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**COMMISSION STAFF WORKING DOCUMENT**

**on the progress made regarding the pilot studies referred to in Article 9a of Regulation  
(EC) No 862/2007 on Community statistics on migration and international protection**

## 1. BACKGROUND

Since 2008, European statistics on migration and international protection are provided by Member States and the European Free Trade Association (EFTA) countries under Regulation (EC) No 862/2007 of the European Parliament and of the Council<sup>1</sup>. These statistics are regularly published by Eurostat. They are an essential source of information for justice and home affairs matters and various migration-related policy areas in the European Union (EU).

Over the past decade, migration of third-country nationals to the EU has changed radically, triggering increased efforts to improve European statistics on asylum and managed migration. Substantial amendments to Regulation (EC) No 862/2007 thus became urgent and necessary to respond to increasing policy needs for statistics. Consequently, an amending Regulation (EU) 2020/851<sup>2</sup> was adopted on 18 June 2020, providing a legal basis to collect new statistics and allowing more flexible responses to future policy needs.

As a result of the amendment and under Article 9a of Regulation (EC) No 862/2007, the Commission (Eurostat) is required to establish pilot studies, to be carried out together with Member States, to test the feasibility of new data collections or disaggregations of asylum and managed migration statistics. To optimise the use of existing information and data collections, the Commission (Eurostat) is required to assess whether the new statistics could be based on administrative data sources at EU level. The pilot studies cover the list of variables and breakdowns provided in the Annex to this document. The Commission (Eurostat) will evaluate the results of the pilot studies in close cooperation with Member States. The evaluation will include an assessment of the EU added value, statistical quality and comparability, and the cost and burden involved, including, in accordance with Article 14(3) of Regulation (EC) No 223/2009<sup>3</sup>, an assessment of the burden on respondents and of the production costs. The Commission (Eurostat) must report on the findings of the pilot studies by 13 July 2022 and on their overall progress every 2 years after that.

This staff working document meets the first reporting requirement and provides information on pilot studies that started in 2022. It will be made publicly available on the Eurostat website.

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<sup>1</sup> Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers (OJ L 199, 31.7.2007, p. 23).

<sup>2</sup> Regulation (EU) 2020/851 of the European Parliament and of the Council of 18 June 2020 amending Regulation (EC) No 862/2007 on Community statistics on migration and international protection (OJ L 198, 22.6.2020, p. 1).

<sup>3</sup> Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities (OJ L 87, 31.3.2009, p. 164).

## **2. SCOPE AND STATUS OF PILOT STUDIES CONDUCTED UNDER REGULATION (EC) NO 862/2007**

### **2.1. Scope of the pilot studies**

Article 9a of Regulation (EC) No 862/2007 sets out a list of eligible new statistics (among others statistics in the field of migration and international protection statistics) to be piloted. These include:

- asylum applicants in detention or under an alternative order;
- asylum applicants who presented documentary evidence that could aid in establishing their identity;
- unaccompanied minor asylum applicants granted access to the education system or not;
- the average number of unaccompanied minors per representative;
- final decisions in appeal or review on asylum applications by duration of appeal;
- third-country nationals obliged to leave and under detention or an alternative order;
- rejected applications for first-time residence permits made by third-country nationals.

Eurostat grouped these statistics in four statistical domains: (i) asylum; (ii) Dublin procedures<sup>4</sup> for determining the Member State responsible for examining an application for international protection lodged in one of the Member States; (iii) residence permits; and (iv) enforcement of immigration legislation.

These data needs were categorised by Eurostat, together with the Directorate-General for Migration and Home Affairs, in priorities in light of the New Pact on Migration and Asylum<sup>5</sup> and other recent policy developments. Other priorities were also considered: indicators for assessing migratory pressure; detention and alternatives to detention; indicators on the length of procedures on asylum applications; rejected applications on residence permits; indicators related to unaccompanied minors; and applicants in need of special procedural guarantees.

These data are expected to bring additional information to support migration management, and to serve as early warning and preparedness in the face of crises, such as that triggered by Russia's invasion of Ukraine.

While all new statistics listed in Article 9a are eligible for pilot data collections at any time, recital 12 of Regulation (EU) 2020/851 specifies that priority should be given to examining the number of applications and the number of rejected applications for first-time residence permits.

In 2021, Eurostat, together with the Directorate-General for Migration and Home Affairs, ranked the list of statistics in terms of EU priority of data. A first survey on the availability of appropriate data sources for each set of statistics in Member States was launched on 9 March 2021. The responses to the survey were deemed suitable to

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<sup>4</sup> Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (OJ L 180, 29.6.2013, p. 31).

<sup>5</sup> COM(2020) 609 final

guide the allocation of the new statistics to be piloted over the following years. The rationale was twofold. Firstly, it addresses significant and urgent data gaps in time. Secondly, it assumes that these new statistics have good prospects of being collected on a voluntary basis already in 2022, as administrative data sources existed for use in compiling these statistics.

Pilot studies will be run in 2022 for the new statistics ranked with high or medium scores in terms of EU priority and the availability of appropriate administrative data sources by Member State. See Annex for the list of statistics for which pilot studies started in 2022.

