discrimination within the Public Employment Service and at local level when dealing with migrants. In LU, as part of the proposed reform of the Employment Administration Agency, legally established third-country nationals (having a perspective to stay longer) and their family members will benefit from the Agency's services.

Several Member States (DE, EE, EL, ES, CY, NL, PT, SK, UK) also reported on measures to facilitate migrants' access to public and social services. Most of the measures emphasised the role of municipalities (EL) and/or local integration and/or information centres (NL, PT, SK) and social workers (HU). EE started to develop a support person service for newly arrived third-country nationals in the municipalities. UK indicated that access to accident and emergency services were free of charge for migrants and that they had the right to register to a local (general practitioner) doctor.

As well, several Member States (EE, EL, ES, CY, IT, LV, HU, PL, SK, UK) noted that these activities, projects and programmes received funds from the European Integration Fund or the European Social Fund (DE, EL, UK) or the European Refugee Fund (EL, PL, UK).

<p><i>Commitment I.(h) Promote information exchange on best practices in terms of reception and integration</i></p>

At EU level, four meetings of National Contact Points on Integration (NCPI) took place. Moreover, the Commission launched the third edition of the 'Handbook on Integration for policymakers and practitioners' on the occasion of the IV Ministerial Conference on Integration, held in Zaragoza in April. Handbooks were distributed to all Member States in 22 official languages. The European Web Site on Integration (on www.integration.eu) incorporated 27 Country Coordinators into its governance structure in order to offer first-hand information from all Member States on a regular basis.

At national level, most Member States outlined their participation in the National Contact Point on Integration, the European website on Integration and the European Integration Forum. Some also contributed to the preparation of the EU Belgian Presidency Expert Conference on European Integration Modules in December 2010. This conference was a first step in the development and use of the European Integration Modules and aimed at achieving a shared understanding of the used

terminology and clarifying the concept of ‘modules’ by presenting practical experiences in different Member States.

In addition, several Member States referred to the establishment of working groups and/or structural exchanges at national level among actors involved in integration policies (BE, BG, LU, HU, MT, NL, AT, PL, SI); the further development (DK, IE, LV, AT, PT, SI) or initiation (EL) of websites enabling the publication of information on integration matters; the creation of an internet portal providing information on integration matters (EL); the introduction of specific funding streams for the transfer of know-how and good practices (ES); research on best practices relating to equal treatment of female migrant workers (EL); the organisation of thematic conference to exchange best practices (EE, ES, LU); the consultation of national and international integration experts to identify best practices (AT); the publication of a compendium of cases of successful application of local awareness-raising and equal treatment and non-discrimination plans (ES); and the publication of newsletters on integration-related issues which facilitated dialogue and exchange of good practices (SE).

In DK, the campaign “Needing All Youngsters” was implemented in 2010 which used role models with migrant backgrounds to inspire young migrants to perform better in their studies and in the workplace.

Several Member States (IE, ES, NL, PT, SE) jointly elaborated a *Decalogue of citizenship, tolerance and dialogue* that summarises common arguments of conviviality in order to promote a European discourse of tolerance, based on the generation of a rationale for harmony and respect, on recognition of differences, and on building European citizenship estranged from any kind of racism and xenophobia. National, regional and local government’s representatives, Mass Media, NGOs, Trade Unions, Universities and entrepreneurships participated in the procedure.

1.4.2 Stockholm programme (Section 6.1.5)

*through the development of a **coordination mechanism** involving the **Commission** and the **Member States** using a common reference framework, which should improve structures and tools for European knowledge exchange,*

At EU level, Member States invited the Commission in the Council conclusions of June 2010 to develop a new agenda on integration, including a coordination mechanism, as proposed in the Stockholm Programme, which would improve structures and tools for European knowledge exchange and facilitate mainstreaming of integration priorities in all relevant areas. The Commission started working on a new European agenda on integration, which will be presented in 2011. Reinforcing coordination of integration priorities in relevant policy areas and cooperation between levels of governance to develop and implement these is part of this work.

*to incorporate **integration issues in a comprehensive way in all relevant policy areas***

At EU level, the Commission reported to the fourth Ministerial Conference on the promotion of a cross-cutting approach to integration policy. Integration has become an important dimension of a wide range of policies, including employment, education and social policies. In 2010, the Europe 2020 Strategy was approved by Heads of States and Governments, including, as one of its headline targets, the aim to bring to 75% the level of employment, including through the better integration of legal migrants. In its Communication on 'An Agenda for new skills and jobs: A European contribution towards full employment' adopted in November 2010, the Commission underlined the need to manage better the integration of migrants legally residing in the EU, particularly through

removing barriers to employment, such as discrimination or the non-recognition of skills and qualifications, which put migrants at risk of unemployment and social exclusion.²⁵

The Commission adopted in December 2010 its Communication on 'The European Platform against Poverty and Social Exclusion: A European framework for social and territorial cohesion'.²⁶ Managing integration of migrants is highlighted as being at the forefront of European and national policy agendas in the fight against poverty and social exclusion.

Numerous EU initiatives have confirmed that education has an important contribution to make to the successful integration of migrants. In September 2010, the Commission adopted its Communication 'Youth on the Move: An initiative to unleash the potential of young people to achieve smart, sustainable and inclusive growth in the European Union', underlining the need for tailored measures for young people with a migrant background.²⁷ The Communication on 'Tackling early school leaving: A key contribution to the Europe 2020 Agenda' also emphasises the need to support children with a migrant background.²⁸

Several other initiatives in areas such as health, housing, sport and urban development, could be mentioned to illustrate how integration issues are incorporated in relevant policy areas.

At national level, most Member States (CZ, DK, DE, EE, EL, ES, IT, CY, LV, LU, HU, NL, AT, PT, RO, FI, SI, SK, SE, UK) reported on approaches and/or measures to better incorporate integration issues in a comprehensive way in all relevant policy areas. Many of these Member States (DE, EL, ES, CY, LU, NL, AT, RO, SK, FI) mainstreamed integration objectives and/or targets in other sectoral policy areas, such as education, employment, childhood and adolescence, gender, housing, social welfare, health care services and tax policy. CZ, LU and UK organised regular joint meetings with representatives of other Ministries for designing (LU) and implementing (CZ, LU) their national integration strategy or ensuring that the needs of refugees, public service use and integration issues were considered in the development of other policies (UK). In the beginning of 2010 in EE, a Steering Committee for the Integration Plan 2008-2013 started its activities to better incorporate integration issues with the topics belonging in the responsibility other Ministries. PT and SE highlighted that their national integration strategy covered other policy areas, such as education, employment, health, housing and culture. With regard to approaches developed by other Member States, IT mentioned the Inter-Ministry 'Plan for integration in security: Identity and Meeting' adopted in June 2010, which illustrated the increased importance allocated to integration and its place in other policy areas. LV referred to the developments of the 'Main Positions of the Society Integration Policy 2010-2016,' which envisaged the involvement of other state administration and municipal institutions. HU noted that due to the lack of a comprehensive integration act, rights enhancing integration were mentioned in different sectoral pieces of legislation.

*towards the **identification of joint practices and European modules** to support the integration process, including essential elements such as introductory courses and language classes, a strong commitment by the host community and the active participation of immigrants in all aspects of collective life,*

²⁵ COM(2010) 682 final

²⁶ COM(2010) 758 final

²⁷ COM(2010) 477 final

²⁸ COM(2011) 18 final

At EU level, the Commission launched a project for the development of European modules to support Member States in their development and implementation of integration policies, as called for in the Stockholm Programme and reiterated in the Council conclusions of June 2010. Modules are developed within three main areas: 1) introductory and language courses; 2) strong commitment by the host society; and 3) active participation of migrants in all aspects of collective life.

The modules are a natural evolution of the 'Handbook on Integration for policymakers and practitioners' and they are developed in close dialogue between the Commission and Member States. Meetings of the NCPI were used to discuss priorities and expert meetings were organised to identify main challenges and experiences of measures to meet these challenges. The first expert seminar on introductory and language courses was organised in Riga (LV) on 28-29 October 2010 with further seminars planned in 2011. A third seminar on the active participation of migrants in all aspects of collective life is organised in Brussels (BE) in April 2011.

The Belgian Presidency organised an expert conference on European integration modules on 15-16 December 2010. This conference was an occasion for discussion on the concept of modules and for exchange of good practice. It gave a first input regarding the scope and use of modules.

*towards the **development of core indicators** in a limited number of relevant policy areas (e.g. employment, education and social inclusion) for monitoring the results of integration policies, in order to increase the comparability of national experiences and reinforce the European learning process,*

At EU level, the Commission launched a pilot project for the evaluation of integration policies, including use of the indicators proposed in the Annex to the Council conclusions of June 2010. The aim is to increase comparability and contribute to the European learning process, based on monitoring of results of integration policies. Indicators have been identified in four areas of relevance for integration, building on national experiences and the Common Basic Principles for Immigrant Integration Policy in the EU: employment, education, social inclusion and active citizenship. On the one hand, the pilot project includes reporting on the availability and quality of already harmonised data by Eurostat and, on the other hand, it includes analysing the significance of the defined indicators taking into account the national contexts, in dialogue between the Commission and Member States.

improved consultation with and involvement of civil society

At EU level, two meetings of the European Integration Forum were convened, with almost 100 civil society organisations represented. In June 2010, participants discussed the role of the media in the integration process and gave their input on the new European Agenda on Integration (to be published in 2011). During the following two months, organisations sent written contributions, a summary of which is available on the European Web Site on Integration (www.integration.eu). In December, participants in the Forum discussed ways to encourage migrants' participation and strong commitment by the host society.

At national level, most Member States (BE, BG, CZ, DK, DE, EE, IE, EL, ES, FR, IT, CY, LV, LT, LU, HU, MT, NL, PL, PT, AT, RO, SI, FI, SE, UK) regularly involved civil society organisations in integration policymaking and measures. This included consultation of civil society organisations for the elaboration (DK, DE, ES, CY, LV, LU, AT, PL, PT, RO) and implementation (CZ, DK, DE, EE, SK) of national integration plans; participation of civil society organisations in hearings and government initiatives (BG, EL, ES, FI); implementation of integration projects (BG, CZ, DK, ES, CY, LT, LU, MT, UK); involvement of NGOs in the design and implementation of local integration

plans (EL, ES, FI); and implementation of measures facilitating access to employment (EL, FR). Other Member States mentioned the strategic role of NGOs in specifying the annual priorities and actions of the European Integration Fund (EL, LV, HU). Five Member States (ES, IE, NL, SI, UK) also mentioned the existence of national dialogue structures on integration policy, whilst SE adopted a formalised agreement between the government, municipalities and NGOs to strengthen the role of the latter in the integration of newly-arrived migrants and facilitate NGOs access in integration projects. In DK, the establishment of local integration councils and a national council for ethnic minorities was foreseen in the new Integration Act in 2010 in order to ensure the consultation of ethnic minorities throughout policymaking. In LU, a specific study was carried out to better understand the needs of NGOs when elaborating and managing projects supported by national and EU funding.

With regard to planned measures, BE indicated that the Minority Forum, an umbrella organisation of migrants' organisations, would act as official advisor of the Commission for Integration Policy in Flanders as of 2011. In IT, the Territorial Councils for Immigration, under the Ministry of Interior, aimed to link at provincial level in the future the most significant (public and private) organisations working in the field of integration. In PL the draft Migration Policy foresees creating a consultative and advisory committee composed of non-state actors located at the Office for Foreigners.

enhance democratic values and social cohesion in relation to immigration and integration of immigrants and promote intercultural dialogue and contact

At EU level, see the entry under *Commitment I. (g) [Section I.4.1]*

At national level, most Member States (BE, DK, IE, EE, EL, ES, IT, CY, LV, LT, LU, HU, MT, NL, AT, PL, PT, SI, SK, FI, SE) reported on actions undertaken to enhance democratic values and social cohesion in relation to immigration and integration of immigrants and promote intercultural dialogue and contact. ES, CY, AT and PT established intercultural dialogue as a key priority of their national integration plan and DE, AT engaged and/or continued formalised and active dialogue with representatives of migrants' religious communities. This related to further developing dialogue with representatives of the Muslim community through the German Islam Conference, which was focused on issues related to the practical participation of Muslims in German life, including the establishment of Islamic religious instructions in State schools and Islamic theology classes in universities (DE); and initiating a series of talks between experts, Muslim representatives and citizens under the 'Islam, People, Dialogue' initiative (AT). Furthermore, roundtables were organised by BE, EE, AT on interculturalism. In BE, these roundtables, held in 2009, led to the publication in November 2010 of 68 recommendations to recognise and manage the growing diversity of the society.

BE, IE and SI also focused on the promotion of diversity and intercultural dialogue in the media. These measures included the launching of an action plan applicable to the French Community concerning diversity in the audiovisual media (BE), as well as the establishment of a new migrant media internship programme for local and regional newspapers aimed at documenting issues of immigration and integration and helping communities to understand the challenges and perspectives of migrants (IE). Within the framework of the action plan in BE, a 'First Overview on Good Practices on Equal Opportunities and Diversity in the Audiovisual Media of the French Community' was published in December 2010.

With regard to other implemented measures, these included the establishment of a specific web portal to improve communication between cultural organisations, minority communities, media, government and other stakeholders (EE); the creation of a database in order to register cultural

associations and migrant contact groups (EL); the promotion of intercultural civic education and management of intercultural community living through social and neighbourhood mediation and prevention of conflicts (ES); the active participation of intercultural mediators in schools (IT); involving civil society in the formulation of integration policy through the Advisory Board for Ethnic Relations (FI); the participation of public services in festivals dedicated to migration and cultural diversity (LU); integration courses focusing on civic aspects and democratic values (MT); the establishment of an African Cultural Information Centre (SK); the elaboration of a study for the establishment of an Immigration Museum (EL); the provision of training related to diversity management (LV, LU); and the continued implementation of the 'mixed ethnic teams' concept which aimed at developing small-scale activities in different neighbourhoods and reinforcing mutual understanding among different cultures (EL, NL). In addition, several Member States (CY, ES, LT, LU, HU, PL, SK, SE) mentioned the funding of projects promoting intercultural dialogue.

On future measures, HU reported on the current preparation of its EU Presidency Conference on Promoting Integration through Media and Intercultural Dialogue. Moreover, PL indicated that its draft Migration Policy provided recommendations for actions addressed to the host society and actions aimed at mainstreaming intercultural dialogue.

II. IRREGULAR IMMIGRATION AND RETURN

II.1 Irregular migration²⁹

II.1.1 European Pact on Immigration and Asylum

*Commitment: II.(a) to use **only case-by-case regularisation**, rather than generalised regularisation, under national law, for humanitarian or economic reasons;*

At EU level, there were no specific developments concerning regularisation in 2010.

At national level, eight Member States (BE, BG, EL, FR, IT, CY, AT, PT) had used case-by-case regularisation in 2010 although the reasons for regularisation varied. For BE and AT, regularisation could only be undertaken on humanitarian grounds. In FR and CY, the reasons for regularisation were also of humanitarian nature, whilst, in other instances, the reasons were linked to the regular employment of the migrant and to the length of residence in the Member State (FR), or in cases where the removal order of a third-country national could not be executed within six months (CY). In EL, in cases where exceptional reasons exist which necessitate the residence of a third-country national, a residence permit may be issued after taking into consideration the opinion of a relevant Committee foreseen in the law; the length of the said permit cannot exceed six months and shall not be renewed for the same reason, but only for one of the other reasons foreseen in national legislation.

With regard to generalised regularisation, BG undertook generalised regularisation of third-country nationals, and their children, mainly from the former Soviet Union, through the application of recently adopted legislation. BG also made steps to ratify the UN Convention on Stateless persons by introducing a national mechanism to regularise stateless persons. In SK, regularisation was not

²⁹ The European Pact on Asylum and Immigration and the Stockholm Programme interchangeably refers to illegal and irregular migration. In keeping with recent reports from the Commission, the term "irregular" is used here.

undertaken as the ‘tolerated residence permit’ was considered a sufficient legalisation mechanism for the prevention of illegal stay.

Some Member States (BE, EL, IT, CY, PT) reported on the number of regularisations undertaken in 2010. This ranged from the regularisation of respectively 50 and 16 353 persons on humanitarian grounds (CY, BE) to the regularisation of 210 000 third-country nationals working in the healthcare and social sector (IT). Additionally, PT regularised 659 minors on the grounds of safeguarding the family unit, as part of the national “Goes to School” programme. CY also regularised 30 persons whose removal order could not be executed and EL granted a residence permit for exceptional reasons, as per the abovementioned procedure, to 419 third country nationals.

*Commitment II.(c) to ensure that the **risks of irregular migration are prevented** within the framework of the modalities of the **policies for the entry and residence of third-country nationals** or, where appropriate, other policies, **including the modalities of the framework for freedom of movement**;*

At EU level, opening new channels of legal migration may contribute to preventing irregular migration and/or overstaying for the purpose of employment. Presented in July 2010, the Commission's *proposal for a Directive on the conditions of entry and residence of third-country nationals for the purposes of seasonal employment*³⁰ concerning low-skilled migrant workers and the *proposal for a Directive on conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer*³¹ concerning highly-qualified workers, are of particular relevance in this respect. Both proposals provide for a precise scope of beneficiaries and a common set of admission controls to be performed by Member States prior to the entry of third-country nationals into the EU territory. They also include provisions on sanctions to be applied in case of non-compliance with the conditions for admission.

At national level, IE drafted legislation outlining a future strategy for preventing irregular migration through the elaboration of rules relating to the suppression of migrant smuggling and trafficking in human beings. EL submitted to parliament for vote a draft law for the establishment of a First Reception Service responsible for the efficient management of the flows of illegally entering third-country nationals and their swift integration in first reception procedures. In PL, the draft Migration Policy of Poland was developed, with recommendations elaborated concerning the future combating of irregular migration with emphasis on the improved control of administrative procedures for legalisation of stay, the reduction of irregular migration routes and the promotion of voluntary return. In addition, FI developed a cross-sectoral Action Plan of 30 measures for preventing irregular migration.

Specific programmes were introduced by CZ and IT to prevent irregular migration. In CZ, a temporary assisted return programme was set up to encourage the return of third-country nationals who lost their jobs as a result of the economic crisis and who subsequently risked residing in the Member State without legal authorisation. In IT, the ‘Migrantes Operation’ was set up in Calabria to facilitate checks of migrants’ documents, while at national level, the ‘Unique Document of Fiscal Regularity’ in the construction sector contributed to the detection of undeclared work. In addition, DK modified its legislation to enable the merging of data from various public databases in order to introduce controls on compliance with conditions linked to the granting of residence permits, while

³⁰ COM (2010) 379 final.

³¹ COM (2010) 378 final.

LT's State Border Guard Service and the Police Department signed an agreement to coordinate activities related to the control of third-country nationals.

*Commitment: II.(d) to develop **cooperation between Member States**, using, on a voluntary basis and where necessary, common arrangements to ensure the **expulsion of illegal immigrants** (biometric identification of illegal entrants, joint flights, etc.);*

At EU level, cooperation in the field of return of irregularly staying third-country nationals intensified. The role of FRONTEX was strengthened, as well as the allocations under the annual budget of the Agency. The latter increased by 70% compared to 2009 amounting to €9 341 000. FRONTEX co-ordinated (data covering the period between 1 January and 3 December 2010) in total 37 joint return flights with a total number of 1 896 returnees. Twenty Member States (BE, CZ, DE, HU, IE, EL, ES, FR, IT, CY, LU, MT, NL, AT, PL, SI, FI, SE, UK) and two Schengen associated countries (CH, NO) participated in these flights. Countries of return were Albania, Armenia, Burundi, Cameroon, Columbia, Ecuador, Gambia, Georgia, Iraq, Kosovo, Nigeria and Ukraine. In 24 of the 37 joint operations, at least one of the participating Member States provided for monitoring in accordance with their national legislation. FRONTEX co-financed 34 joint return operations. The first joint return flight chartered by the Agency and destined for Georgia, took off on 28 September 2010 from Poland with 59 returnees on board from four Member States.