## **2.2. Assessment of readiness to use administrative data sources at EU level**

Under Article 9a of Regulation (EC) No 862/2007, before launching each pilot study with Member States, the Commission (Eurostat) is required to ‘assess whether the new statistics can be based on the information available in the relevant administrative sources at Union level’. This approach has clear potential to benefit from harmonised concepts at EU level and to minimise any burden on Member States. The most relevant EU administrative sources in this context are the large-scale IT systems maintained by the EU Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA).

In relation to recital 13 of Regulation (EU) 2020/851, Eurostat should particularly profit in the mid or long term from an interoperability layer called the ‘central repository for reporting and statistics’ (CRRS<sup>6</sup>). eu-LISA is currently developing this layer on top of the administrative sources to serve operational policy needs.

Eurostat launched an initial feasibility study on the use of the CRRS for compiling the new statistics. This was based on mapping variables and breakdowns as defined in the current legal basis in 2021. This exercise has pinpointed the following next steps:

1. the design and operational dimensions of regular data exchange cooperation between eu-LISA (CRRS) and Eurostat are to be identified and agreed;
2. further work is needed on the legal basis for re-using the mentioned EU administrative sources (through the CRRS) for statistical purposes.

The former point would benefit greatly from the inclusion of such a pilot task in eu-LISA’s work programme for the coming years, starting when the central repository becomes operational.

## **2.3. Implementation plan for the pilot studies**

On 8-9 December 2021, Eurostat presented to the informal Commission Expert Group on Asylum & Managed Migration Statistics the roadmap for the implementation of the pilot studies, including information on the work of a dedicated task force. The aim was to involve subject matter experts from Member States in implementing the mechanism to pilot the new statistics. This methodological development aims to align definitions, methods and data requirements for the selected statistics in the field of migration and international protection. It also provides an opportunity for Member States to present their national practices and discuss them with other experts in the field of migration and international protection statistics.

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<sup>6</sup> OJ L 135, 22.5.2019, p. 27.

Ten Member States<sup>7</sup> and one EFTA country<sup>8</sup> expressed their interest to participate in a task force on pilot studies in the field of migration and international protection statistics. National experts come from national statistical institutes, interior ministries or related agencies responsible for immigration. The EU Agency for Asylum and the Directorate-General for Migration and Home Affairs were also invited.

As the specifications for a statistical data collection consist of a technical template for data and metadata collection and the respective methodological guidelines, the task force agreed the following approach for the 2022 pilot studies:

- The specifications for the **asylum** domain were drawn up in spring 2022 and will be discussed and agreed with the task force members. Eurostat will then invite all Member States and EFTA countries to take part on a voluntary basis in the first pilot data and metadata collection in this domain.
- The specifications for the **Dublin, enforcement of immigration legislation, and residence permits** domains will be drafted by autumn 2022 and discussed and agreed with the task force members. Eurostat will then invite all Member States and EFTA countries to take part, on a voluntary basis, in the first pilot data and metadata collections in these domains.

During each task force meeting, participants will be asked to advise on technical, methodological and operational aspects of the guidelines and templates.

The same approach will apply to pilot studies to follow in the coming years, covering all new statistics under Article 9a of Regulation (EC) No 862/2007.

#### **2.4. Funding from the EU general budget**

To support Member State efforts in implementing the pilot studies, Article 9b of Regulation (EC) No 862/2007 provides for funding from the EU general budget to the national statistical institutes and other relevant national authorities for participation in the pilot studies under Article 9a of the Regulation. A first call for proposals for grants was launched in 2021 and a second call for proposals is currently ongoing in the area of ‘Social dimension of Europe’ under the European statistics part of the Single Market Programme<sup>9</sup>. No grants have been requested under both calls. However, several Member States have included general or specific objectives to develop the data collections in the domain of asylum and managed migration statistics in their national programmes under the Asylum, Migration and Integration Fund<sup>10</sup>, managed by the Directorate-General for Migration and Home Affairs.

### **3. CONCLUSIONS AND NEXT STEPS**

The pilot studies for new asylum and managed migration statistics were prepared in 2021 and started in 2022 with the kick-off meeting of the dedicated task force.

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<sup>7</sup> Belgium, Germany, Spain, France, Italy, Luxembourg, Malta, the Netherlands, Portugal and Finland.

<sup>8</sup> Norway.

<sup>9</sup> Regulation (EU) 2021/690 of the European Parliament and of the Council of 28 April 2021 establishing a programme for the internal market, competitiveness of enterprises, including small and medium-sized enterprises, the area of plants, animals, food and feed, and European statistics (Single Market Programme) (OJ L 153, 3.5.2021, p. 1).

<sup>10</sup> Asylum, Migration and Integration Fund (2021-2027) (europa.eu)

Eurostat has assessed that information available in the central repository for reporting and statistics can be explored only in the medium term, after the system goes live.

In 2022, the task force will start the assessment of the feasibility of the variables and breakdowns listed in the Annex. The list includes statistics on the examination of the number of applications and the number of rejected applications for first-time residence permits.

Work is ongoing to prepare guidelines and data and metadata transmission templates and to collect the data. This will be followed by an assessment of statistical quality and, in particular, of comparability at EU level. Once positive statistical results have been obtained, the EU added value of a new regular data collection will be assessed to justify the need for new statistics from an EU policy perspective. A cost-effectiveness analysis will provide insight into the burden and production costs at national level.

By 13 July 2024, the Commission (Eurostat) will report again on the pilot studies for new asylum and managed migration statistics.

**Annex: Statistics to be piloted under Article 9a(3) of Regulation (EC) No 862/2007**

Statistics domain	Topics	Art. 9a(3), Regulation (EC) No 862/2007	Variable or breakdown	Pilot data collection to be launched by
Asylum	Applications (flow), applicants (stock)	(a)	Month of submission of the application	Mid-2022
		(b)(i) dash 1	Exempted from accelerated or border procedure, or processed under border procedure	Mid-2022
		(b)(i) dash 2	Not registered in Eurodac <sup>11</sup>	Mid-2022
		(b)(i) dash 3	Presented documentary evidence to aid establishing their identity	Mid-2022
		(b)(i) dash 5	Benefited from free legal assistance	Mid-2022
		(b)(i) dash 6	Benefited from material reception conditions as specified under Art. 4(1)(g)	2023-2024
		(b)(i) dash 7	Unaccompanied minors to whom a representative was appointed	Mid-2022
		(b)(i) dash 7	Unaccompanied minors granted access to the education system or not	Mid-2022
		(b)(i) dash 7	Unaccompanied minors placed in accordance with Article 31(3) of Directive 2011/95/EU <sup>12</sup>	Mid-2022
		(b)(i) dash 8	Underwent an age assessment, including the results of such assessments	Mid-2022
	(b)(ii)	Average number of unaccompanied minors per representative	Mid-2022	
	Applicants in/subject to detention or an alternative order (stock)	(b)(i) dash 4	Duration of stay in detention	Mid-2022
		(b)(i) dash 4	Grounds for detention	Mid-2022
		(b)(i) dash 4	Detention or type of alternative	Mid-2022
		(b)(i) dash 4	Month of issue of decision or act ordering detention or alternative	Mid-2022
	Applications withdrawn (flow)	(a)	Month of submission of the application	Mid-2022
	First instance decisions, final decisions (flows)	(a)	Month of submission of the application	Mid-2022
		(c)(i)	Grounds for rejection of the application	Mid-2022
		(c)(ii)	Grounds for cessation or exclusion	Mid-2022
		(c)(iii)	Decision taken following a personal interview	2023-2024
	(c)(iv)	Decision reducing or withdrawing material reception conditions	2023-2024	
Final decisions (flow)	(d)	Duration of appeal	End-2022	
Dublin procedures	Dublin requests (flow), pending requests (stock)	(a)	Month of submission of the application	End-2022
		(e)	Age	End-2022
		(e)	Citizenship	End-2022
	Requests for information and replies (flows)	(a)	Month of submission of the application	End-2022
		(e)	Age	End-2022
		(e)	Citizenship	End-2022
	Decisions on Dublin requests (flow)	(a)	Month of submission of the application	End-2022
		(e)	Age	End-2022
		(e)	Citizenship	End-2022
	Dublin transfers (flow), pending transfers (stock)	(a)	Month of submission of the application	End-2022
		(e)	Age	End-2022

<sup>11</sup> 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention (OJ L 62, 5.3.2002, p. 1).

<sup>12</sup> OJ L 337, 20.12.2011, p. 9.

Statistics domain	Topics	Art. 9a(3), Regulation (EC) No 862/2007	Variable or breakdown	Pilot data collection to be launched by
		(e)	Citizenship	End-2022
Residence permits	Applications for first-time residence permits (flow)	(f)(i)	Citizenship	End-2022
		(f)(i)	Reason for the permit being requested	End-2022
		(f)(i)	Age	End-2022
		(f)(i)	Sex	End-2022
	Rejected applications (first-time and status changes)	(f)(i-ii)	Citizenship	End-2022
		(f)(i-ii)	Reason for the permit being requested	End-2022
		(f)(i-ii)	Age	End-2022
		(f)(i-ii)	Sex	End-2022
	Residence permits issued for family reasons (flow)	(f)(iii)	Reason for the issue of the permit [relation to sponsor or type of permit/legal framework]	End-2022
		(f)(iii)	Status of the sponsor of the third-country national	End-2022
Enforcement of immigration legislation	Persons found illegally present and obliged to leave (flow)	(g)(i)	Reasons for the decisions or acts imposing an obligation to leave	2023-2024
		(g)(ii)	Person was subject to an entry ban or not	End-2022
	Persons obliged to leave and under detention or an alternative order (stock)	(g)(iii)	Duration of stay in detention	End-2022
		(g)(iii)	Detention or type of alternative	End-2022
		(g)(iii)	Month of issue of decision or act	2023-2024
	Persons returned (flow)	(g)(iv)	Country of destination	End-2022
(g)(iv)		Type of decision or act (type of readmission agreement)	End-2022	