At national level, most Member States (BE, BG, CZ, DK, DE, IE, EE, EL, FR, IT, CY, LV, LT, LU, HU, MT, AT, PL, RO, SI, SK, FI, SE, UK) had positive co-operation with each other in the removal of irregular migrants, mostly in supporting FRONTEX operations (as outlined above also).

Five Member States (DK, EE, FR, LV, UK) described other forms of cooperation in this area which related to participation in international projects (EE); the provision of expertise and assistance on the identification of irregular migrants in the Mediterranean region (EE, FR, LV), including, for LV, the provision of assistance in the removal of third-country nationals; and the exchange of information on personal data and travel documents of irregular migrants (EE). For example, EE participated in the ICMPD project 'Enhancing Return to Georgia Operationally' (ERGO), which aimed at improving the forced return system to Georgia. EE also cooperated with specific States by exchanging information on the personal data, identity and travel documents of irregular migrants. In addition, UK participated in political dialogue with NL over joint approaches to the return of irregular migrants from Iraq, while DK contributed actively to the Temporary desk on Iraq. The potential of an EU agreement with key migration countries on biometric matches for evidencing nationality was also considered by the UK. As for future measures, RO planned participating in the 'European Initiative on Return Management (EURINT)', in cooperation with BE, DE and NL.

*Commitment: II.(g) to invite Member States to take rigorous action, also in the interest of the immigrants, by way of dissuasive and proportionate **penalties against those who exploit illegal immigrants** (employers, etc.);*

At EU level, the Commission organised another two meetings of a Contact Committee with Member States representatives in order to discuss the implementation of the Employer Sanctions Directive 2009/52/EC, which partly addresses the problem of exploitation. The aforementioned proposal for a Directive on seasonal workers also aims to prevent the exploitation of this vulnerable group.

At national level, many Member States (DK,³² DE, IE, EE, EL, ES, IT, CY, LV, LU, NL, PT, UK) described existing national legislation regulating sanctions on persons employing migrants illegally. In DE, a fine of up to €500 000 can be imposed according to the Social Code. EE and CY also imposed fines on employers in breach of legislation and provided data related to enforcement (DE, EE, CY). On the number of fines issued, EE issued 94 penalties in 2010 with fines of up to 50 000 kroon (€3 200). In CY, 775 cases of illegal employment were brought to justice, from January to September 2010, with 1 035 third-country national workers and 785 employers arrested. LU carried out several business inspections, including three ‘afterwork actions,’ 17 controls related to the fight against illegal employment during weekends and 196 additional controls. In ES, following the introduction of a legislative amendment in 2010, the employment of irregular migrants could be considered as a criminal offence, punishable with a prison term of up to five years. In IT, the Anti-Mafia Investigation Directorates highlighted the link between exploitation of irregular migrants and organised crime. In EL, the procedure for imposing fines to employers employing migrants illegally became more efficient, due to legislative amendments allowing the Labour Supervisory Body to directly impose the administrative fines foreseen by legislation and establishing more severe fines through the introduction of specific criteria for defining their amount.

CZ, LV, NL adopted legislation to transpose the Employer Sanctions Directive 2009/52/EC, with CZ reporting the entry into force of its national legislation on 1st January 2011. A number of other Member States (DE, FR, CY, LT, LU, PL, RO, SI, SK) drafted legislation to transpose the Employers’ Sanctions Directive with all legislation expected to be adopted in 2011, whilst BE, BG, EE, EL, HU, MT, AT, FI undertook preparations for the transposition of the Directive. These preparations included the establishment of a working group examining transposition (BG, EL), as well as the identification of required legislative changes, including amendments to the Penal Code enabling imprisonment and forced termination for employers exploiting irregular workers (EE).

*Commitment: II.(h) to put into full effect the Community provisions pursuant to which **an expulsion decision taken by one Member State is applicable throughout the EU**, and, within that framework, an alert for such a decision entered in the Schengen Information System (SIS) obliges other Member States to prevent the person concerned from entering or residing within their territory.*

At EU level, the deadline for the implementation of the Return Directive (2008/115/EC) expired on 24 December 2010.³³ According to the case law developed by the European Court of Justice, provisions of a Directive which confer rights on individuals and which are sufficiently clear and unconditional become directly effective from the end of the time limit for the implementation of the Directive. Many of the provisions of the Return Directive fulfil these requirements and have become directly effective as of 24.12.2010 in those Member States which have not yet adopted national legislation transposing the Directive. This means that they are legally enforceable rights which can be relied upon in national courts.

³² Due to DK’s general reservation in the area of Justice and Home Affairs, DK did not transpose Directive 2009/52/EC. However, DK’s legislation contains rules regulating sanctions on persons employing migrants illegally and DK’s police regularly carries out controls together with other relevant authorities to ensure that workplaces do not employ irregular migrants.

³³ By 18th March 2011, 9 Member States (BG, CZ, EE, EL, ES, MT, PT, SK, FI) plus Switzerland and Norway have notified full transposition of the Return Directive and 4 Member States (BE, LT, LV, SE) had notified partial transposition of the Directive to the Commission. On 27 January 2011 the Commission decided to launch formal infringement procedures and to send letters of formal notice to all Member States which did not notify full transposition of Directive 2008/115/EC.

The Commission organised, in the course of 2010, three Contact Committee meetings with Member States representatives in view of preparing the implementation of the Return Directive. At these meetings, the Commission repeatedly encouraged Member States to enter alerts related to entry bans issued in accordance with the Return Directive in the SIS in order to give full effect to the European dimension of entry bans issued under the Return Directive. These meetings also included special workshops at which Member States and International Organisations, as well as NGOs, discussed the issue of *return of minors* as well as *alternatives to detention*. Three comparative studies were launched: one relating to the *situation of minors in return procedures*, one on *forced return monitoring* and one on *reintegration of returnees*.

All Member States which fully use the SIS have implemented national procedures for the creation of Art. 96 alerts in the SIS. National implementation of Article 96 may vary between Member States. One area of concern occurs when a person is checked at the external border, is subject of an Article 96 alert, but is also in possession of a seemingly valid residence permit or visa. This causes problems for border guards. As highlighted by the Commission during all recent SIS evaluations, this can be overcome: firstly, through national administrations granting 24/7 access on permit/visa data to their national SIRENE bureau, to allow confirmation of the status of the permit/visa; and secondly, through use of alerts under Article 100 3(e) when a residence permit or visa is withdrawn but the document not recovered.

At national level, many Member States (BE, BG, CZ, DK, EE, EL, LU, NL, AT, PL, RO, SI, SK, FI) described relevant developments. Several (BE, BG, CZ, EL, LU, NL, PL, SK, FI) referred to the status of transposition of the Return Directive (Directive 2008/115/EC), with *inter alia* FI stating that with the implementation of the return directive, expulsion decisions will as a general rule be accompanied by an entry ban, thereby increasing the number of entries into the Schengen Information System (SIS). AT also reported that all legally binding and enforceable residence and return bans were registered in the SIS. DK and SI indicated having transposed the mutual recognition of expulsion decisions in their national legislation. Moreover, EE reported that between January and October 2010, 965 banned third-country nationals were entered into the SIS. RO participated in discussions between Member States on the draft standard form for the mutual recognition of the expulsion decisions, within the framework of the Contact Committee on the Return Directive.

II.1.2 Stockholm programme (Section 6.1.6)

*improving the **exchange of information** on developments at national level in the area of **regularisation**, with a view to ensuring consistency with the principles of the Pact on Asylum and Migration;*

See the entry under *Commitment I.(e) [Section I.3.1]*

Member States to put into full effect the Union provisions pursuant to which a return decision issued by one Member State is applicable throughout the European Union and the effective application of the **principle of mutual recognition of return decisions** by recording entry bans in the SIS and facilitating exchange of information;

See the entry under *Commitment II.(h) [Section II.1.1]*

more effective action against illegal immigration and trafficking in human beings and smuggling of persons by developing information on migration routes as well as aggregate comprehensive information which improves our understanding of and response to migratory flows

At EU level, the negotiations between the Council and the Parliament have been completed on a proposal for a Directive on preventing and combating trafficking in human beings, and protecting victims.³⁴ The new instrument, foresees reinforcement of the system of prosecution of trafficking, including more severe penalties, enhancement of protection of victims' rights, strengthening measures to prevent trafficking and establishing effective monitoring systems. The Commission also adopted the implementation report³⁵ on Directive 2004/81/EC on residence permits for victims of trafficking which showed that its potential is not being put to full use. The Commission will thus examine the need for amendments of this Directive. Other developments included the launching of the anti-trafficking website³⁶ and the appointment of the new EU Anti-Trafficking Co-ordinator.³⁷

At national level, Member States made use of different tools to gather information on migration routes and migratory flows. Some Member States (BG, DE, EE, CY, LT, PT) considered information provided from agencies and organisations as particularly useful. This related to FRONTEX information on migration routes (DE, EE, LT), Europol (EL, CY, LT), as well as information provided by the ICMPD (BG, PT) and ICONET (PT). In addition, in DE, CY and UK, liaison officers deployed overseas, work to collect information on migration routes. PT also made use of information collected via the Electronic Complaints System of the Ministry for Home Affairs and through an 'SOS' Immigrant telephone helpline. AT outlined methods undertaken to gather data on migration routes through interviews conducted with asylum applicants on entry into the country. These interviews were also used to assess the applicant for possible cases of trafficking.

Several Member States (CZ, DE, EE, ES, CY, AT, PT, RO, FI, UK) reported on the role of specific governmental research institutes in the collection and analysis of information on migration routes and flows. For example, in CZ, the inter-ministerial Analytical Centre for Border Protection and Migration undertakes regular meetings to exchange information and discuss current problems and new findings, while in the UK, researchers at the Border Agency conducted analysis of administrative data looking at the common pathways through the immigration system that result in settlement. In ES, such activities are undertaken as part of the National Plan against trafficking in human beings.

A number of Member States (EE, EL, FR, LV, LT, AT, UK) reported on the relevant departments of the Police and Border Guard responsible for data collection and analysis. In EL, a special unit in the Police Headquarters was established for the analysis of operational information with the use of specific software. Based on the analysis of five cases, the unit has already provided accurate information regarding networks of traffickers in human beings with connections to several Member States. In LV, the Analytical Division of the State Border Guard used information on routes and flows to produce tactical warnings. In AT, the 'Central Service for Combating Illegal Migration and Trafficking in Human Beings' (of the Austrian Criminal Intelligence Service) registers each time an irregular migrant is stopped and/or investigated. In PL, a Central National Visa Registry, containing information on third-country nationals applying for visas and a register of visas already issued was planned to be established in 2010.

³⁴ This was formally published as Directive 2011/36/EU on 5th April 2011, see <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:EN:PDF>.

³⁵ COM(2010) 493

³⁶ www.ec.europa.eu/anti-trafficking

³⁷ See Press Release at <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/10/1715>.

Several Member States (BE, BG, CZ, HU, NL, PL, RO, SI, SK, FI) described specific mapping exercises undertaken to identify migration routes used for irregular migration. BG and NL participated in the ICMPD's 'Mediterranean Transit Migration' (MTM) dialogue on its interactive map (iMap) on irregular migration routes in Africa, the Middle East, and the Mediterranean Sea Region. CZ, HU, NL, PL, RO and SK also contributed actively to the development of a similar iMap – the Building Migration Partnerships (BMP iMap), which focused on the eastern European external borders. Under the initiative of the Belgian Presidency of the Council of the EU, BE, FI and SK took part in a joint operation (Operation Hermes), which aimed to establish a mapping of routes of irregular migration and the smuggling of human beings within the Schengen area, to strengthen the collaboration with non-Schengen Member States, and to promote the role of the European police networks.

The UK developed a strategy to improve intelligence in the area of non-scheduled aviation and maritime (air and sea) traffic to identify threats and encourage the public to report suspicious activity in this area. Similarly, IT noted a drastic reduction in the number of irregular migrants apprehended at the maritime borders, with authorities suspecting, in some cases, the use of non-scheduled maritime transport, such as luxury boats, or unofficial landing areas on the Italian coast by traffickers.

With regard to future measures, DK planned to develop information collection activities while indicating that due to its geographical location, direct migratory flows were limited.

increased targeted training and equipment support

At EU level, see the entry under *Commitment IV.(e) [Section IV.1]*

At national level, and referring also to *Sections III.1.1 and IV.1*, many Member States (BE, BG, CZ, IE, EE, EL, ES, FR, CY, LT, NL, AT, PL, SI, SK, FI, UK) carried out some form of staff training of border guards and other police authorities, immigration office staff and personnel from other relevant Ministries and departments (see also *Section III.1.1*). This included training in the identification of irregular migrants (BE, EE); prevention of irregular migration (LT); detection of false documents (CZ, CY, EL, FR, LT, NL, SI); techniques for interviewing asylum applicants (EE); use of specific equipment – e.g. fingerprint scanners (UK); escort and detention of irregular migrants (EL, FR); treatment of vulnerable groups and protection of human rights of third-country nationals under return procedures (EL); prevention of and awareness-raising on human trafficking (IE, ES, PL, FI); work with the SIS (LT) and migration-related crime (NL). In NL, all inspectors of the Health and Safety Inspectorate carrying out inspections on illegal employment and underpayment were trained in the application of legislative provisions. Similarly, in SK, officials from the Ministry of Interior were trained in the application of the new EU visa code legislation. A 'European Training Day' (in November 2010) was also organised by SK for 40 border guards and aliens police officers to inform them of EU instruments (i.e. Schengen instruments), as well as issues such as document forgery. RO produced a 'Guide on best practices on inter-institutional cooperation in the area of combating illegal migration and return of third-country nationals', which was disseminated to all authorities with competencies in this area.

IE and PL carried out a number of training activities relating to human trafficking. In IE, the IOM and the Anti Human Trafficking unit delivered a 'Train the Trainers' programme with a total of 40 persons trained from 14 different organisations. Since then, 180 persons in four organisations received training on human trafficking by those who attended the course. In addition, awareness-raising and training in the area of human trafficking was delivered to staff of national employment rights authority inspectors, and members of the Police, and to probationary policemen during their

final phase of training. Similarly, LV described a large number of training activities. These included the training of 40 officials of the State Border Guard in best practices in EU Member States in the identification of asylum applicants, and best practices in detention centres for asylum applicants.

Six Member States (EL, IT, AT, PL, PT, UK) introduced new equipment to support the combating of irregular migration. AT used license plate recognition devices for tracing irregular plates in the national database. In PT, a mobile system for reading travel documents (SMILE system - Mobile System for Documentary Controls and Collecting Biometric Data) was introduced. Moreover, the use of mobile fingerprint scanners was extended in UK, while in IT, a project for the development of an integrated system (System Analysis of Maritime Trafficking) of information gathering, analysis and monitoring aimed at the coordination of activities relating to irregular migration was launched, which also aimed at providing a broader overview of the Mediterranean and land borders. EL upgraded the daily operation of the Readmission Unit within the State Police Headquarters, as well as the Expulsion Department of the main Regional Aliens Police Directorate, by providing them with additional electronic equipment, with the financial assistance of the European Return Fund. PL extended the use of specialized vehicles for carrying out mobile checks and devices for rapid screening and fingerprint identification.

a coordinated approach by Member States by developing the network of liaison officers in country of origin and transit

At EU level, political agreement was achieved on the Commission proposal for the amendment of Council Regulation (EC) No 377/2004 on the creation of an immigration liaison officers (ILO) network, aimed at ensuring efficient use of this important cooperation tool for the management of migration and external borders. As also mentioned in *Section I.3.1*, the changes to the Regulation aim at facilitating the integration of FRONTEX into the ILO networks. Formal adoption of the amendment will take place in 2011. Thus the inclusion of FRONTEX into the information exchanges among the ILO's posted in a given third country or region currently still depends entirely on the Member States concerned. Reporting from Member States' immigration liaison officers to FRONTEX takes place through Member States' central offices. In 2010, the Agency was invited to ILO meetings organised by Member States in Moscow, Dakar, Zagreb and Tirana. In turn, ILOs posted in the Western Balkans, Eastern Borders and Africa were invited to the regional analytical meetings of FRONTEX.

At national level, many Member States (CZ, DK, DE, EE, EL, ES, FR, IT, LV, LT, HU, AT, PT, SI, SE, UK) described recent developments in relation to Immigration Liaison Officers (ILOs), with four CZ, HU, PT, SE sending new ILOs to third countries. The most prominent third countries included Vietnam, Egypt, Ukraine, Serbia, China and Pakistan, while CZ, PT and SE also sent ILOs to the Russian Federation.

With regard to the achievements of ILOs, FR reported on the success of ILO missions, including an investigation launched concerning the landing of 124 Kurdish migrants on the Corsica coast, the dismantlement of a smuggling network of Chinese migrants and preventing 148 migrants in Morocco from entering the EU illegally.

Some Member States reported that ILO missions were, in some instances, undertaken for very specific purposes. For example, AT reported the planned stationing of an ILO in Thailand from 2011 onwards in order to focus on combating child sex tourism.

Concerning other activities, some Member States (DE, EL, ES, IT, RO, UK) developed their ILO networks through attendance at network meetings (IT, UK) and enlargement of ILO networks in

other Member States (DE). Moreover, EL cooperated with IT in view of strengthening the role of their respective liaison officers, which involved *inter alia* the deployment of Greek and Italian liaison officers at selected Italian and Greek ports. ES held two meetings of liaison officer networks in Dakar (Senegal) and Bogotá (Colombia) concerning human trafficking, while ILOs from DE worked with NL Immigration and Naturalization Service (IND) and PT Immigration and Borders Service (SEF) to further expand their cooperation. RO analysed ILO's activities undertaken to date and planned a review of the deployment of ILOs in countries of origin and transit in 2011.

EE reported on cooperation with LV and LT, despite them not having an independent Liaison Officer, with all three Member States sharing an ILO in Belarus due to the establishment of a project facilitating information exchange and communication between the Russian Federation, Belarus and themselves in the field of irregular migration. DK cooperated with other Nordic countries on the deployment of liaison officers to third-countries, while AT and SI jointly sent liaison officers to Albania and Montenegro.

II.2 Return

II.2.1 European Pact on Immigration and Asylum

Commitment: II.(b) to conclude readmission agreements at EU or bilateral level with those countries with which this is necessary, so that each Member State has the legal instruments to ensure that illegal immigrants are expelled;

At EU level, the Commission presented in November 2010 recommendations to the Council to negotiate readmission and visa facilitation agreements with Belarus, in the framework of the Eastern Partnership. The readmission agreement with Pakistan entered into force on 1 December 2010. The readmission agreement with Georgia was signed on 22 November 2010 and will likely enter into force on 1 March 2011. Negotiations with Turkey (blocked since 2006 and re-launched late 2009) accelerated in the course of 2010. With Cape Verde, another round of negotiations was held in October 2010. Further efforts were undertaken at various levels in order to launch the talks with China and Algeria. Joint Readmission Committee meetings to monitor the implementation of EU readmission agreements took place in 2010 with, for example, the Russian Federation, Ukraine, Moldova and some of the Western Balkan countries.

Following the request to the Commission in the Stockholm Programme to present an evaluation of EU readmission agreements and policy, an evaluation report was drafted by the Commission which has now been presented to the European Parliament and the Council in early 2011.³⁸

At national level, most Member States (BE, BG, CZ, DK, DE, IE, EE, EL, ES, IT, CY, LV, LT, HU, MT, NL, AT, PL, PT, RO, SI, SK, FI, SE, UK) 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 in 2010.

On EU readmission agreements, several Member States (CZ, EE, IT, CY, LV, LT, HU, MT, AT, PL, SI, SE) made specific reference to implementing protocols to make the EU readmission agreements effective in their respective Member States, particularly with the following third countries: Albania (SK), Bosnia-Herzegovina (BG, EE, MT, PT), FYROM (EE, BG, AT) Kazakhstan (LT), Moldova (EE, LV, LT, AT, PT, RO, SK), Montenegro (BG, MT, AT), Russian Federation (EE, ES, CY, LV, LT, SK, FI), Serbia (EE, MT, AT, PT), Ukraine (BG). Whilst EE, EL,

³⁸ COM(2011) 76 .

CY, LT, LV, AT, RO, SI were planning and/or negotiating implementing protocols, specifically with Albania (EL, SI), Bosnia-Herzegovina (EL, CY, LV, AT), FYROM (EL, LV, LT), Moldova (EL, CY), Montenegro (EE), the Russian Federation (EE, EL, LT, AT, RO), Serbia (EE, EL, CY, RO) and Ukraine (EE, AT, RO).

Several Member States (BE, CZ, DK, DE, IE, EL, AT) made reference to other bilateral agreements, concluded at national level with third countries. BE, for example, referred to an agreement between Benelux countries and Kosovo, CZ referred to agreements with Switzerland, Armenia, Kosovo, Kazakhstan and the Russian Federation, DK, DE and AT referred to the signature of an agreement with Kosovo (which for DE entered into force on 1st September 2010), IE referred to agreements with Hong Kong and Nigeria, FI referred to an agreement with Switzerland and UK referred to agreements with Georgia and Pakistan. EL referred to ongoing efforts and experts' meetings for a better implementation of the bilateral readmission protocol signed with Turkey. Other Member States (BE, ES, EE, EL, FR, CY, LV, LT, AT, RO, SI, UK), stated that they were in the process of negotiating one or more bilateral readmission agreements with third countries, such as Afghanistan (EL), Armenia (EE, CY), Azerbaijan (EE, LV), Bangladesh (EL), Bosnia-Herzegovina (LT), Colombia (LV), Indonesia (EL), Iraq (EL), Jordan (CY), Kazakhstan (BE, EE, EL, LT), Kosovo (EE, LV, LT, SI), Nigeria (EL), Qatar (CY), Serbia (UK), Sudan (RO), Syria (RO) and Tunisia (RO).

*Commitment: II.(f) to invite Member States, specifically with the support of Community instruments, to devise **incentive systems to assist voluntary return***

At EU level, Member States were encouraged to make use of the means provided by the European Return Fund and provide for innovative measures encouraging voluntary return. Those measures are eligible for co-funding up to 75% under the priority 3 of the Strategic Guidelines for the European Return Fund. Voluntary departure appears to have become the preferred option of return, in line with the Return Directive. This is also reflected in the way Member States programme the EU assistance available from the Return Fund. Under the national Annual Programmes 2010, more than half of the total funds programmed (excluding technical assistance) are, in one way or another, related to voluntary return.

The European Return Fund is in its third year of implementation. Currently, the Member States are implementing the 2009 and 2010 programmes and therefore the actual implementation of the projects under these programmes is firmly on its way. The Member States are gaining more experience over time and in many cases the annual programmes are becoming more sophisticated. Besides putting greater emphasis on voluntary return, several Member States are also addressing measures related to the Return Directive. The impact of the establishment of the Fund is thus starting to become evident, as the Commission is receiving progress reports on the annual programmes. In accordance with the legal basis for the Fund, the Commission is currently carrying out a mid-term review of the programmes.

At national level, most Member States (BE, BG, CZ, DK, DE, IE, EE, EL, ES, IT, CY, LV, LT, LU, HU, MT, NL, AT, PL, PT, RO, SI, SK, FI, SE, UK) had programmes, measures and incentives in place to promote assisted voluntary return.³⁹

Many Member States (CZ, DE, IE, ES, FR, IT, LV, LU, HU, MT, NL, AT, PL, PT, SK, FI, SE, UK) gave details of the general content of their national assisted return programmes and projects,

³⁹ The EMN has recently completed a study on Assisted Return, available from <http://www.emn.europa.eu> under "EMN Studies."

which were either newly established, or set up prior to and continued in 2010. These programmes and projects include information campaigns, counselling on return opportunities, outreach activities, financial assistance, support to set up an economic activity in the country of return and other forms of reintegration assistance. FI, for example, commenced, in cooperation with the IOM, an assisted return project to develop and strengthen cooperation between authorities and actors involved in assisted voluntary return, to increase the availability of information on return opportunities, and to assist returnees with their return arrangements, also paying them a financial incentive (up to €1 500 per adult and up to €1 000 per minor). IT, SK and SE used measures such as information campaigns on assisted voluntary return. Following the transposition of the Return Directive, SI introduced changes to the Aliens Act related to voluntary return.

Several Member States (IE, ES, DK, DE, IT, FR, FI, SK, SE, UK) had geared their programmes and projects to specific categories of potential returnees, or to their specific needs. FR, for example, reported that they differentiated between assisted voluntary return and assisted humanitarian return, with different target groups. In ES, within the national assisted voluntary programme, three sub-programmes exist, including a humanitarian programme for vulnerable returnees; a reintegration return programme, helping those who wish to set up a business in their country of origin; and a programme for unemployed third-country nationals allowing return with advance unemployment benefits. The latter allows unemployed immigrants to return to their country of origin with the unemployment benefits they accumulated in ES. DK runs two projects with the aim to promote assisted voluntary return for Victims of trafficking, unaccompanied minors and other vulnerable groups. The UK runs three assisted return programmes, one of which was started in 2010, namely an assisted voluntary return programme for irregular migrants (AVRIM) and an assisted voluntary return programme for families and children (AVRFC), which encourages families to return as an alternative to detention.

Many Member States (BG, CY, DE, EE, EL, ES, IT, LV, LT, HU, MT, AT, PL, RO, SK, FI, SE) also reported on assisted return and re-integration projects financed by the European Return Fund, which involved, depending on the Member State, collaboration between governments, IOM and NGOs in Member States, as well as in countries of origin.

From the information provided, in general, it seems that Member State programmes and projects are placing increased focus on the provision of post-departure assistance, providing support to the reintegration of the individuals to ensure a successful and sustainable return. In most cases, such reintegration measures are carried out by the IOM. However, some Member States, such as NL and SE, started new reintegration projects in 2010 in cooperation with national organisations and civil society in the Member State and in the country of return. BE, ES, IT, LU and AT also referred to reintegration incentives to encourage 'productive' return. In BE, a new reintegration programme was initiated in March 2010, providing €2 000 in kind assistance for the creation of a micro-businesses, complementary to the financial assistance provided under the regular assisted return programme (€700 per adult). The programme, coordinated by the government and implemented by the IOM and Caritas, involved specialised guidance and counselling in micro-business development. To obtain the complementary assistance, the applicant had to demonstrate a business plan, which was assessed by a local reintegration partner in the country of return (IOM or Caritas). In LU, the 2010 Annual Programme for assisted voluntary return focused on reintegration measures and income-generating activities instead of granting pocket money.

On future measures, CY was negotiating a draft agreement to establish an IOM office on its territory, which would also favour the further development of voluntary return activities. PL held talks on broadening the category of third-country nationals eligible to be granted assistance within

the voluntary return programme in order to include also persons identified as victims of human trafficking.

II.2.2 Stockholm Programme

*the conclusion of effective and operational **readmission agreements**, on a case-by-case basis at EU or bilateral level*

See the entry under *Commitment II.(b) [Section II.2.1]*

ensuring that the objective of the EU's efforts on readmission should add value and increase the efficiency of return policies, including existing bilateral agreements and practices

See the entry under *Commitment II.(b) [Section II.2.1]*

*the presentation by the **Commission** of an evaluation, also of ongoing negotiations, during 2010 of the **EC readmission agreements** and **propose a mechanism to monitor their implementation**. The **Council** should define a renewed, **coherent strategy on readmission** on that basis, taking into account the overall relations with the country concerned, including a common approach towards third countries that do not cooperate in readmitting their own nationals,*

At EU level, see the entry under *Commitment II.(b) [Section II.2.1]*

At national level, most Member States (BE, BG, CZ, DK, DE, IE, EE, EL, ES, FR, IT, CY, LV, LT, LU, HU, MT, NL, AT, PL, PT, RO, SI, SK, FI, SE, UK) confirmed that the EU readmission agreements were important tools in rendering return policies more efficient, as, for example, they provided increased clarity on and harmonised return procedures. PT, however, drew attention to issues which sometimes inhibited the effective implementation of readmission agreements, such as bureaucratic problems, difficulties in identifying an interlocutor and long response times, while MT highlighted the difficulties related to the issuing of travel documents.

assistance by the Commission and Frontex and Member States on a voluntary basis, to Member States which face specific and disproportionate pressures, in order to ensure the effectiveness of their return policies towards certain third states

At EU level, see the entry under *Commitment II.(b) [Section II.2.1]* in respect to Return, as well as *Commitment IV.(c) [Section IV.1]* for a general overview of actions taken in regard to disproportionate pressures.

At national level, several Member States (DK, DE, EE, ES, FR, IT, LU, NL, AT, UK) mentioned that, within the FRONTEX operational framework, they provided support to EL, which faced disproportionate pressures. Conversely, MT, as a Member State facing disproportionate pressures, participated in the MELITA Project, a joint operation between MT and FRONTEX aimed at enhancing partnerships with identified countries of origin. MT also developed the MAREMCA Project on 'Strengthening Malta's long-term Return Management Capacities' within the framework of the European Return Fund, in order to enhance the effectiveness of the readmission process. This project involved cooperation with authorities from Ghana and Nigeria, as well as discussions with other EU Member States in relation to best practices and approach in the return of irregular migrants to their country of origin.

increased practical cooperation between Member States, for instance by chartering of joint return flights

At EU level, see the entry under *Commitment II.(d)* [Section II.1.1]

At national level, the majority of Member States (BE, CZ, DK, DE, IE, EL, ES, FR, IT, CY, HU, LU, MT, NL, AT, PL, SI, SK, FI, SE, UK) organised and / or participated in joint return flights. EE, LV, LT, PT and RO did not take part in these, with EE indicating that this was mainly due to its very low number of returnees.

Many of the joint return flights (CZ, DE, IE, EL, ES, FR, IT, CY, LU, NL, AT, PL, SI, FI, SE, UK) were undertaken in cooperation with FRONTEX. DE, for example, organised three flights and participated in a total of 13 joint return operations. ES organised five joint return flights to Colombia, Ecuador, Georgia and Ukraine, returning 308 third-country nationals. FR participated in 19 of these operations, with Kosovo, Albania, Nigeria, Georgia and Pakistan as the main destinations. AT coordinated 12 joint return operations and participated in eight additional operations. NL organised two flights and participated in a total of seven joint return flights. PL took part in 10 joint flights coordinated by FRONTEX and returned a total of 90 third-country nationals.

Some Member States (FR, IE, EL, AT, SE, UK) also organised return flights on their own initiative, in cooperation with other Member States. SE, since October 2008, has carried out 14 non-FRONTEX chartered flights to Iraq, some of which jointly with DK, NL, NO and UK, while AT organised four chartered flights with PL in 2010. CY organised a joint flight with EL for the return of irregular migrants to Syria and also organised 8 direct chartered flights for the return of 562 migrants to Afghanistan, Egypt, Pakistan and Nigeria, with the support of the European Return Fund.

*encouraging of **voluntary return**, including through the development of incentive systems, training, reintegration and subsidies, and by using the possibilities offered by existing financial instruments,*

See the entry under *Commitment II.(f)* [Section II.2.1]

II.2.3 Key statistics

Table 2 in the Statistical Annex gives an overview of the number of third-country nationals apprehended, ordered to leave and effectively returned following an order to leave in 2010. It also includes statistics on the number of third-country nationals returned as part of forced and voluntary return measures. On the basis of these data, the number of apprehensions ranged from 132 524 (EL, provisional data) to 195 (LV) in 2010. When compared to voluntary return, forced return still occurred more frequently in 2010 in a number of Member States, most notably in EL (52 469 forced returns versus 420 voluntary return), CY (3 097 forced returns versus 966 voluntary returns), FR (15 496 forced returns versus 2 422 voluntary returns) and RO (290 forced returns versus 51 voluntary returns). BE, PL and PT had the highest proportion of voluntary to forced returns.

II.3 Actions against human trafficking

II.3.1 European Pact on Immigration and Asylum

*Commitment: II.(e) to step up **cooperation with the countries of origin and of transit**, in particular to combat human trafficking and to **provide better information to communities under threat***

At EU level, the fight against trafficking was included as one of the priority actions in the revised Action Plan in the framework of the Africa-EU Partnership on Migration, Mobility and Employment adopted at the Africa-EU Summit in December 2010. Trafficking in human beings has been a priority under the Thematic Programme on Migration and Asylum and a number of projects strengthening third countries' capacities to fight against trafficking in human beings have been financed in this context, including awareness raising campaigns.

With regard to developments on the provision of better information, see *Commitment I.(f) [Section I.3.1]*.

At national level, most Member States (BE, BG, CZ, DK, DE, IE, EL, ES, FR, IT, CY, LV, LT, NL, AT, PL, PT, RO, SK, FI, SE, UK) cooperated with third countries of origin and transit to combat human trafficking. Actions undertaken focused on raising awareness of communities under threat (BE, ES, CY, IT, LV, AT, PL, PT, SE); as well as a range of other activities, such as the development and implementation of national strategies (ES, EL, LT, PT, SK, SE); cooperation and capacity building between Member State agencies (BG, LT, NL, SE); monitoring and assistance to victims (BG, EL, CY, PT, SE); and hosting regional counter-trafficking conference with an aim to increase cooperation between receiving and sending countries (LT).

Nine Member States (BE, EL, ES, CY, IT, LV, HU, NL, PT) carried out activities in countries of origin in order to reduce irregular migration. BE carried out information campaigns and sent out missions to specific countries (e.g. Brazil, Serbia, Mongolia, Vietnam, Morocco and Afghanistan). CY enhanced cooperation and dialogue with neighbouring countries of origin and transit, especially with Syria. Concerning projects to prevent irregular migration, NL participated in a project to strengthen the capacity of the Liberian Immigration Service to reduce irregular migration, while ES proposed several initiatives for irregular migration prevention projects with Latin America and the Asia-Pacific region.

With regard to awareness-raising, and see also *Section I.3.1*, Member States referred to the organisation of information campaigns (BE, ES, AT, PL, PT, SK, FI, SE); the production and distribution of information leaflets in foreign languages (BE, CY, PL, SK, FI); the creation of websites (LV, PL, SK, FI) and maintaining telephone hotlines for reporting cases (BE, CY, AT, FI) or for victims of trafficking (SK, PL, FI, SE); and organising meetings with high-school students and their parents, as well as with university students (PL). ES funded awareness-raising activities of international organisations in Latin America, Asia and the Pacific and included specific measures in its Action Plan for women and peace-building.

PT introduced a new strategy on counter-human trafficking which included numerous measures, structured around four strategic areas of intervention: knowledge, awareness and prevention; education and training; protection and assistance; and criminal investigation and cooperation. Other Member States (ES, SE) confirmed that they were currently implementing strategies which had been developed in previous years. ES, for example, in line with its Comprehensive Plan on the Trafficking of Human Beings for Sexual Exploitation, identified priority trafficking countries. In EL, the ratification of the UN Convention against Transnational Organised Crime and its three Protocols introduced a broadened definition of victims of trafficking and migrant smuggling and further ensured and expanded the protection, as well as the reflection period available to them.

Nine Member States (BG, DK, EL, LT, NL, PL, RO, SE, UK) reported on cooperation and capacity building with third countries. EL, for example, reported cooperation with the diplomatic authorities of victims' countries of origins, as well as cross-border operational cooperation of law enforcement agencies for dismantling organised criminal networks in the framework of the on-going ILAEIRA

operation against human trafficking, which involves 21 Member States, third countries, international organisations and NGOs. DK ran a regional programme from 2007 to 2010 in Thailand, Cambodia and Burma to protect children against sexual exploitation and trafficking, as well as a project in Mali to combat organised crime as part of the General Good Governance Programme and a project in Moldova, Ukraine and Belarus on human trafficking under the Danish Neighbourhood Programme. LT referred to a human trafficking prevention project in Kaliningrad, aimed at providing assistance to victims and sharing best practices with partners in the Russian Federation. NL referred to a new law enforcement cooperation working agreement with Nigeria, in the context of which Dutch police officers delivered a number of training sessions to their Nigerian counterparts, to combat human trafficking and smuggling. SE undertook numerous activities, such as visiting and exchange programmes and actions within the Council of the Baltic Sea States region.

Other measures listed by the Member States included monitoring and direct assistance. BG, a source and transit country itself, was involved in various projects, sometimes jointly implemented with other Member States, such as NL. These aimed at, for example, reducing the number of victims from BG and RO exploited in IE and ES and developed the EU-Transnational Monitoring Network, to monitor movements between countries of origin and destination. SE developed rehabilitation programmes for victims of trafficking and safe return programmes. In EL, protection and assistance to victims is offered through a network of state and non-state actors participating in the ILAEIRA operation.

II.3.2 Stockholm Programme (Section 7.3 plus Section 4.4.2)

*The European Council invites the **Commission** to examine whether **ad hoc cooperation agreements** with specific **third countries** to be identified by the **Council** could be a way of enhancing the **fight against trafficking and smuggling of persons** and making proposals to that end. In particular, such agreements could involve full use of all leverage available to the Union, including the use of existing financing programmes, cooperation in the exchange of information, judicial cooperation and migration tools*

There were no specific developments to report for 2010.

III. BORDER CONTROL

III.1 Control and surveillance at external borders

III.1.1 European Pact on Immigration and Asylum

*Commitment: III.(a) invite Member States and the Commission to **mobilise all their available resources to ensure more effective control of the external land, sea and air borders;***

At EU level, on 24 February 2010, the Commission proposed an amendment to the FRONTEX Regulation⁴⁰ aimed at strengthening the functioning of the agency, including in particular a reinforcement of the legal framework to ensure full respect of fundamental rights during FRONTEX activities. The examination of the Commission proposal has not yet yielded a final outcome yet; a compromise among Member States in Council is, however, emerging on a number of issues. Discussion on the proposal will continue in 2011.

⁴⁰ COM(2010) 61 final.

The first FRONTEX specialised branch entitled "FRONTEX Operational Office" became operational on 1 October 2010. The main tasks of the FRONTEX Operational Office (FOO) are: 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. It should fulfil its tasks within the Eastern Mediterranean region (Italy, Malta, Greece and Cyprus). The functioning of the FOO has to be evaluated after 9 months of activity. The outcome of the independent evaluation will serve as the basis for the decision of the Management Board on whether to pursue the pilot project and/or to establish other similar operational offices. The Agency should report back to the Council on the results of the evaluation and its subsequent decision by the end of 2011.

Following a Commission proposal of 7 December 2009, the Council adopted a Decision on 26th April 2010 supplementing the Schengen Borders Code on the surveillance of the sea external borders, in the context of operational cooperation coordinated by FRONTEX, including on the high seas. Any measures taken during surveillance operations must be in full respect of fundamental rights. In this regard, the Decision sets out rules for sea border operations which specify that no person should be disembarked in or handed over to the authorities of a country in contravention of the principle of *non-refoulement*, or from which there is a risk of expulsion or return to another country in contravention of that principle.

Due to the persistently high migratory pressure on the external land borders with Turkey, Greece requested on 24 October 2010 the deployment of Rapid Border Intervention Teams (RABIT) together with the equipment needed for stepping up border control in the affected border area. In accordance with the established procedure, FRONTEX identified, in close cooperation with the Greek authorities, the adequate composition of the RABIT (i.e. number and profile of guest officers) and the type of assets to be deployed. Consequently, a total of 190 persons 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.

At national level, most Member States (BE, BG, CZ, DK, EL, FR, IT, CY, LV, LT, HU, MT, NL, AT, PL, PT, RO, SK, FI, SE, UK) undertook activities to increase the effectiveness of border controls. These included an increase in staff (BE) and operational means (EL), a reorganisation of human resources more efficiently (EL, LT, FI) and establishing a new naval assistance office for maritime border controls (LT). A few Member States (EL, IT, AT) also reported on direct cooperation with other Member States, outside FRONTEX joint operations. IT and AT cooperated with ES, with AT providing support in narcotics control and IT discussing the deployment of joint control devices for border surveillance operations. AT also cooperated with neighbouring Member States (including HU and SK) in patrolling their shared borders through 'mixed police patrols' and through common police cooperation centres. IT, in April 2010, signed an agreement with FR, concerning the creation of a rapid action border guard force at the Franco-Italian borders in 2011. EL cooperated with IT in view of increasing efficiency of border surveillance at selected ports of both countries and with BG in an effort to combat organised crime and irregular migration at the Greek-Bulgarian borders.

Most Member States (BE, BG, DK, DE, IE, EE, EL, ES, FR, CY, IT, LV, LT, LU, HU, MT, NL, AT, PL, PT, RO, SI, SK, FI, SE, UK) also listed their participation in FRONTEX operations and missions. 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 CRONOS, PULSAR, HYDRA, INDALO, AGELAUS, ATTICA, POSEIDON, HERMES, HUBBLE, HAMMER, MINERVA, NEPTUNE, JUPITER, UNITY, the Focal Points and the European Patrols Network. Several Member States (BE, DK, DE, EE, ES, IT, LU, NL, AT, PL, PT, SK, SE) made specific reference to the deployment of border guards and immigration and return experts to EL through the RABIT mechanism. On this matter, EL particularly welcomed the signature of an operational plan with FRONTEX in October 2010, allowing for the deployment of experts and guest officers as part of RABIT and their cooperation with the Hellenic border control forces, to rapidly tackle irregular migration along the borders with Turkey and assist EL in the surveillance of their external borders. In addition, EL referred to the POSEIDON joint operation, which involves the deployment of patrol units of the 25 participating Member States, and the establishment of a pilot FRONTEX Operational Office within the premises of the Coast Guard at the Piraeus port, aiming to effectively combat irregular migration and dismantle organised smuggling networks in the South-Eastern Mediterranean region.

Other measures to ensure more effective border control were also mentioned by many Member States (BE, BG, DE, EL, ES, FR, IT, CY, LV, LT, HU, MT, NL, AT, PL, RO). These included the acquisition of new equipment, the printing of a pocket book for border guards, improvements to informatic systems and creating linkages between different national systems, organising simulations, undertaking risk assessments, implementing legislative and procedural changes, developing comprehensive border management plans and strategies plus cooperation with neighbouring countries. For example, following the identification of deficiencies in exercising external border controls and given the increased pressure on its borders, EL elaborated the National Action Plan 'Greece-Schengen' to enhance effective border controls. Member States also often referred to the European Border Fund (EBF) as a means of financing such activities. Several Member States (BE, BG, DE, EL, LT, AT, SI, SK, FI, SE, UK) also indicated that they planned to further develop border control in the future, which ranged from the development of a State border protection programme, building new facilities at the external border crossing points, an increased focus on checking the authenticity of passports, further training, reorganisation of services and evaluation, to planned collaboration with other Member States and / or third countries.

Many Member States (BG, CZ, EL, IT, CY, LV, HU, LT, MT, NL, AT, PL, PT, SK, FI, SE) organised and delivered training to increase the skills and competences of their existing staff (See also *Section II.1.2*). Such training was provided in different formats, including courses, workshops, seminars, online interactive training and training on the job, including practical and theoretical components. In NL, for example, a new Coaching & Supervision Department was established at Amsterdam Airport, which can also provide additional ad-hoc and other training, where necessary, to border guards. 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, search and rescue missions at sea, implementation of quality management systems, EU legislation, the use of new equipment and software and human rights. Three Member States (IT, PL, PT) 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 and other relevant staff, were also involved.

Training activities provided are also described in *Sections II.1.2* and under *Commitment IV.(e)* [*Section IV.1*].

*Commitment: III.(e) deploy **modern technological means** to ensure that systems are interoperable and to enable the effective integrated management of the external border, in line with the conclusions of the European Council on 19 and 20 June 2008 and of the Council on 5 and 6 June*

*2008. From 2012, depending on the **Commission's** proposals, the focus should be on establishing **electronic recording of entry and exit, together with a fast-track procedure for European citizens and other travellers;***

At EU level, the Commission continued its preparation of proposals accompanied with impact assessments on a Registered Traveller Programme (RTP) and an Entry/Exit System (EES) providing for modern technological means which shall be interoperable with existing and future large scale IT systems. The study on the costs of the entry/exit system and the Registered Traveller Programme was finalised in April 2010. The study analysed the development, maintenance and administrative costs under different implementation options. The state of play and necessary further steps taken were discussed together with Member States in Strategic Committee on Immigration, Frontiers and Asylum in October 2010.

A policy study on feasibility, practical implications and impact of a possible EU European System of Travel Authorisation (ESTA) was started. On the basis of the study, the Commission will present in 2012 a report to the European Parliament and the Council as part of the "Smart Border Package," in which it will indicate whether the establishment of an EU ESTA should be considered.

At national level, most Member States 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, DE, EE, ES, LV, LT, HU, NL, AT, FI, UK) referred to measures taken towards automated and electronic border crossing, such as testing Registered Traveller schemes (DE, NL, UK). A number of Member States (DE, EE, ES, HU, NL, AT, PL, UK) reported on the development of automated border crossing points. FI piloted a project introducing automated border control at its land borders and EE indicated working on a 'virtual check-in' system to facilitate border crossings. DE and UK specifically mentioned the expanding use of biometrics for facilitating border crossings, with DE using iris scanning for their Registered Traveller test programme, whilst UK started negotiations with an airport operator, for a scheme whereby passengers can pre-register their biometric data in order to be able to pass through specifically enabled gates more rapidly.

Several Member States (BE, CZ, DE, IT, NL, AT, PT, SK, SE) also implemented measures to improve the effectiveness and 'scrutiny' of border checks. 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. NL and PT furthermore piloted and/or implemented new Passenger Information systems. Several Member States (IE, EL, ES, CY, LV, LT, HU, PL, PT, SI, SK, FI, SE) also referred to the development, upgrading or inter-linking of national border management information systems, often making links to relevant upcoming EU systems, such as EUROSUR, and large-scale informatic systems, such as the Registered Traveller Programme and the Entry/Exit System. LT, for example, noted that the modernisation of their border monitoring systems also took in account the future integration in EUROSUR and they are also preparing an electronic arrival and departure record keeping system, in line with the EU entry/exit system. DK chaired a Nordic Workshop on the potential gains and pitfalls of the entry-exit system to inform the Commission's proposals. PL confirmed that developments to their national systems aimed to ensure full integration, operability and compatibility with current and future EU Systems. PT implemented an entry and exit security system, whilst FI has an entry / exit system already in place.

Ten Member States (BE, EL, ES, IT, LT, MT, RO, SI, FI, UK) described the deployment of modern technological means to improve border surveillance. This included the acquisition of high-tech

border surveillance equipment, such as thermal imaging cameras day binoculars, x-ray devices and scanners, and procurement of patrol boats, vehicles and helicopters, often purchased with the support of the European Border Fund (EBF).

III.1.2 Stockholm Programme

*The European Council calls on the **Commission** and **Member States** to ensure that the **SIS II** and the **VIS** system now become fully operational in keeping with the timetables to be established for that purpose. Before creating new systems, an **evaluation of these and existing systems should be made** and the difficulties encountered when they were set up should be taken into account. The setting up of an administration for large IT systems could play a central role in the possible development of IT systems in the future.*

At EU level, a clear, realistic roadmap for the finalisation of SIS II, widely supported by stakeholders, was presented to the October JHA Council. The target date for making the system ready for operations is March 2013. Final agreement has been reached on the technical specifications for the interaction of the SIS II Central System with the national systems. These are a pre-requisite for finalising technical development. Work is progressing smoothly and in a constructive atmosphere, with most stakeholders showing good commitment towards the prompt and timely conclusion of the project.

The development of the Visa Information System progressed well. The foreseen date for the technical readiness of the VIS is now 24 June 2011, which will allow the start of operations in principle on 11th October 2011, provided that Member States notify their national readiness as well. The VIS will be deployed at consular posts around the world in a regional manner, in order to avoid potential problems of a big bang approach. The Commission adopted on 30 November 2009 a decision (2010/49/EC) determining the first regions for the start of operations of the Visa Information System (VIS) following an assessment and taking into account elements such as the average visa refusal and entry refusal rates for each of the regions concerned, as well as the fact that consular presence or representation should be increased in certain regions in order to efficiently implement the VIS in these regions. According to this assessment, the first region where the collection and transmission of visa data to the VIS should start for all visa applications should be North Africa; the second region should be the Near East and the third region should be the Gulf region.⁴¹ For the determination of the further regions, subsequent decisions should be taken at a later stage on the basis of an additional and up-dated assessment of these other regions.

At national level, most Member States (BG, DK, DE, EE, ES, IT, CY, LT, LV, LU, HU, NL, AT, PL, PT, RO, SI, SK, FI, SE) also reported on progress with regard to the implementation of the VIS, with most confirming to be in line with the EU timetable. EE and SE, for example, referred to the testing of the system, together with six other Member States, as part of OST (Operational System Test). Other Member States referred to national developments, such as the purchasing and installation of the necessary equipment (BG, EL, ES, LU), legislative changes to accommodate the implementation of VIS (HU), the delivery of training courses to staff of embassy and consular offices (EL, LV, LT), efforts to ensure the compatibility of national systems with VIS (DK, IT, LT, LU), and the organisation of testing phases to ensure compliance (LU, FI).

See also the entry under *Commitment II.(h) [Section II.1.1]*.

⁴¹ In March 2011, there was a consensus among Member States that the sequence of the first regions for the start of operations should not be changed, despite the political situation in certain countries of North Africa, the Near East and the Gulf Region. A position supported by the Commission.

*invites the **Commission** present proposals for an entry/exit system alongside a fast track registered traveller programme with a view to such a system becoming operational as soon as possible,*

See the entry under *Commitment III.(e) [Section III.1.1]*

*The European Council invites the **Commission** to make the necessary proposals to achieve the objectives related to the European Border Surveillance System (Eurosur)*

JAI Council Conclusions 3 / 4 June 2010 on the follow-up of the European Pact on Immigration and Asylum, Section 4.d: Another crucial measure is the swift implementation of the phases and steps laid down for the development of the European Surveillance System (EUROSUR).

At EU level, 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. A first report on the progress of EUROSUR, covering the period between February 2008 and July 2009, was already published on 24 September 2009. A second report on the progress made in the development of EUROSUR between August 2009 and October 2010 was published in January 2011.⁴²

The support for development of the national components of EUROSUR and of a permanent European Patrol Network at the southern maritime borders of the EU Member States is defined as one of the strategic priorities of the External Borders Fund. For the upcoming programming phase 2011-2013, Member States were encouraged to direct their European Border Fund (EBF) allocations to several areas of particular importance to the EU in line with the Stockholm Programme. This includes EUROSUR and in particular, establishment and further development of the single national coordination centres, as well as extension and upgrading of the mobile and stationary components of the national border surveillance systems.

At national level, see the entry under *Commitment III.(e) [Section III.1.1]*.

*invites the **Commission** to continue to examine the issue of automated border controls and other issues connected to rendering border management more efficient. This includes also the European Council inviting **Member States** and the **Commission** to explore how the different types of checks carried out at the external border can be better coordinated, integrated and rationalised with a view to the twin objective of facilitating access and improving security*

At EU level, see the entry under *Commitment: III.(e) [Section III.1.1]*

At national level, several Member States reported on developments in addition to those described under *Commitment III.(e) [Section III.1.1]* with regard to the implementation of automated border controls and improved border checks. For example, BG, since November 2010, operated a new National Coordination Centre which coordinates all the activities related to border management, while EL undertook preparatory actions for setting up an Operational Coordination Centre for this purpose within the State Police Headquarters. HU and SK started preparations for such centres. FR and UK opened a Joint Coordination Centre to control movement of people and goods between the two Member States, as part of their 'Evian' bilateral agreement, signed in July 2009 and updated in November 2010. LU outlined the importance of cooperation between cross-border airports. BE set up the 'Maritime Information Cross Point' to facilitate multi-agency data sharing (including

⁴² SEC(2011) 145 final.

participation of defence, police services and customs) and NL undertook preparations for joint border checks by border guards and customs. For this purpose, training courses were organised with the aim to conduct effective and efficient border checks on, for instance, luggage and freight. The implementation of an Automated Clearance Service, in addition to its already existing fast-track border gates, was also being considered in UK.

III.1.3 Key statistics

Table 3 in the Statistical Annex gives an overview of the number of third-country nationals refused entry in 2010 and by type of border, including land, sea and air borders. The geographical position of Member States seems to be a major determining factor regarding the number of refusals, with Member States forming Europe's external border having relatively higher number of refusals. The number of refusals by Member States in 2010 ranged from 290 045 (ES), followed by 22 895 (PL), down to 80 (DK). Member States refusing entry mostly at a land border were again ES (281 750 or 97.1% of total) and PL (22 255 or 97.2%) and then HU (10 215 or 97.5%). EE was the only one refusing entry primarily at a sea border (1 260 or 75.7% of all refusals). Member States who had all their refusals at an air border were CZ, DK, MT and SE, with BE, DE, NL and PT also having more than 95% of all their refusals at air borders.

III.2 Cooperation with respect to border control

III.2.1 European Pact on Immigration and Asylum

Commitment: III.(b) generalise the issue of biometric visas, improve cooperation between Member State's consulates and set up joint consular services for visas

At EU level, and with regard to the use of biometrics in the Visa Information System, see the entry under *Section III.1.2*. In addition, the External Borders Fund has co- financed (under Union actions) the setting up of two common application centres (in Praia, Cap Verde and Kinshasa, Congo).

At national level, a number of Member States reported on progress with regard to the implementation of biometric visas and on consular cooperation. With regard to biometric visas, many Member States (BE, BG, CZ, DK, DE, IE, EL, FR, IT, LV, HU, MT, NL, PT, SK, FI) prepared for their issuing or started the issuing in a selection of their consular offices mainly in North Africa, in line with EU guidelines.⁴³ FR, for example, and as of March 2010, equipped 169 of its 193 consular offices to issue biometric visas and SK equipped all its embassies with fingerprinting devices. CZ expected to have around 180-200 fingerprinting visa workstations in total. IT started the testing in two North-African States, whilst IE started in Nigeria and PT established a visa centre in Cape Verde, fully capable of collecting and issuing biometric visas. LV envisaged a testing phase in their consular office in Egypt. The UK, not participating in VIS, also required people applying for visas to register a digital photograph and fingerprint.

A few Member States referred to cooperation between consular offices. EE, for example, indicated that visa representation agreements were signed with DK, FR and PL, whilst SK was negotiating such agreements with CZ, DE, EE, ES, FR, LV, LT, PL. Their Ministry of Foreign Affairs also mandated its embassies to start negotiations concerning the possible establishment of joint consular services. CZ reported that, since 2010, ES, FR and PT represented it in more than 30 third countries, whilst it, at the same time, respectively represented FR and ES in Ukraine and Moldova. Following the signing of representation agreements, EL is represented by FR, IT, LT, ES, BE, NL, DE, PT,

⁴³ See Footnote 42.

SE, AT and HU, while it represents FR and HU. CY is currently analysing the costs and benefits of signing visa representation agreements with other Member States, prior to engaging into new negotiations. LT signed visa representation agreements with DK, DE, EL, LV and NO and planned to sign an agreement with SK. With the adoption of the Visa Code, LU confirmed the continuation of most of the existing representation agreements. PL signed visa representation agreements with EE, NL and SE, to represent these Member States in several third countries and to be represented in others. SK signed agreements with HU, AT and SI. The latter will also be represented by SK in CY, RO and Ukraine. BE, in cooperation with SE, established a Common Application Centre in Kinshasa, DR Congo in April 2010. LU participated in Common Application Centres in Chisinau (Moldova), Praia (Cape Verde) and Podgorica (Montenegro).

On future measures, LU will represent NL in 13 European cities (Geneva, Madrid, Prague, Rome, Brussels, Paris, Vienna, Copenhagen, Berlin, Bern, Lisbon, Athens and Warsaw) from 2011.

*Commitment: III.(d) give fuller consideration, in a spirit of solidarity, to the **difficulties of those Member States subjected to disproportionate influxes of immigrants** and, to that end, invite the Commission to submit proposals;*

For both EU and national level, see the entry under *Commitment: IV.(c) [Section IV.1]* and, with respect to return, *Section II.2.2*.

*Commitment: III.(f) intensify **cooperation with the countries of origin and of transit** in order to strengthen control of the external border and to combat illegal immigration by increasing the European Union's aid for the training and equipping of those countries' staff responsible for managing migration flows;*

At EU level, initiatives were implemented through the MIEUX facility administered by the ICMPD, offering EU expertise to third countries to enhance their capacities to better address irregular migration and mixed migratory flows. EU-funded projects continued around the world, including on capacity-building for immigration services in the Horn of Africa; on technical assistance for the EU-ASEAN Migration and Border Management Programme; and on the Eastern Partnership Panel on Integrated Border Management.

At national level, in addition to the signature of readmission agreements (see *Commitment II.(b) [Section II.2.1]*), several Member States (EE, EL, IT, CY, AT, PT, RO, SI) 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 May 2010 and signed a bilateral cooperation agreement with the State Border Guard of Moldova in November 2010. EL established contact points in third countries for the exchange of information and developed further police cooperation with Albania, including the conduct of joint operations with the Albanian Border Police. IT signed special police cooperation agreements with Libya, Tunisia, Nigeria, Algeria, Niger, Ghana, Egypt, Senegal and Gambia. CY signed a bilateral cooperation agreement to combat organised crime, including irregular migration, with South Africa and negotiated similar agreements with Syria and Qatar. AT signed bilateral police cooperation and security agreements with Georgia, Moldova, Albania and Bosnia and Herzegovina. PT signed bilateral agreements with Cape Verde and Brazil and negotiated agreements with Angola, Guinea-Bissau, São Tomé & Príncipe, Mozambique and East Timor. RO signed a bilateral agreement with Moldova, for the regulation of small border traffic, and negotiated a similar agreement with Serbia, as well as a draft cooperation protocol for opening a joint border-crossing point with the latter. RO also discussed agreements on cooperation and countering organised crime with Moldova, the Russian Federation, Syria and Ukraine. Under the

agreement related to border transport and cooperation signed with Croatia, SI adopted additional measures to strengthen control of the external border.

Several other forms of cooperation with third countries were also developed and/or continued in 2010. BE continued its 'Border Guard Assistance' programme, launched in 2008, which also includes participation in the control of travel documents in non-EU airports in Western and Central African countries. It also continued its "Field Workers" project, launched in 2007, which deploys specialised immigration officers to consular offices in third countries. In 2010, field workers were active in Cameroon, Ivory Coast and Ecuador. FR signed a co-operation agreement with BE to participate in the project. DK contributed to two capacity building projects with the migration authorities in Ghana: the first aimed at improving migration management by providing support to the Ghana Immigration Service, while the second focused on combating trafficking and irregular migration from, and via, Ghana by providing information to transiting and potential migrants as well as expertise to responsible authorities for detecting, investigation and prosecuting human traffickers and smugglers. DE and SE indicated that they used liaison officers in third countries for border control issues. CZ and SK launched a project to build capacity at the Moldovan-Romanian border, focusing on identification of forged and falsified travel documents. IT continued participation in a mission to Libya, while EL participated in training projects to Libya and Niger implemented under the auspices of the Italian authorities. LV organised a training visit, as part of the Border Management Programme in Central Asia, to introduce their model of integrated border management to participants from Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan. They also organised training of border guards in Uzbekistan, to work with dogs detecting narcotics and explosives. ES referred to its participation in the Seahorse Network, together with PT, Morocco, Mauritania, Senegal, Gambia, Cape Verde and Guinea Bissau. AT deployed document advisors to Thailand, Egypt, Lebanon and India and participated in a twinning project with Serbia to implement the latter's integrated border management strategy. PL continued conducting joint border control with Ukraine, in particular at border crossing points. UK mentioned projects to strengthen border control and build capacity of staff in Ghana, East Africa and Libya.

III.2.2 Stockholm Programme

*The European Council encourages the **Commission** and **Member States** to take advantage of the entry into force of the **Visa Code** and the **gradual roll-out** of the **VIS** in order to **intensify regional consular cooperation** by means of regional consular programmes which could include, in particular, the establishment of **common visa application centres** where necessary on a voluntary basis.*

At EU level, and since 5th April 2010, the Visa Code now applies, streamlining the procedures for issuing Schengen short stay visas and enhancing local consular cooperation. In accordance with the Action Plan implementing the Stockholm Programme, the Commission plans to present a Communication on regional consular cooperation programmes in 2011.

Details on the development of the VIS are given in *Section III.1.2* and on the setting up of common visa application centres under *Commitment III.(f) [Section III.2.1]*.

At national level, Member States provided relevant information related to the VIS on other commitments of the Pact (see also *Section III.1.2*). Following the entry into force of the Visa Code on 5th April 2010, several Member States (EE, EL, FR, LV, MT, NL, AT, PL) confirmed its implementation. In addition, CZ, LV, PL, SI, SK and RO introduced legislative changes. In CZ, these concerned internal regulations concerning the visa issuing process, as well as internal instructions and guidelines. In May 2010, PL put forward an amendment to the Act of Foreigners to

fully implement the Visa Code. LV approved a Regulation setting out the competences of diplomatic and consular missions in order to comply with the Visa Code and also envisaged amendments to its Immigration Law, to regulate procedures for motivating refusal and appeal. RO drafted amendments to its Law of Aliens' regime to transpose the Visa Code. CY and LT started gradually implementing the rules, regulations and practices in accordance with the Visa Code. CZ and LT reported on measures taken to increase awareness and understanding of the Visa Code. CZ briefed its diplomatic missions and consular offices on the main changes well before its implementation. LT organised centralised training on the implementation of the Visa Code in Vilnius, as well as five regional training sessions in the bigger diplomatic missions and consular offices (Kaliningrad, Moscow, Minsk, Kiev and Chicago).

*invites the **Commission** and **Council** to continue to explore the possibilities created by the conclusion of visa facilitation agreements with third countries in appropriate cases,*

The Commission presented in November 2010 a recommendation to the Council to negotiate a visa facilitation agreement (together with a recommendation to negotiate a readmission agreement) with Belarus, in the framework of the Eastern Partnership. The Visa Facilitation Agreement with Georgia was signed on 17 June 2010 and will enter into force on 1 March 2011. With Cape Verde, a round of negotiations was held in October 2010.

Joint Visa Facilitation Committees to monitor the implementation of EU Visa Facilitation Agreements with the Russian Federation, Ukraine and Moldova took place in 2010. These three Joint Committees agreed on suggestions for amendments and additions to the respective Visa Facilitation Agreements. On this basis, the Commission presented in October 2010 recommendations to the Council to re-negotiate the Visa Facilitation Agreements with the Russian Federation, Ukraine and Moldova.

*invites the **Commission** to keep the list of third countries whose nationals are or are not subject to a visa requirement under regular review in accordance with appropriate criteria relating e.g. to illegal immigration, public policy and security, which take account of the Union's internal and external policy objectives,*

In 2010, two reviews of the lists of Regulation 539/2001 were adopted: transfer of Albania and Bosnia-Herzegovina to the positive list (Regulation 1091/2010) and transfer of Taiwan to the positive visa list (Regulation 1211/2010).

*invites the **Commission** to strengthen its efforts to ensure the **principle of visa reciprocity and prevent the (re)introduction of visa requirements by third countries** towards any Member State and to identify measures which could be used prior to imposing the visa reciprocity mechanism towards those third countries.*

The Commission issued the 6th reciprocity report,⁴⁴ which takes stock of the efforts to achieve full reciprocity with third countries on the EU positive list.

*The European Council, with a view to creating the possibility of moving to a new stage in the development of the common visa policy, while taking account of Member States competences in this area, invites the **Commission** to present a study on the possibility of establishing a common European issuing mechanism for short term visas. The study could also examine to what degree*

⁴⁴ COM(2010)620 final

an assessment of individual risk could supplement the presumption of risk associated with the applicant's nationality.

In accordance with the Action Plan implementing the Stockholm Programme, this initiative is scheduled for 2014.

*invites the **Commission** to prepare a study on the possibility and usefulness of developing a **European system of travel authorisation** and, where appropriate, to make the **necessary proposals**. (Section 5.1, Integrated management of the external borders)*

See the entry under *Commitment III.(e)* [Section III.1.1].

*invites the **Council** and the **Commission** to support enhanced capacity building in third countries so that they can control efficiently their external borders.*

See the entry under *Commitment: III.(f)* [Section III.2.1].

III.3 Management of the External Borders

III.3.1 European Pact on Immigration and Asylum

*Commitment III.(c) give the **Frontex agency**, with due regard for the role and responsibilities of the Member States, the resources to fulfil its mission of coordinating the control of the external border of the European Union, to cope with crisis situations and to undertake, at the request of **Member States**, any necessary operations, whether temporary or permanent, in accordance, in particular, with the Council conclusions of 5 and 6 June 2008;*

*In the light of the results of an evaluation of the agency, its role and operational resources will be strengthened and a decision may be taken to create **specialised offices** to take account of the diversity of situations, particularly for the land border to the East and the sea border to the South: creating such offices should on no account undermine the unity of the Frontex agency.*

*Ultimately, the possibility of setting up a **European system of border guards** may be examined;*

See the entry under *Commitment III. (a)* [Section III.1.1]

*Commitment III.(g) improve the modalities and frequency of the **Schengen evaluation process** in accordance with the Council conclusions of 5 and 6 June 2008.*

At EU level, and further to the entry into force of the Lisbon Treaty, the Commission proposed on 16 November 2010 a Regulation on the establishment of an evaluation mechanism to verify the correct application of the Schengen acquis.⁴⁵ The Council welcomed the proposal in general. However, questions on the competences of the Member States within a modified evaluation mechanism were raised. The European Parliament has not yet taken position on the proposal. The proposal, which would give the Commission greater responsibility for the oversight of such evaluations, specifies that the evaluation should pay particular attention to the respect of fundamental rights when applying the Schengen *acquis*.

⁴⁵ COM(2010) 624 final.

In the framework of the Schengen evaluation, training was provided to Schengen evaluation experts, as well as to leading experts by FRONTEX together with PL and FI.

III.3.2 Stockholm Programme (Section 5.1)

*requests the **Commission** to put forward **proposals no later than early 2010 to clarify the mandate and enhance the role of FRONTEX**, taking account of the results of the evaluation of the Agency and the role and responsibilities of the **Member States** in the area of border control. Elements of these proposals could contain preparation of clear common operational procedures containing clear rules of engagement for joint operations at sea, with due regard to ensuring protection for those in need who travel in mixed flows, in accordance with international law; increased operational cooperation between Frontex and countries of origin and transit and examination of the possibility of regular chartering financed by Frontex In order to promote the proper enforcement of the applicable statutory framework for Frontex operations, the **Commission** should consider including a mechanism for reporting and recording incidents that can be satisfactorily followed up by the relevant authorities,*

See the entries under *Commitment III. (a) [Section III.1.1]*

*invites **FRONTEX** itself to consider, within its mandate, **establishing regional and/or specialised offices** to take account of the diversity of situations, particularly for the land border to the East and the sea border to the South; creating such offices should on no account undermine the unity of the Frontex agency; before creating such offices, Frontex should report to the Council on its intentions,*

See the entry under *Commitment III. (c) [Section III.3.1]*

*invites the **Commission** to **initiate a debate on the long-term development of FRONTEX**. This debate should include, as was envisaged in the Hague programme, the feasibility of the creation of a **European system of border guards**,*

See the entry under *Commitment III. (c) [Section III.3.1]*

*considers that the **evaluation of the Schengen** area will continue to be of key importance and that it therefore should be improved by strengthening the role of Frontex in this field,*

See the entry under *Commitment III. (g) [Section III.3.1]*

IV. INTERNATIONAL PROTECTION

IV.1 European Pact on Immigration and Asylum

*Commitment IV.(a) establish in 2009 a **European support office** with the task of facilitating the exchange of information, analyses and experience among Member States, and developing practical cooperation between the administrations in charge of examining asylum applications. That office will not have the power to examine applications or to take decisions but will use the shared knowledge of countries of origin to help to bring national practices, procedures, and consequently decisions, into line with one another;*

At EU level, and during the first semester of 2010, the co-legislators (Council and Parliament) formally approved the creation of the EASO⁴⁶ and Member States decided that its seat would be in Valletta, Malta. Since then, the Commission has been actively working with a view to prepare the start of operations of the EASO, which should be fully operational by 19 June 2011. The first Management Board meeting was held in Valletta on 25-26 November 2010. During this meeting, Mr Rob Visser was selected as Executive Director of the EASO. He made a statement in the LIBE Committee of the European Parliament on 9 December 2010.

According to its founding Regulation, the EASO will focus on three main tasks:

- develop practical cooperation among Member States on asylum, by facilitating exchange of information on countries of origin, by providing Member States with support for translation and interpretation, training of asylum officials and assisting in the relocation of recognised refugees.
- support Member States under "particular pressure," in particular through the establishment of an early warning system, coordinating teams of experts to assist EU countries in managing asylum applications and in putting in place appropriate reception facilities.
- contribute to the implementation of the CEAS by collecting and exchanging information on best practices, drawing up an annual report on the asylum situation in the EU and adopting technical documents, such as guidelines and operating manuals, on the implementation of the Union's asylum instruments.

Through the implementation of the above tasks, the EASO will fulfil certain actions included in the **Stockholm Programme**, namely those related to the "*development of a common educational platform, building on in particular the European Asylum Curriculum*", and those concerning the "*development of procedures that will facilitate the secondment of officials in order to help those Member States facing particular pressures of asylum-seekers*".

*Commitment IV.(b) invite the **Commission** to present proposals for establishing, in 2010 if possible and in 2012 at the latest, a **single asylum procedure** comprising common guarantees and for adopting a uniform status for refugees and the beneficiaries of subsidiary protection;*

At EU level, the Commission submitted its proposal for the recast of the Qualification and Asylum Procedures Directives in October 2009. The proposal amending the Qualification Directive clarifies certain legal concepts, such as "actors of protection", "internal protection" or "membership of a particular social group," in order to enable national authorities to apply the criteria more robustly and to identify more quickly persons in need of protection. Furthermore, the proposal aims to approximate the rights granted to refugees and to beneficiaries of subsidiary protection. The amendments concern the duration of residence permits, access to social welfare, health care and the labour market. Progress was achieved in the course of 2010 with technical discussions in the Council completed. The Belgian Presidency proposed several compromise amendments and an important number of reservations were lifted.⁴⁷

⁴⁶ Regulation (EU) 439/2010 published in the Official Journal of the EU on 29 May 2010.

⁴⁷ Following an orientation vote on 1 February 2011, the Parliament's LIBE committee adopted a draft report on the Commission's proposal, available from <http://www.europarl.europa.eu/oeil/file.jsp?id=5818632>.

The amendments to the Asylum Procedures Directive aim mainly to provide for a single procedure by ensuring the simplification and rationalisation of asylum procedures, as well as a reduction of administrative burden for Member States; facilitate access to examination procedures; enhance the efficiency of the examination process of applications; improve the quality of asylum decisions; and ensure access to effective remedy for asylum applicants in line with EU and international obligations of Member States. A first reading at technical level in the Council was completed under the Spanish Presidency in the first half of 2010. However, progress on the proposal was very limited, discussions were difficult and only few technical points were agreed upon. The most problematic elements of the proposal concern legal assistance, accelerated procedures, border procedures and appeals.⁴⁸ To give an impulse to the stalled negotiations, the Commission will adopt a modified amended proposal in 2011 before the Polish Presidency.

A compromise was reached between the European Parliament and the Council in December 2010 on the extension of the legal system for third-country nationals with long-term resident status to include persons with international protection. The Commission had proposed that such persons, who initially were not covered by Directive 2003/109/EC, may be granted the rights under long-term resident status after a period of five years' legal residence. It is expected that the formal adoption of the amendment will take place in the first Semester of 2011.⁴⁹ This modification of Directive 2003/109/EC will facilitate the integration of beneficiaries of international protection by granting them a higher level of rights and promoting their mobility.

This commitment is directly related to the invitation from the European Council in the **Stockholm Programme** to the Council and the European Parliament "*to intensify the efforts to establish a common asylum procedure and uniform status in accordance with Article TFUE for those who are granted asylum or subsidiary protection by 2012 at the latest.*"

Commitment IV.(c) solidarity with Member State(s) which are faced with specific and disproportionate pressures on their national asylum systems

At EU level, solidarity on asylum issues took different forms in the course of 2010. The establishment of the EASO will also contribute to strengthen intra-EU solidarity in the field of asylum.

The pilot project started in 2009 to relocate about 250 beneficiaries of international protection from Malta to 10 Member States continued to be implemented, with the support of UNHCR and IOM. By the end of the year, approximately 220 such persons had already been relocated to 6 Member States, with the remaining ones expected to be relocated during 2011. The project received, in April 2010, a grant of almost €2 million from the Commission through the European Refugee Fund Community Actions. Relocation was also the object of an external study requested by the Commission.⁵⁰

In August 2010, after a high-level technical mission to Athens organised by the Commission, the Greek authorities sent an Action Plan to reform its asylum system and better manage the significant influx of asylum-seekers that the country receives. Based on offers of assistance by several EU Member States and on a number of immediate needs highlighted by Greece, the Commission

⁴⁸ On 24th March 2011, the European Parliament's LIBE committee adopted a report on the Commission's proposal, see <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+REPORT+A7-2011-0085+0+DOC+PDF+V0//EN&language=EN>.

⁴⁹ This was adopted by the Council on 11th April 2011, see http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/121451.pdf.

⁵⁰ http://ec.europa.eu/home-affairs/doc_centre/asylum/docs/final_report_relocation_of_refugees.pdf

identified four priority actions for the immediate deployment of expertise to Greece. On this basis, teams of Member States' experts were deployed on the ground in December 2010 providing expertise in the areas of case management of asylum claims, registration and screening of international protection needs in cases of mixed migration flows, as well as the provision of training to the Greek authorities in accordance with the European Asylum Curriculum framework. Other teams were deployed in early 2011 in particular to provide expertise in the area of quality management of asylum decision-making. The Commission provided to Greece almost €10 million from the emergency funding reserve of the European Refugee Fund.

Negotiations continued on the amendments to the Dublin Regulation. One such amendment concerns the creation of an exceptional mechanism for the temporary suspension of transfers of asylum seekers to the first country of entry in the EU territory, thus allowing the EU to deal with exceptional situations where certain Member States are confronted with particular pressure on their asylum systems that they cannot cope with on their own.

The support to Greece, the relocation pilot project with Malta and the clause on suspension of transfers in Dublin are a test of the possibilities for three of the actions included in the Stockholm Programme: *"developing mechanisms for sharing responsibility between the Member States while assuring that asylum systems are not abused, and the principles of the Common European Asylum System not undermined"*, *"creating instruments and coordinating mechanisms which will enable Member States to support each other in building capacity, building on Member States own efforts to increase their capacity with regard to their national asylum systems"* and *"using in a more effective way, existing EU financial systems aiming at reinforcing internal solidarity"*.

At national level, several Member States (BE, DE, HU, AT, PT, SE, UK) reported having set up or taken part in initiatives to help other Member States facing a massive influx of asylum applicants. These Member States mentioned initiatives specifically aimed at providing support to EL (DK, DE, IT, HU, AT, SE, UK), CY (HU), MT (HU, UK) and PL (BE). These included provisions of specific training (DE, AT, UK), capacity building (DE, HU, AT, UK), exchanges of asylum officers (BE, DE), secondment of staff (HU, SE), signature of Memorandum of Understanding (AT), support for the fast and efficient implementation of EL's Action Plan for Migration Management (DK), participation in migration missions focusing on the situation of Member States under particular pressure (HU) and organisation of specific pilot projects (UK). In addition, HU participated in migration missions in EL, CY and MT. DK also indicated having forwarded the curriculum vitae of 14 asylum experts to the European Asylum Support Office asylum expert pool.

With regard to specific training, three Member States (DE, AT, UK) provided specific training to EL on asylum procedures (DE) and quality assurance (AT, UK). UK also provided training in language analysis to officers in MT.

Four Member States (DE, HU, AT, UK) developed capacity building measures. DE offered EL the possibility to access their Information System on Countries of Origin and the GDISC Pool of Interpreters. HU and AT provided support to EL to improve Refugee Status Determination Procedures (HU) and their related quality assurance (AT). UK provided support to MT in processing asylum applications and language analysis as part of the Interpreters Pool Project. This project offers support to Member States lacking capacity by providing interpreters via video-conferencing. Since April 2010, UK provided interpretation capacity on three occasions. MT particularly welcomed this initiative. As a Member State facing specific and disproportionate pressures on its national asylum system, CY referred to the Project 'Particular Pressures Cyprus', which aimed to strengthen and enhance its asylum system. Within this project, CY benefitted from the expertise of the Dutch Immigration and Naturalisation Service and Central Agency for the

Reception of Asylum Seekers. Visits were also organised in IE, CY and NL to exchange experiences with regard to the implementation of accelerated asylum procedures, interview techniques and the handling of particular target groups, such as unaccompanied minors and vulnerable persons. EL mentioned the funding of emergency measures by the European Refugee Fund and the experts' missions organised for the implementation of the National Action Plan for the Reform of the Asylum System and the Management of Migration Flows, adopted in August 2010.

Two Member States (BE, PL) undertook activities in 2010 relating to the exchange of asylum officers. BE organised an exchange programme with asylum case workers from PL, where ten asylum case workers were invited to BE to discuss the asylum decision making process and attend interviews, with the goal of improving the quality of the asylum procedure in PL. Focus was placed on asylum applications from the Russian Federation. DE also invited a Greek Liaison Officer to the Federal Office for Migration and Refugees.

With regard to other measures, HU and SE sent seconded staff to EL to assist in the processing of asylum applications (HU, SE) and provide training within the European Asylum Curriculum (SE). AT negotiated a Memorandum of Understanding with EL to agree on bilateral cooperation in internal security, including asylum matters. On new projects in 2010, UK ran various pilot projects in EL with one focusing on language analysis and allowing EL authorities to use Sprakab, the UK's language analysis service provider. Another project aimed at helping EL authorities to identify persons in need of international protection, improving detention conditions and guaranteeing fairness in asylum procedures.

In EL, the adoption of a legislative amendment in November 2010 enabled the prompt examination of asylum applications pending at first or second instance and reintroduced the examination, by an independent committee, of asylum applications at second instance. A draft law was also submitted to parliament for vote, proposing to revise the national asylum system through the establishment of a new Asylum Service, that would take charge of all competencies related to the granting of international protection.

Asylum was one of the priorities of the Belgian Presidency of the Council of the European Union and BE organised a ministerial conference on 'Quality and Efficiency in the Asylum Process' in September 2010. The focus of this conference was placed on practical cooperation and solidarity between Member States.

With regard to future measures, NL indicated their intention to also provide assistance to EL in the implementation of their Action Plan for Migration Management.

and participation in coordinated reallocation measures

At national level, six Member States (DE, FR, LU, PT, SI, UK) relocated beneficiaries of international protection in the framework of the EUREMA (European Re-allocation for Malta) pilot project in 2010. In addition, four Member States (HU, PL, RO, SK) agreed to relocate beneficiaries of international protection from MT also via this project.

The numbers of beneficiaries of international protection relocated from MT to other Member States in 2010 ranged from 102 (DE) and 93 (FR) to 10 (UK), 8 (SI) and 6 (LU, PL, PT). HU, PL, RO and SK agreed to relocate from 10 (HU, SK) to 6 (PL, RO) beneficiaries of international protection. In total, MT indicated that approximately 255 beneficiaries of international protection would be relocated within the framework of the EUREMA pilot project.

In addition, PL proposed amendments to its national asylum legislation, introducing provisions enabling the relocation of beneficiaries of international protection from other Member States.

With regard to future measures, BE indicated their intention to take part in the EUREMA pilot project from 2011 onwards.

Commitment: IV.(d) strengthen cooperation with the Office of the United Nations High Commissioner for Refugees to ensure better protection for people outside the territory of EU Member States who request protection, in particular by moving, on a voluntary basis, towards the resettlement within the European Union

At EU level, while pursuing its support to the existing Regional Protection Programmes (RPPs) in Eastern Europe and Tanzania/Great Lakes region, the Commission decided, after an evaluation of the RPPs conducted by an external consultant in 2009, to extend RPPs to two new regions: the Horn of Africa (Kenya, Yemen and Djibouti) and Northeast Africa (Egypt, Libya and Tunisia). The contract with UNHCR concerning the implementation of the Horn of Africa RPP was signed in October 2010, with the bulk of activities taking place in Kenya and covering Somali refugees. The development the Northeast Africa RPP is on-going.

Negotiations on the proposal for the establishment of a 'Joint EU Resettlement Programme'⁵¹ continued in 2010 and good progress was made by the co-legislators (Council and Parliament). There is wide agreement on its contents, but no adoption has taken place so far, because of a disagreement on the procedural issue, namely how to adopt the annual resettlement priorities. The Commission will support efforts to find a solution and hopes that the 'Joint EU Resettlement Programme' will be formally adopted in 2011. The Commission will, in any event, continue working to develop resettlement within the EU.

Under the current European Refugee Fund, the pledging exercise for 2011 (related to the granting of €4 000 per resettled refugee) was conducted in 2010. Nine Member States have pledged their readiness to resettle in 2011 a total of 2 483 refugees belonging to one of the four categories mentioned in the ERF decision.

The above-mentioned developments in the area of resettlement and RPPs closely respond to the **Stockholm Programme's** actions related to "*the enhancement of capacity building in third countries, in particular their capacity to provide effective protection, and to further develop and expand the idea of Regional Protection Programmes, on the basis of the forthcoming evaluations*" and to "*the encouragement of voluntary participation of Member States in the joint EU resettlement scheme and increase the total number of resettled refugees, taking into consideration the specific situation in each Member State*" as well as to "*finding ways to strengthen EU support for the UNHCR*".

At national level, ten Member States (CZ, DK, DE, IE, FR, IT, PT, FI, SE, UK) resettled refugees from different regions of the world, mainly in cooperation with the UNHCR. ES adopted an annual resettlement programme for the first time, after the entry into force of the new national Asylum Act in 2009.

Refugees resettled in EU Member States included Burmese refugees from Thailand (CZ, IE, NL, FI), Malaysia (CZ, IE, NL) and Bangladesh (UK), Iraqi refugees from Syria (DE, IE, FI, SE, UK), Jordan (DE, IE, SE) and Lebanon (NL, SE), Congolese refugees from Rwanda (FI, SE, UK),

⁵¹ COM(2009) 456 final.

Afghan refugees from Iran (FI, SE), Iranian refugees (DE, SE), Syrian refugees (IE), Ethiopian refugees (IE, NL, SE, UK), Eritrean refugees (NL, SE), Somali refugees (SE, UK), Palestinian refugees from Al-Tanf camp (IT) and Bhutanese refugees from Nepal (NL, UK).

Four Member States (IE, FR, FI, SE) favoured the resettlement of emergency cases (FI), medical cases (IE) and/or the resettlement of particular categories of refugees, such as catholic nationals from Iraq (FR), refugees from the East and Horn of Africa (SE) and stateless refugees (SE).

Two Member States (PL, SK) also referred to their participation in the project on 'Promotion of resettlement in the EU countries through practical cooperation of the Member States' jointly implemented by UNHCR, the International Organisation for Migration (IOM) and the International Catholic Migration Commission (ICMC), which started in March 2010.

The size of the annual quota of persons accepted for resettlement varies from one Member State to another (e.g. on annual basis, SE resettles around 2 000 persons, FI and UK each resettle 750 persons, IE accepted 200 persons, FR had 100 files, NL promised to resettle 2000 refugees from 2008 to 2011, while DK has a 3-year flexible quota of 1 500 refugees). The quota agreed by ES under the 2010 annual resettlement programme was 75. While it has not set a fixed quota, DE resettled more than 2 500 persons in 2009 and 2010.

With regard to other resettlement-related activities, SK had finished the resettlement transfer of 98 Palestinian refugees from Iraq and has signed another tripartite agreement in order to admit 100 refugees for the period of six months. RO hosted 137 refugees in urgent need of evacuation from their first asylum countries in its Emergency Transit Centre, prior to their further resettlement to other Member States or third-countries.

For future measures, BG and HU indicated that they were considering their potential involvement in resettlement activities through a pilot project (BG) and/or through the elaboration of a National Resettlement Programme (HU). LU decided to engage in resettlement activities on a more systematic basis and will establish an annual quota. In addition, the draft 'Migration Policy of Poland' elaborated in 2010 indicated that PL could join in future resettlement programmes.

Commitment: IV.(e) invite the Member States to provide the personnel responsible for external border controls with training in the rights and obligations pertaining to international protection.

At EU level, on 24 February 2010, and as mentioned also in *Section III.1.1*, the Commission proposed an amendment to the FRONTEX Regulation which introduces *inter alia* an explicit requirement for all border guards taking part in operations to have been trained in fundamental rights, so as to ensure full respect of fundamental rights and in particular the principle of *non-refoulement*. On 26 May 2010, FRONTEX concluded a cooperation arrangement with FRA, the EU's Fundamental Rights Agency, covering, *inter alia*, such activities.

The 26 April 2010 Council Decision supplementing the Schengen Borders Code⁵² on the surveillance of the EU's external maritime borders, in the context of operational cooperation coordinated by FRONTEX, foresees that border guards involved in such operations should be specifically trained in human rights and refugee law.

In the framework of the implementation of the Common Core Curriculum for Basic Level Training of border guards, a teacher exchange programme has been initiated and successfully implemented in

⁵² Council Decision 2010/252/EU (OJ L 111/20, 4th May 2010).

2010. This programme will be extended to students (border guards) exchange starting in 2011. Regular training organised by FRONTEX for the members of the 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.

At national level, in addition to the information provided in *Sections II.1.2 and III.1.1*, most Member States (BE, CZ, DK, DE, EE, ES, IT, CY, LV, LT, HU, NL, AT, PL, PT, RO, SK, FI, SE, UK) also provided training to personnel responsible for external border controls on international protection.

With regard to the categories of staff trained, many Member States (BE, DE, EE, IT, CY, LV, LT, HU, NL, AT, PL, FI, SE, UK) referred to the training of border officials and/or police officers (SK, SE).

The content of the training varied, covering issues such as rights and obligations under international protection (BE, DE, IT, CY, LT, NL, PT, SK, FI, SE, UK), asylum proceedings (EE), identification and interview of asylum applicants (LV, NL), management of stressful situations (HU), specific training on vulnerable applicants (ES) and unaccompanied minors (AT).

In addition, EE referred to the participation of border guards in study visits to other Member States as part of the training programme financed with the support of the European Refugee Fund. IT mentioned the renewal of the 'Praesidium project' for the fifth consecutive year, which commits international organisations in providing information about their rights to third-country nationals arriving on the Southern Italian coastline.

Three Member States (ES, RO, UK) indicated that the training provided was fully in line with the European Asylum Curriculum, whilst DE, RO and UK also mentioned their participation in FRONTEX Border Guards training programmes. LT and HU referred to the involvement of UNHCR in delivering the training.

IV.2 Stockholm Programme (Section 6.2.1)

*Subject to a report from the **Commission** on the legal and practical consequences, the **European Union** should seek **accession** to the **Geneva Convention and 1967 Protocol**.*

This report is scheduled, according to the Action Plan implementing the Stockholm Programme, for 2013.

*invites the **Council** and the **European Parliament** to intensify the efforts to **establish a common asylum procedure and a uniform status** in accordance with Article 78 TFUE for those who are granted asylum or subsidiary protection by 2012 at the latest,*

See the entry under *Commitment IV.(b) [Section IV.1]*.

*invites the **Commission** to consider, once the second phase of the CEAS has been fully implemented and on the basis of an evaluation of the effect of that legislation and of the EASO, the possibilities for **creating a framework for the transfer of protection of beneficiaries of international protection** when exercising their acquired residence rights under EU law,*

A Communication is expected, according to the Action Plan implementing the Stockholm Programme, in 2014.

*invites the **Commission** to undertake a **feasibility study on Eurodac** as a supporting tool for the entire CEAS, while fully respecting data protection rules,*

A Communication on Eurodac development, namely on the feasibility on its development into a supporting tool for the entire Common European Asylum System (CEAS) is scheduled, according to the Action Plan implementing the Stockholm Programme, for 2012.

*invites the **Commission** to consider, if necessary, in order to achieve the CEAS, proposing **new legislative instruments** on the basis of an evaluation,*

During 2010 the Commission focused on the existing package and presented no new legislative instruments in the field.

*invites the **Commission** to finalise its study on the feasibility and legal and practical implications to establish **joint processing of asylum applications**.*

A Communication on the appropriateness, the possibilities and the difficulties, as well as the legal and practical implications of joint processing of asylum applications within the Union, is scheduled, in accordance with the Action Plan implementing the Stockholm Programme, for 2014.

*developing the **mechanism for sharing responsibility between the Member States** while assuring that asylum systems are not abused, and the principles of the CEAS are not undermined,*

See the entry under *Commitment IV.(b) [Section IV.1]*.

*creating instruments and coordinating mechanisms which will enable **Member States** to support each other in building capacity, building on **Member States** own efforts to increase their capacity with regard to their national asylum systems,*

See the entry under *Commitment IV.(b) [Section IV.1]*.

*using, in a more effective way, **existing EU financial systems** aiming at reinforcing internal solidarity,*

See the entry under *Commitment IV.(b) [Section IV.1]*.

*the EASO to evaluate and develop procedures that will facilitate **the secondment of officials** in order to help those **Member States** facing particular pressures of asylum seekers.*

See the entry under *Commitment IV.(b) [Section IV.1]*.

*invites the **EASO** to develop methods to better identify those who are in need of international protection in mixed flows, and to cooperate with Frontex wherever possible. (Section 5.1, Integrated management of the external borders)*

EASO was not yet operational in 2010.

EASO should further develop a common **educational platform** for national asylum officials, building on in particular the European Asylum Curriculum (EAC).

EASO was not yet operational in 2010.

The **EASO** should be fully involved in the external dimension of the CEAS.

EASO was not yet operational in 2010.

invites the **Council** and the **Commission** to enhance capacity building in third countries, in particular their capacity to provide effective protection, and to further develop and expand the idea of **Regional Protection Programmes**, on the basis of the forthcoming evaluations. Such efforts should be incorporated into the Global Approach to Migration, and should be reflected in national poverty reduction strategies and not only be targeting refugees and internally displaced persons but also local populations.

See the entry under *Commitment IV.(b) [Section IV.1]*.

invites the **Council** and the **Commission** to find ways to strengthen EU support for the UNHCR,

See the entry under *Commitment IV.(b) [Section IV.1]*.

invites the **Council**, the **European Parliament** and the **Commission** to encourage the voluntary participation of Member States in the **joint EU resettlement scheme** and increase the total number of resettled refugees, taking into consideration the specific situation in each Member State,

See the entry under *Commitment IV.(b) [Section IV.1]*.

invites the **Commission** to report annually to the Council and the European Parliament on the resettlement efforts made within the EU, to carry out a mid-term evaluation during 2012 of the progress made, and to evaluate the joint EU resettlement programme in 2014 with a view to identifying necessary improvements,

On resettlement efforts undertaken in 2010, see entry under *Commitment IV.(c) [Section IV.1]*.

invites the **Commission** to explore, in that context and where appropriate, new approaches concerning access to asylum procedures targeting main transit countries, such as protection programmes for particular groups or certain procedures for examination of applications for asylum, in which **Member States** could participate on a voluntary basis.

A Communication on this subject will be issued, according to the Action Plan implementing the Stockholm Programme, in 2013.

EASO should further develop a common educational platform for national asylum officials, building on in particular the European Asylum Curriculum (EAC).

EASO was not yet operational in 2010.

IV.3 Key statistics⁵³

Table 4 in the Statistical Annex gives an overview of the number of Asylum Applicants (including new applications submitted) plus First Instance Decisions by outcome in 2010. While in 2009 Member States recorded a total of 266 400 asylum applications (including new applications), the number in 2010 was 257 815, a slight decrease of 3%. DE (48 490), FR (51 595) and SE (31 875) had the highest number of applications, while EE (35), LV (65) and PT (160) had the lowest number. As a proportion of the total population, however, this was highest for CY (1 320 applicants per million inhabitants), SE (990) and BE (765) and lowest for EE (5), PT (5) and LV (10). The most important countries of citizenship of asylum-seekers in the EU were, in order: Afghanistan (20 580), Russia (18 500), Serbia (17 715, excluding Kosovo), Iraq (15 800) and Somalia (14 350).

In terms of protection status granted, 55 095 asylum-seekers received a protection status in the EU at First Instance (Refugee, Subsidiary protection or Humanitarian). For the EU-27 as a whole, protection was granted in 25% of decisions taken in first-instance procedures. Positive decisions granted on the basis of Refugee Status were largest for DE (7 755 or 74.2% of all positive decisions), UK (4 445 or 69%) and FR (4 095 or 80%). For subsidiary protection, the largest positive decisions were granted by SE (5 955 or 70% of all positive decisions), NL (4 010 or 53%) and again UK (1 850 or 28.7%). For those Member States granting protection for Humanitarian Reasons, these were largest for NL (2 745 or 36.3% of all positive decisions), DE (2 145 or 20.5%) and IT (1 225 or 28.5%).

V. UNACCOMPANIED MINORS⁵⁴

V.1 Stockholm Programme (Section 6.1.7 plus 2.3.2)

develop an action plan, to be adopted by the Council, on unaccompanied minors which underpins and supplements the relevant legislative and financial instruments and combines measures directed at prevention, protection and assisted return

At EU level, the Commission adopted in May 2010 the Action Plan on Unaccompanied Minors (2010 – 2012),⁵⁵ which was complemented by the publication as well of the EMN's study on unaccompanied minors.⁵⁶ On the basis of the Commission's Action Plan, in June 2010, the Council adopted Council conclusions on unaccompanied minors.⁵⁷ The Action Plan identifies main strands for action such as prevention, reception and identification of durable solutions. These actions are to be implemented by a series of concrete measures which are outlined in the Action Plan and which are not limited to immigration policies, but also address the root causes of migration. In order to facilitate the implementation of the Action Plan and, in general, to coordinate the actions in the field, the Commission maintained regular contacts with Member States concerned, EU services and stakeholders.

The protection of *inter alia* unaccompanied minors is also embedded in the aforementioned directive on combating trafficking (Section II.1.2) and in the proposed directives on asylum (Section

⁵³ The figures presented here are based on the published data from Eurostat, March 2011, available from http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-QA-11-005/EN/KS-QA-11-005-EN.PDF.

⁵⁴ There is no specific commitment on unaccompanied minors in the Pact, only under the Stockholm Programme. COM(2010) 213 Final

⁵⁵ Available from <http://www.emn.europa.eu> under "EMN Studies."

⁵⁶ Council conclusions on unaccompanied minors, 3018th JUSTICE and HOME AFFAIRS Council meeting, Luxembourg, 3 June 2010.

IV.1). In respect of data collection, Guidelines to Article 6 of the Migration Statistics Regulation 862/2007 addressed the shortcomings which had been identified concerning the limited statistical data on unaccompanied minors.

The Schengen Borders Code proposal (See under *Commitment IV.(e) [Section IV.1]*) included a specific mention of the training module on unaccompanied minors for border guards. The redrafted Article 15 provided that '*Member States shall ensure that the border guards are specialised and properly trained professionals, taking into account common core curricula for border guards established and developed by FRONTEX. Training curricula shall include specialised training for detecting particularly vulnerable situations concerning unaccompanied minors and victims of trafficking.*' Efforts were also made to establish a list of national contact points for consultation purposes on minors (currently established on a voluntary basis by Section 3.7 and Annex 37 of the Schengen Handbook) which would be formally established and its use would be made obligatory.

The Commission initiated a comparative study, via the Community Actions of the European Return Fund, on best practices in the field of return of minors, including unaccompanied minors. The fund's Annual Work Programme for 2010 promoted the cooperation of Member States in the field of pre-departure and reintegration assistance for returnees putting emphasis on the specific needs of unaccompanied minors. In accordance with the Return Directive, the actions should take into account the best interests of the child, and, prior to returning an unaccompanied minor, the Member State must ensure that s/he is returned to a family member, nominated guardian or adequate reception facilities.

The issue of unaccompanied minors was discussed in the framework of the EU-US Platform for cooperation on Migration and Refugee issues. It was also regularly 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), as well as on the occasion of the JHA Subcommittee meeting with Algeria and of the Working Group on Social and Migration Affairs with Morocco, Egypt and Tunisia. Many conferences and workshops concerning unaccompanied minors also took place, in particular one under the Belgian Presidency on 'Unaccompanied Minors: children crossing the external borders of the EU in search of protection.'

At national level, some Member States (DK, EE, EL, HU, FI) reported on legislative developments in relation to unaccompanied minors. These developments related to the inclusion of a definition of 'unaccompanied minor' in national legislation in relation to the Return Directive (EE); the improvement of criminal law for minor offenders; prevention and treatment of victimisation and juvenile delinquency, including *inter alia* unaccompanied minors (EL); restriction of the grounds to grant a residence permit to unaccompanied minors if they have the possibility to return to a reception and care centre in the country of origin (DK); the modification of hosting facilities by conferring a major role to child protection authorities (HU); and the introduction of provisions concerning the age assessment of an asylum applicant through medical examination when doubts arose regarding the applicant's age (FI), as well as the intensification of the use of age testing measures (DK).

Thirteen Member States (BE, IE, EL, ES, FR, IT, FI, MT, NL, PL, SI, SK, UK) mentioned policy developments occurring in 2010. These developments included the establishment of a task force which examined possible actions to minimise the risk for unaccompanied minors, including cooperation between different authorities (BE); the setting up of an advisory group to address the issue of education entitlement for unaccompanied minors (MT); the continued implementation of a Joint Protocol on missing children; the production of reports proposing, amongst others, better

coordination and management of unaccompanied minors' rights and their protection (FR, FI); and the development of information and prevention activities through information campaigns (PL). In NL, the improved asylum procedure entered into force which, in addition to extending the application procedure, included provisions providing unaccompanied minors with a longer period of rest and preparation with a target time of approximately three weeks. SI established an interdepartmental working group on unaccompanied minors whose main tasks are to examine and assess the existing problems related to unaccompanied minors, prepare guidelines and recommendations, as well as guarantee adequate protection and provision of care and assistance to unaccompanied minors with the possibility to involve NGOs and local authorities. Three Member States (EL, IT, UK) developed their policies concerning unaccompanied minor asylum applicants. These developments concerned the introduction of institutional plans to shift competence for minor asylum applicants (IT), the provision of particular care for minor asylum applicants as part of the revised asylum system and asylum seekers' social integration projects (EL), and enhancement of policy guidance to ensure the fair treatment of minors during the asylum process (UK).

Various measures were introduced by ES to improve the care of unaccompanied minors, including the introduction of support for regional competent authorities, as well as coordination and cooperation between ministries, cities and regions to improve policies regarding this vulnerable group of migrants. Measures were also undertaken to improve support in the area of prevention by means of agreements for funding projects carried out in countries of origin aiming to raise awareness on the risks of irregular migration for minors, as well as providing better education for future access to work.

Some Member States (BG, FR, AT, PT, SE) commented on their support of the implementation of the Action Plan on unaccompanied minors. For example, FR described their commitment following the adoption of the Action Plan to better coordinate at national level the reception and care of unaccompanied minors. AT reported on training provided for officials from the Federal Asylum Office, funded by the European Refugee Fund, on a number of topics, including best practices of other Member States and the specific psychological components and requirements of officials during preliminary proceedings.

In 2010, conferences were hosted by BE and SK which focused on the exchange of best practice on detection, identification and protection of unaccompanied minors, as well as enabling Member States to cross-evaluate working methods concerning the protection of unaccompanied minors (BE). For BE, the conference was organised under the auspices of the Belgian Presidency of the Council of the European Union.

In addition to Member State cooperation at conferences, SE was involved in the safe return and reintegration of unaccompanied minors to their country of origins, often in close cooperation with other Member States. Furthermore, EL focused on inter-institutional cooperation at both national and transnational level, through the continued implementation of the bilateral agreement with Albania for the protection and assistance to minor victims of trafficking.

With regard to the most prominent countries of origin, DK and DE reported that Afghanistan remained the country of origin of most minors travelling alone in 2010. Additionally, UK launched a call for proposals to establish reception arrangements, including reintegration and family tracing, in Kabul for returning male unaccompanied minors.

Concerning the reception of unaccompanied minors, HU outlined the difficulties experienced concerning age assessment and family tracing, as well as the pressure placed on child protection facilities to host unaccompanied minors.

Some Member States (EL, FR, HU, FI, UK) reported on the implementation of future measures relating to unaccompanied minors. Such measures related to the adoption of future legislation concerning accommodation of minors (HU, FI), the increase of the accommodation capacity for minors (EL), as well as the establishment of specific reception areas for minors in airports (FR) and programmes for reintegration assistance for unaccompanied minors in return countries (UK).

V.2 Key statistics

Table 5 in the Statistical Annex gives an overview of the provisional number of unaccompanied minors including, when possible, those who did not apply for asylum plus those unaccompanied minor who did apply for asylum in 2010. On the basis of these provisional data, IT (4 438), ES (3 800) and SE (2 363) had the highest total number of unaccompanied minors, while DE (1 950), UK (1 585) and BE (1 080) came after SE (2 395) in regard to the highest number of unaccompanied minors' asylum applicants in 2010.

VI. GLOBAL APPROACH TO MIGRATION

VI.1 European Pact on Immigration and Asylum

Main commitment: Create a comprehensive partnership with the countries of origin and of transit to encourage the synergy between migration and development

*Commitment: V.(a) conclude **EU-level or bilateral agreements with the countries of origin and of transit** containing, as appropriate, clauses on the opportunities for legal migration adapted to the labour market situation in the Member States, the control of illegal immigration, readmission, and the development of the countries of origin and of transit;*

At EU level, co-operation with the Republic of Moldova, Cape Verde and Georgia in the framework of the Mobility Partnerships continued. A third EU-Moldova Mobility Partnership Meeting took place in October 2010 and aimed at evaluating the progress achieved in the course of the preceding year and at identifying priorities of the cooperation in the future. Under the Mobility Partnership with Cape Verde, implementation of the ongoing initiatives continued and new initiatives were identified and discussed with the Cape Verdean partners and the EU Member States. The EU supported Cape Verde *inter alia* in the development of the national immigration strategy through the MIEUX facility.

Discussions on new potential mobility partnerships were ongoing with Armenia and Ghana. An exploratory mission to Ghana took place in March 2010 with the aim to explore the interest of the Ghanaian authorities in engaging in a Mobility Partnership with the EU.

Negotiations on Partnership and Cooperation Agreements (PCA), which include a Migration Article with readmission provisions, were continued with Vietnam, Philippines, Iraq, Brunei, Singapore, Malaysia, Libya⁵⁸ and Mongolia. The PCAs with Vietnam, Iraq and the Philippines were initialled in 2010, as well as the Framework Agreement with the Republic of Korea. During the revision of the Cotonou Agreement, launched in May 2009, an attempt was made to clarify readmission obligations contained therein. The negotiations did not however render the intended result. Subsequently, a dialogue with the ACP countries on all aspects of migration, including readmission, was launched and the meeting devoted to the readmission took place in December 2010.

⁵⁸ Though this changed in 2011 owing to the events occurring there.

Migration issues and asylum are also subject to regular dialogue within the context of the Stabilisation and Association Process and of relevant agreements with enlargement countries. Furthermore, the Commission regularly reports on efforts by these candidate countries in the context of yearly progress reports.⁵⁹

At national level, several Member States continued participation in the EU Mobility Partnerships, including those with the Republic of Moldova (BG, DE, EL, CY, IT, PL, PT, SK, SE), Georgia (BE, BG, DE, EE, EL, LV, SE, UK) and Cape Verde (ES, FR, LU, PT).

A number of Member States (DK, EL, FR, CY, IT, LV, LT, AT, PL, RO, SE, UK) also referred to new agreements with third countries, concluded, or planned to be (BG, PL), at national level, including in relation to labour migration. DK, for example, signed a bilateral Social Security Agreement with India to enhance the existing legal framework and improve the conditions for overseas Danish and Indian workers. FR concluded a new bilateral agreement with Lebanon and CY signed a bilateral agreement to combat organised crime with South Africa and negotiated similar agreements with Syria and Qatar. IT reported that readmission agreements had been strengthened in order to include provisions for the labour market, such as the reservation of quotas, as well as the drafting of worker lists with relevant qualifications. LT and SK outlined their Youth Exchange Agreements concluded with Canada, which included specific provisions for issuing Canadian citizens with a national “D” visa or residence and work permits if they satisfy immigration requirements for the duration of their authorised stay (LT), and increased possibilities for young citizens of both countries to complete their higher vocational education, university education or training connected to internships and work placement in each others' country (SK). Moreover, SK prepared an agreement with New Zealand on a working holiday scheme which would allow citizens of both states to be employed for up to six months by a single employer without a work permit, while also allowing enrolment in educational or study courses not exceeding six months. PL negotiated with Ukraine and Moldova agreements on coordination of social security to foster and control the movement of economic migrants, as well as signed a local border traffic agreement with Belarus.

AT concluded new agreements with Albania, Bosnia-Herzegovina, Georgia and Moldova, which focused on combating organised crime, smuggling and human trafficking, as well as support measures for visa liberalisation for the agreements with Albania and Bosnia-Herzegovina. EL further enhanced police cooperation with Albania in the field of intelligence gathering and in combating organised crime, irregular migration, trafficking in human beings and smuggling of drugs and weapons. Similarly, LV signed bilateral agreements with Albania and Armenia, centred on counter-terrorism, combating organised crime and drugs trafficking and fighting sexual abuse and exploitation of, in particular, minors. RO negotiated bilateral project agreements with Serbia, Syria and the Russian Federation and a trilateral project agreement with Ukraine and Moldova on cooperation and combating organised crime. SE referred to its ongoing discussions with the Russian Federation and India, and on its intentions to conclude agreements with these countries, as well as with Armenia in the near future. UK also mentioned the explanatory talks on an EU Mobility Partnership with Ghana.

*Commitment: V.(b) encourage Member States, as far as they are able, to offer the **nationals of partner countries to the East and South of Europe opportunities for legal immigration adapted to the labour market situation in Member States, enabling those nationals to acquire training or***

⁵⁹ See <http://ec.europa.eu/enlargement/how-does-it-work/> for details of this process and the yearly progress reports.

professional experience and accumulate savings that they can use for the benefit of their home countries.

At EU level, initiatives included projects funded under the Thematic Programme. One initiative concerned cooperation with labour market agencies, notably within a project under the EU-Moldova Mobility Partnership, which targets capacity building of the Moldovan agency through a network of European agencies. Information and assistance is offered to Moldovans in the diaspora to return to the Moldovan labour market, including assistance via the European Training Foundation (ETF) to improve recognition of foreign skills and qualifications.

A study to evaluate projects on labour migration and circular migration (see also *Commitment I.(c) [Section I.1.1]*) funded under the Thematic Programme was prepared, and started in February 2011. As called for in the Stockholm Programme, a study on circular migration was carried out by the European Migration Network with reports covering most EU Member States.⁶⁰ The Belgian EU Presidency organised a conference on legal migration in October 2010, which also addressed the need for better labour matching between the EU and third countries.

At national level, a few Member States (BG, HU, PT) referred to the EU Mobility Partnerships with Moldova and Georgia as a tool to facilitate labour migration. In relation to this, BG, HU and PL described its participation in a project to strengthen Moldova's capacity to manage labour and return migration, including the provision of information to potential migrants about legal immigration opportunities in the EU and the risks of irregular migration. Other Member States reported on agreements with third countries (EL, FR), specific projects (IT, NL), new regulations (PL) and their wider national policy (SE).

FR, for example, noted that their agreements on concerted management of migration flows provided legal migration opportunities to third-country nationals from partner States in East and South of Europe, including mobility of youth (Albania, Bosnia, Morocco, Algeria, as well as in various Sub-Saharan Francophone countries). FR has also concluded agreements related to legal migration and co-development in East and South of Europe (FYROM, Montenegro (ongoing) and with Lebanon, as well as on ongoing agreement with the Russian Federation on labour migration. In EL, revision of the bilateral agreement with Egypt concerning cooperation on employment related issues is ongoing. PL introduced new provisions, coming into force on 1st January 2011, which waived the requirement to have a work permit for citizens from Ukraine, Belarus, the Russian Federation, Moldova and Georgia. NL referred to its circular migration pilot project (see under *Commitment I.(c) [Section I.1.1]*), whilst SE indicated that their immigration policy overall offered increased legal migration opportunities for third-country nationals, including from East and South Europe, although neither these or other nationalities were 'prioritised.'

Commitment: V.(c) pursue policies of cooperation with the countries of origin and of transit in order to deter or prevent illegal immigration,

At EU level, efforts were made with regard to relations to Libya during 2010. However, recent events have radically changed the situation and the policy in this region will have to be completely redefined once the situation has stabilised.

In terms of what did occur in 2010 prior to the recent events, Commissioners Malmström and Füle visited Tripoli in October 2010 and jointly signed a Cooperation Agenda with M. Yunis Al-Obeidi,

⁶⁰ Available from <http://www.emn.europa.eu> under "EMN Studies."

Secretary of the People's Public Committees for Public security and M. Moussa Koussa, Secretary of the People's Public Committee for External Relations and International Cooperation. This document included a list of issues and initiatives, in the fields of migration, asylum, border management, mobility or related to the cooperation with the origin countries of migration, on which the two sides were ready to discuss and possibly launch concrete initiatives.

In addition, the implementation of the "Sahara-Mediterranean project" started, based on co-funding of up to 10M€ by the Commission through the Thematic programme of Cooperation in the areas of Migration and Asylum. The project was implemented by the Italian Ministry of Interior, in partnership with Greece and Malta, as well as the IOM, and provided technical advice and assistance to Libya on the prevention of irregular migration and the reception of irregular migrants. Another project, implemented in Libya by the UNHCR in partnership with ICMPD, Italian Conseil for Refugees and the "Peace, Care and Relief" NGO, and also funded by the Commission under the Thematic Programme, was suspended, following the closure of the UNHCR office in Tripoli in June 2010.

During 2010, the negotiation of the readmission agreement with Turkey made important progress and in May the chief negotiators reached an agreement at their level. The text was, however, not endorsed by the EU Member States, some of which requested to clarify and improve some points. The Commission since then has been working, in contact with these Member States and with Turkish authorities, to this purpose.

In July 2010, Commission experts carried out a mission to Turkey to start a dialogue on visa issues. The mission in particular enabled to present the new EU Visa Code to Turkish authorities, and to promote its implementation through the development of the Local Schengen Cooperation among the EU Member States' Consulates in Ankara. Moreover, the annual progress report on Turkey was issued in November 2010.

In the Mediterranean region, meetings of the Justice and Home Affairs Subcommittee took place with Algeria, Tunisia, Egypt, Jordan, Lebanon. Meetings of the Working Group of Social affairs and Migration took place with Tunisia, Jordan and Egypt.

At national level, many Member States (BE, DK, DE, EE, EL, ES, IE, IT, LT, HU, NL, AT, PL, PT, RO, SK, FI, SE, UK) co-operated with countries of origin and/or countries of transit.

AT, for example, in cooperation with RO and SI, established Law Enforcement Coordination Units in Albania and Serbia, focusing on combating organised crime, including irregular immigration resulting from smuggling and trafficking in human beings. Through a number of projects implemented in several third-countries located at the EU's eastern border, as well as in Ghana and Kenya, DK contributed to the effective implementation of the Global Approach to Migration by enhancing cooperation with countries of origin and transit. IE operated a visa office in Nigeria, which cooperates with the national immigration authorities in Sub-Saharan Africa. FR has 15 ongoing agreements promoting concerted management of migration flows, with the majority of these focusing on the prevention of irregular immigration. EL referred to increased police cooperation, including joint operations and intelligence gathering, with Albania in order *inter alia* to prevent and combat irregular migration, as well as to efforts made in order to improve cooperation with Turkey in preventing irregular migration. IT lead the "Sahara Med" police cooperation project with Libya, aimed at preventing and managing irregular migration from the Sahara desert to the Mediterranean Sea. RO carried out cooperation activities to deter or prevent irregular migration with Moldova, including organisation of study visits of Moldovan experts in

RO. UK has capacity-building projects in China, Vietnam, Turkey and Ukraine, providing support to authorities in migration flow management.

Cooperation measures specifically concerning border control have been described under *Commitment III.(f) [Section III.2.1]*.

Commitment: V.(d) More effective migration and development policies

At EU level, policy coherence for development has moved ahead. Substantial work has been done on diasporas, brain drain and remittances. A number of projects maximising the impact of migrants as agents of development have been implemented. Moreover, in order to reduce brain drain, the EU and its Member States promoted the inclusion of a reference to circular migration of health personnel in the WHO Global Code of Practice on the International Recruitment of Health Personnel, which was adopted in May 2010.

As a way to further support evidence-based policies and coherence in migration and development, the EU also supported Extended Migration Profiles through a process oriented towards country ownership and capacity building. Such profiles have been prepared in regional contexts (16 draft profiles within the Prague process), as well as within the framework of the Mobility Partnership with Moldova.

At national level, many Member States (BE, DK, DE, ES, FR, HU, IE, IT, LT, LU, NL, PL, PT, SK, SE, UK) undertook activities to integrate migration and development policies effectively. This ranged from participation in international platforms and agreements with third countries (DE, ES, FR, PT, FI, UK), to specific efforts at national level to ensure that migration and development were jointly taken into account in policymaking (DK, ES, IE, NL, SE).

DE and ES, for example, mentioned their active involvement in the EU cooperation platforms on migration and development with Ethiopia, as well as their participation in a Joint Expert Group under the EU-Africa Partnership on Migration, Mobility and Employment, where ES actively co – chairs, on behalf of the EU, the MME EU - Africa VII Partnership. DK adopted a new national development strategy including a number of elements making the bridge between migration and development. It also supported a Study on Migration and Development, which started in 2008 and will end in 2011, to understand the relation between migration and development and inform Danish development policies and pilot projects. FR noted that their concerted management of migration flows agreements with various third countries, clearly linked migration and development objectives, for example, through the funding of local development projects managed by migrants’ associations and the support provided to diasporas. LU mentioned development elements within the Mobility Partnership with Cape Verde, in which ES is one of the key partners. Elsewhere, EL, ES, FI, PT and UK referred to their involvement in the Global Forum on Migration and Development (GFMD), with, for example, ES substantially involved at the GFMD Puerto Vallarta meeting, as co-chair of the 3.3 Round table and as rapporteur of Table 3.

With regard to national policymaking, in IE, for example, the Cross-departmental Inter-departmental Committee on Development (IDCD), including a representative of the Department of Justice and Law Reform, continued to meet in 2010. NL is funding three PhD candidates, to gain a better insight into options to improve the integration of migration and development policy. SE issued a Communication to the national Parliament on “Meeting Global Challenges – Government communication on policy coherence for development”, which examined how it had contributed to the objective of equitable and sustainable global development, placing emphasis on the remittances and the transfer of skills and knowledge to third countries. In addition, the government decided to

develop a policy for migration in its development cooperation. SE also established a network of organisations to exchange experience on migration and development.

*Commitment V.(e) **promote co-development actions that enable migrants to take part in the development of their home countries.***

See the entry in *Section VI.2 under remittances and Diaspora groups.*

*Commitment V(f) firmly implement the **partnership between the EU and Africa** agreed in Lisbon in December 2007, the conclusions of the first **Euro-Mediterranean ministerial meeting** on migration held in Albufeira in November 2007 and the **Rabat action plan** and to that end call on the second Euro-African ministerial conference on migration and development in Paris in Autumn 2008 to decide on practical measures; develop, in accordance with its conclusions of June 2007, the **Global Approach to Migration to the East and South-east of Europe**, and, in this respect, welcome the initiative of a ministerial conference on this topic in April 2009 in Prague; continue to make **use of the existing political and sectoral dialogues, particularly with the countries of Latin America, the Caribbean and Asia**, in order to consolidate mutual understanding of what is at stake in the field of migration and intensify current cooperation;*

Within the Africa-EU Migration Mobility and Employment (MME) Partnership, a new Action Plan for 2011-2013 was developed and adopted at the 3rd Africa-EU Summit in Tripoli in November 2010. Follow-up activities within the Rabat/Paris process included a thematic meeting on vulnerable migrants and a technical seminar on diasporas in development for the Africa countries. Under the European Neighbourhood Policy, regular meetings in the Justice and Home Affairs sub-Committees took place both with countries in the Mediterranean region, and in Eastern Europe and South Caucasus.

The European Union-Latin America (EU-LAC) Structured Dialogue on Migration was further developed during 2010. The VIth EU/LAC Summit took place in May 2010 and included the adoption of the Madrid Action Plan, which identifies this migration dialogue as one of the priorities in EU-LAC relations.

*Commitment V(g) speed up the **deployment of the key tools of the Global Approach to Migration** (migration balances, cooperation platforms, partnerships for mobility and circular migration programmes), to ensure a balance between the migration routes from the South and those from the East and South-east and take account of the lessons learned in these matters when negotiating EU and bilateral agreements on migration and readmission with countries of origin and of transit, as well as Pilot Mobility Partnerships;*

Further efforts were made to increase the geographic balance of the Global Approach to Migration, including in the revision of the funding programmes, notably in the preparation of the new multi-annual strategy 2011-2013 for the Thematic Programme Migration and Asylum. Also, a total of 70 new projects to the value of €74 million were approved under the 2009-2010 call for proposals of this programme.

*Commitment V(h) ensure when implementing these various actions that they are **consistent with other aspects of the EU's development cooperation policy**, particularly the European Consensus on Development of 2005, **and other policies**, particularly the neighbourhood policy.*

See the entry under *Commitment V. (d) [Section VI.1]*

VI.2 Stockholm Programme (Section 6.1.1)

*continued and expanded use of the **Mobility partnership** instrument as the main strategic, comprehensive and long-term cooperation framework for migration management with third countries, adding value to existing bilateral frameworks. Success in implementing these partnerships requires improved coordination and substantial capacity-building efforts in countries of origin, transit and destination. The European Council calls for further development of the Mobility partnership instrument, while respecting their voluntary nature. Partnerships should be flexible and responsive to the needs of both the EU and the partner countries, and should include cooperation on all areas of the Global Approach,*

The Prague process (Building Migration Partnerships) continued throughout 2010 with workshops on capacity building and in improving the evidence-base for migration policies focusing on migration profiles and i-Maps. The 10th Ministerial Conference of the Brdo process October, covered irregular migration and other related issues. At the end of 2010, governments party to the Söderköping Process invited Armenia, Azerbaijan and Georgia to take part in that process, with a view to achieve better synergies with the Eastern Partnership.

The tools of the Global Approach to Migration were increasingly applied. Notably, cooperation with the Republic of Moldova, Cape Verde and Georgia in the framework of the Mobility Partnerships continued. The EU has, for example, supported Cape Verde in the development of the national immigration strategy through the MIEUX facility. The Mobility Partnership with Georgia, launched in February 2010, includes a €3 million flagship initiative focusing on support to the implementation of the readmission agreement and the reintegration of returning Georgians. Discussions on new potential Mobility Partnerships were ongoing with Armenia and Ghana.

*more efficient use of the Union's existing cooperation instruments to **increase the capacity of partner countries**, with a view to ensuring well-functioning infrastructures and sufficient administrative capacity to handle all aspects of migration, including improving their capacity to offer adequate protection and increasing the benefits and opportunities created by mobility.*

As a way to further support evidence-based policies and coherence in migration and development, the EU also supported Extended Migration Profiles through a process oriented towards country ownership and capacity building. Such profiles have been prepared in regional contexts (16 draft profiles within the Prague process), as well as within the framework of the Mobility Partnership with Moldova. Furthermore, the African, Caribbean and Pacific (ACP) Observatory on Migration⁶¹ was inaugurated in October 2010.

*The European Council recognises the need for increased policy coherence at European level in order to promote the positive development effects of migration within the scope of the EU's activities in the external dimension and to align international migration more closely to the achievement of the Millennium Development Goals. The European Council calls on the **Council** to ensure that it acts in a coordinated and coherent manner in this field.*

The European Commission adopted, on 21 April 2010, a Policy Coherence for Development Work Programme 2010-2013 that included a chapter on migration, focusing in particular on facilitation of legal migration and mobility, including circular migration, and promotion of migration and development agenda (remittances, brain drain, dialogue with diaspora, enhancing migrants' rights

⁶¹ See <http://www.acpmigration-obs.org/>.

and gender dimension). Migration and development has taken a prominent place in the dialogue and cooperation with third countries, for example in the context of the EU-ACP dialogue and EU-LAC dialogue, as well as in financing through EU funds projects strengthening positive impacts of migration on development, such as the EU-UN Joint Migration and Development Initiative.

*The European Council underlines the need to take further steps to **maximise the positive and minimise the negative effects of migration on development** in line with the Global Approach on Migration. Effective policies can provide the framework needed to enable countries of destination and origin and migrants themselves to work in partnership to enhance the effects of international migration on development.*

See the entry under *Commitment V. (d) [Section VI.1]*

*Council invites the **Commission** to submit **proposals before 2012** on how to further ensure **efficient, secure and low-cost remittance transfers**, and enhance the development impact of remittance transfers, as well as to evaluate the **feasibility of creating a common EU portal on remittances** to inform migrants about transfer costs and encourage competition among remittance service providers,*

At EU level, an initiative on remittances, which had been delayed, finally resulted in the launch of the African Remittances Institute in June 2010, in cooperation with the African Union and the World Bank. It will help the African countries in devising policies to create enabling institutional frameworks, improving data methodologies, encouraging competition to achieve reduction in transfer costs, developing financial and business advisory services and credit facilities, and promoting and working with diasporas to participate in these mechanisms and instruments.

At national level, Member States reported on their involvement in wider initiatives with respect to remittances, led by the World Bank (CZ, DK, UK), the IOM (BE) and on activities launched at national level to support the transfer or remittances (DE, FR, IT, ES, SE). CZ, for example, following a World Bank review and recommendations with respect to the remittance market in their Member State, funded an in-depth national survey on the remittance market, which was subsequently presented at a seminar in October 2010. Actions will be planned as a result of the study. The UK continued participation in the World Bank's Global Remittances Working Group, with the aim to reduce the costs of transfer of remittances by five percent over five years. DK continued supporting a World Bank Study on 'Migration and Remittances for the development of Africa' and DE maintained a website, to inform migrants of the options and prices for transferring money with banks or money transfer agencies, in an effort to make the money transfer market more transparent and to promote competition. The aim is for money transfers to the countries of origin to become cheaper and more secure. IT continued a Solidarity Fund in the Andes and a project in Senegal, supported by four banking foundations and implemented in cooperation with some NGOs. Migrants are involved as both beneficiaries and possible investors of small amounts of money to finance agro-pastoral activities. ES evaluated several projects which focused on channelling remittances towards productive investments and adopted a new regulation that will allow for a further liberalization of the money transfer market, by reducing the amount of capital needed to set up a company. SE also referred to studies on remittances, including a case study of the impact of remittances from SE to Iraq.

The implementation of the Global Approach needs to be accelerated by the strategic use of all its existing instruments and improved by increased coordination. A balance between the three areas (promoting mobility and legal migration, optimising the link between migration and development, and preventing and combating illegal immigration) should be maintained. The principal focus

*should remain on cooperation with the **most relevant countries in Africa and Eastern and South-Eastern Europe**. Dialogue and cooperation should be further developed also with other countries and regions such as those in **Asia and Latin America** on the basis of the identification of common interests and challenges (See also Section 7.5 of Stockholm Programme)*

See the entry under *Commitment V.(f) [Section VI.1]*

*strategic, evidence based and systematic use of all available instruments of the EU Global Approach to Migration - **migration profiles, migration missions, cooperation platforms on migration and development and Mobility partnerships** - for long-term cooperation on all dimensions of this policy in close partnership with selected third countries along priority migratory routes,*

The Commission has also been active in further developing migration profiles and the concept of circular migration within the framework of the Global Forum on Migration and Development (the GFMD), in Greece in November 2009 and in Mexico in November 2010.

See also under *Commitment V.(b) and V.(d) [Section VI.1]*.

how diaspora groups may be further involved in EU development initiatives, and how EU Member States may support diaspora groups in their efforts to enhance development in their countries of origin

At EU level, the migration and development dialogue with civil society, includes migrant associations and diaspora groups. The EU wants to reach out to these groups; make them part of the policy framework, and partners in development. A project funded in 2010 aimed at the establishment of an African diaspora platform, whose implementation will start at the beginning of 2011. Under the Joint EC-UN Joint Migration and Development Initiative, activities include working with diasporas, as this initiative aims to support civil society organisations, local authorities and other actors implementing that implement projects in the area of migration and development.

At national level, several Member States (BE, DE, IE, ES, IT, LU, NL, SK, SE, UK) reported on activities supporting diaspora groups in enhancing the development in their countries of origin, including networks, dialogue and remittance projects.

BE continued supporting the IOM Programme ‘Migration for Development in Africa’ (MIDA) which promotes the transfer of knowledge, remittances and other resources by the diasporas from Burundi, the Democratic Republic of Congo and Rwanda living in Europe to their countries of origin. In IE, for example, a global network of identified, influential members of the Diaspora was established as ‘The Global Irish Network’, launched in February 2010. EL, as chair of the 2009 Global Forum for Migration and Development, disseminated relevant recommendations in 2010, suggesting, inter alia, to further include diaspora data into migration profiles and engage diaspora organizations in development planning. An evaluation of pilot projects on remittances in ES also included findings on the key characteristics of migrant communities in Spain and their relationship with their country of origin. The study also found that the migrant population was relatively recent and it was therefore not yet possible to speak of diasporas. Follow-up research is planned, as well as support to migrants’ associations to engage in initiatives aimed at their respective communities. Within the Mobility Partnership with Cape Verde, LU developed a micro-finance project, gathering the savings of its Cape Verde Diaspora with the aim of both improving the financing of the sector and reinforcing the relationship with this country. NL organised its annual meeting with Diaspora

groups. SE has several ongoing projects, one using foreign-born nationals as a resource in trade promotion. In the UK, the Department for International Development (DfID) funded a diaspora volunteering scheme, through Voluntary Service Overseas (VSO), working with diasporas in need, for example, after the floods in Pakistan.

*ways to **further explore the concept of circular migration and study ways to facilitate orderly circulation of migrants**, either taking place within, or outside, the framework of specific projects or programmes including a wide-ranging study on how relevant policy areas may contribute to and affect the preconditions for increased temporary and circular mobility.*

See the entry under *Commitment V.(b) [Section VI.1]*

*The connection between climate change, migration and development needs to be further explored, and the European Council therefore invites the **Commission** to present an **analysis of the effects of climate change on international migration**, including its potential effects on immigration to the European Union.*

The above mentioned analysis will be presented in 2011.

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.

In some cases, where Eurostat data were not available, **provisional** data, particularly for Table 1, as obtained by the EMN from the respective national agencies is provided instead and indicated, except for Table 1, in *italics*, as well as in the corresponding Notes for each Table. Ultimately, these provisional data, which, other than some of the data in Table 1, are nominally in accordance with Regulation (EC) 862/2007, will be finalised and also made available via the Eurostat database.

TABLE 1: PROVISIONAL STATISTICS ON LEGAL MIGRATION – FIRST RESIDENCE PERMITS GRANTED FOR EDUCATION, REMUNERATED ACTIVITIES AND OTHER REASONS, INCLUDING, WHEN AVAILABLE, FAMILY REUNIFICATION, IN 2010

Member State	Total	Education reasons	Remunerated activities	Other reasons
BE	24 656	5 601	3 026	16 029
BG	17 308	5 741	2 128	9 439
CZ	11 551	3 865	4 391	491
DK	NA	NA	NA	NA
DE	125 978	42 775	25 015	58 188
EE	3 551	459	941	2 151
IE	NA	NA	NA	NA
EL	15 782	1 188	13 610	984
ES	290 813	22 068	26 706	242 039 (includes family reunification)
FR	189 500	58 000	17 000	114 500 (includes family reunification)
IT	326 000	12 500	200 500	113 000 (includes family reunification)
CY	18 648	2 682	12 857	3 109
LV	1 499	206	450	843
LT	1 738	426	592	710 (includes family reunification)
LU	6 945	507	1 917	4 521 (includes family reunification)
HU	12 909	4 421	4 386	4 102
MT	1 874	134	290	1 450 (excludes for international protection)
NL	NA	NA	NA	NA
AT	30 763	3 735	2 923	24 105 (includes family reunification)
PL	21 210	6 261	11 604	3 345
PT	16 550	5 258	10 343	949
RO	5 444	3 119	1 674	651 (Residence permits for family reasons not included)
SI	9 717	829	5 951	75
SK	4 381	321	1 797	2 263
FI	16 335	4 490	2 987	2 649
SE	35 695	14 188	21 507	NA
UK	550 105	268 525	116 670	164 905

Notes:

1. "NA" means data are Not Available at the time this report was published.
2. "Other Reasons" groups together all other permits issued, including *inter alia* family reunification (indicated in the Table above), for unremunerated trainees, volunteers. Owing to the different and inconsistent manner in which the data for these other reasons were available at the time this report was published, they have all been grouped together in this one column.
3. Statistics are for first nine months of 2010 (IT) and up to 20 December (PL).
4. For ES, UK data are for 2009, and thus highlighted in Grey, and for UK rounded to the nearest 5.
5. BE figures relate to issued long term visa; figures on residence permits are not available yet.
6. CZ figures refer to the number of long-term visa (type D) issued to third-country nationals in 2010. Statistics are based on national definitions.
7. DE data come from the "Wanderungsmonitoring" by the Federal Office for Migration and Refugees.
8. LU figures include both first permits and renewals.

TABLE 2: STATISTICS ON IRREGULAR MIGRATION – THIRD-COUNTRY NATIONALS APPREHENDED, ORDERED TO LEAVE AND RETURNED (INCLUDING BOTH FORCED AND VOLUNTARY RETURN) IN 2010

Member State	Third-country nationals apprehended	Third-country nationals ordered to leave	Third-country nationals returned following an order to leave (Returned to a third country)	Third-country nationals returned as part of forced return measures	Third-country nationals returned as part of voluntary return measures
BE	12 115	28 195	4 415 (4 200)	1 668	2 745
BG	1 705	1 705	295 (210)	NA	NA
CZ	2 655	2 915	920 (920)	NA	NA
DK	665	NA	520 (385)	511	NA
DE	50 250	19 190	13 895 (10 875)	NA	NA
EE	860	110	80 (40)	39	7
IE	4 325	1 495	805 (805)	NA	460
EL	132 524	132 524	54 261	52 469	420
ES	70 315	78 920	21 955 (19 860)	NA	6 780
FR	56 220	76 590	17 045 (13 235)	15 496	2 422
IT	46 955	46 955	4 890 (4 890)	10 600	NA
CY	8 005	2 845	4 065 (4 060)	3 097	966
LV	195	210	190 (190)	94	16
LT	1 345	1 345	1 235 (1 230)	137	55
LU	NA	NA	202	59	143
HU	3 255	2 405	1 360 (1 120)	1 360 (Police HQ) 659 (Aliens Police)	426
MT	245	245	270 (police and voluntary returns) (270)	231 (police returns only, not necessarily escorted)	42 (41 of which were police related cases)
NL	7 580	29 870	10 355 (9 345)	NA	NA
AT	15 220	11 050	6 335 (5 355)	2 166	4 167
PL	3 995	10 700	6 770 (6 620)	508	1 622
PT	10 118	7 047	771	133	559
RO	3 525	3 435	3 015 (3 015)	290	51

Member State	Third-country nationals apprehended	Third-country nationals ordered to leave	Third-country nationals returned following an order to leave (Returned to a third country)	<i>Third-country nationals returned as part of forced return measures</i>	<i>Third-country nationals returned as part of voluntary return measures</i>
SI	3 415	3 415	1 940 (1 085)	<i>NA</i>	<i>NA</i>
SK	1 440	870	600 (585)	<i>605</i>	<i>130</i>
FI	3 755	3 835	1 930 (960)	<i>NA</i>	<i>234</i>
SE	27 460	20 205	14 645 (10 900)	<i>1868</i>	<i>NA</i>
UK	53 700	53 700	53 615 (44 705)	<i>NA</i>	<i>NA</i>

Notes:

1. Data for the first three columns are rounded figures (to nearest 5) and as provided by Eurostat, May 2011, except when indicated in *italics*, in which case they are provisional as provided by the EMN. "NA" means Not Available at the time this report was published.
2. Data for the last two columns are not recorded via Regulation 862/2007 and are as provided by the EMN. In principle, the last two columns should sum up to be the same as the middle column, although, for various reasons, this is not the case for all Member States.
3. BE data on forced return exclude Dublin-cases.
4. LU figure for those returned following an order to leave includes individuals leaving the country after an administrative decision stating that their stay is illegal and imposing an obligation to leave, and individuals whose application for international protection was rejected. The figure for voluntary return includes 44 persons detained in a detention centre before return.

TABLE 3: STATISTICS ON BORDER – THIRD-COUNTRY NATIONALS REFUSED ENTRY IN 2010

Member State	Total refused	Refused at the land border	Refused at the sea border	Refused at the air border
BE	1 855	Not Applicable	85	1 770
BG	3 070	2 550	60	455
CZ	330	Not Applicable	Not Applicable	330
DK	80	Not Applicable	0	80
DE	3 550	Not Applicable	150	3 395
EE	1 665	395	1 260	15
IE	2 790	560	240	1 985
EL	<i>4 211</i>	<i>3 386</i>	<i>190</i>	<i>635</i>
ES	290 045	281 750	230	8 065
FR	9 840	1 060	600	8 175
IT	4 215	Not Applicable	1 270	2 945
CY	685	Not Applicable	85	605
LV	815	440	25	350
LT	1 965	1 870	40	55
LU	NA	Not Applicable	Not Applicable	NA
HU	10 475	10 215	Not Applicable	265
MT	130	Not Applicable	0	130
NL	2 810	Not Applicable	65	2 745
AT	400	85	Not Applicable	315
PL	22 895	22 255	50	590
PT	<i>2 062</i>	Not Applicable	<i>9</i>	<i>2 053</i>
RO	<i>3 357</i>	<i>1 253</i>	<i>25</i>	<i>2 079</i>
SI	7 845	7 635	0	210
SK	840	830	Not Applicable	15
FI	1 185	995	15	180
SE	90	Not Applicable	0	90
UK	16 365	1 510	2 305	12 555

Notes:

1. Data are rounded figures (to nearest 5) and as provided by Eurostat, May 2011, except when indicated in *italics*, in which case they are provisional as provided by the EMN. "NA" means 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.

2. **TABLE 4: PUBLISHED STATISTICS ON ASYLUM APPLICANTS AND ON FIRST INSTANCE DECISIONS BY OUTCOME IN 2010⁶²**

Member State	Asylum Applicants (incl. New)	Total Decisions	Total Positive	Refugee status	Subsidiary protection	Humanitarian reasons	Rejected
BE	26 130 (21 600)	16 245	3 510	2 700	805	-	12 740
BG	1 025 (NA)	515	140	20	120	-	375
CZ	780 (385)	500	175	75	75	20	330
DK	5 070 (NA)	3 280	1 345	660	520	170	1 935
DE	48 490 (41 255)	45 310	10 445	7 755	545	2 145	34 865
EE	35 (30)	40	15	10	5	-	25
IE	1 940 (1 920)	1 600	25	25	5	-	1 575
EL	10 275 (NA)	3 455	105	60	20	30	3 350
ES	2 740 (2 550)	2 785	610	245	350	15	2 175
FR	51 595 (46 885)	37 620	5 115	4 095	1 020	-	32 505
IT	10 050 (10 050)	11 325	4 305	1 615	1 465	1 225	7 015
CY	2 875 (NA)	2 440	425	30	370	25	2 015
LV	65 (60)	50	25	5	20	-	25
LT	495 (370)	190	15	<2	15	-	175
LU	780 (NA)	475	70	55	15	-	405
HU	2 095 (NA)	1 040	260	75	115	70	785
MT	175 (145)	350	210	45	165	15	125
NL	15 100 (13 290)	17 145	7 565	810	4 010	2 745	9 575
AT	11 050 (NA)	13 770	3 445	2 055	1 390	-	10325
PL	6 540 (4 330)	4 420	510	80	195	230	3 910
PT	160 (160)	130	55	5	50	-	75
RO	885 (NA)	425	70	40	30	0	355
SI	245 (195)	115	25	20	<2	-	95
SK	540 (315)	295	90	5	55	30	205

⁶²

See http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-QA-11-005/EN/KS-QA-11-005-EN.PDF.

Member State	Asylum Applicants (incl. New)	Total Decisions	Total Positive	Refugee status	Subsidiary protection	Humanitarian reasons	Rejected
FI	3 090 (NA)	4 260	1 595	165	1 240	190	2 665
SE	31 875 (31 810)	27 630	8 495	1 935	5 955	605	19 140
UK	23 715 (22 060)	26 690	6 440	4 445	1 850	140	20 250
TOTAL (EU-27)	257 815 (NA)	222 105	55 095	27 045	20400	7 645	167 010

Notes:

1. These are rounded figures (to nearest 5) and as published by Eurostat, March 2011. "NA" means Not Available at the time this report was published and figures in brackets in the second column correspond to new asylum applicants in 2010.
2. 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 2010.
3. "-" means that Humanitarian reasons are not applicable in BE, BG, EE, IE, FR, LV, LT, LU, AT, PT and SI.
4. For IT, due to a technical error, there is an underestimation of the share of minor asylum applicants. The number of first instance rejections is overestimated. See Eurostat report for further details.
5. For AT, according to their national annual statistics (Jahresstatistik 2010), there are some differences from Eurostat, with Total Asylum applicants being 11 012; Total Decisions 13 785; Total Positive 3 453; Refugee Status 2 077; Subsidiary protection 1 376, Rejected 10 332.

TABLE 5: STATISTICS ON UNACCOMPANIED MINORS IN 2010

Member State	Unaccompanied minors	Unaccompanied minor asylum applicants
BE	NA	1 080
BG	<i>19</i>	20
CZ	NA	<i>4</i>
DK	NA	410
DE	Not Applicable	1 950
EE	0	0
IE	NA	35
EL	NA	145
ES	<i>3 800</i>	15
FR	Not Applicable	610
IT	<i>4 438</i>	305
CY	<i>51</i>	35
LV	<i>5</i>	5
LT	<i>9</i>	10
LU	NA	20
HU	NA	150
MT	<i>3</i>	5
NL	Not Applicable	700
AT	Not Applicable	<i>600</i>
PL	Not Applicable	230
PT	NA	5
RO	NA	35
SI	<i>2</i>	25
SK	<i>119</i>	5
FI	NA	330
SE	<i>2 363</i>	2 395
UK	NA	1 595

Notes:

1. "NA" means Not Available at the time this report was published, whereas "Not Applicable" means that it is not possible to determine as data on unaccompanied minors not applying for asylum are not recorded.
2. The column "Unaccompanied Minors" includes both those who did and those who did not apply for asylum. Data are provisional and as provided by the EMN. For ES, this is the stock as of 30 June 2010.
3. The column "Unaccompanied minor asylum applicants" are rounded figures (to the nearest 5) and as provided by Eurostat, May 2011, except when indicated in *italics*, in which case they are provisional as provided by the EMN.
4. CY provided figures for UAMs up to August 2010 and for UAMs asylum applicants up to November 2010.
6. CZ figures are based on national definitions.