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**COMMISSION STAFF WORKING DOCUMENT**  
*Accompanying the document*

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

**4th Annual Report on Immigration and Asylum (2012)**

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## 1. INTRODUCTION

This paper provides a factual overview of the main developments in migration and international protection during 2012 at both EU and national level. It complements the Communication from the Commission<sup>1</sup>. The main reporting period is from 1 January 2012 to 31 December 2012.

Following an introduction to the development of a more horizontal, cross-cutting proposal for future Union funding of asylum and migration beyond 2013, the paper is then structured according to the following main sections: Legal Migration and Mobility, International Protection and Asylum, Unaccompanied Minors, Action against Trafficking in Human Beings, the External Dimension of EU Migration Policy and Irregular Migration. A detailed Statistical Annex (*Chapter 10*) provides data on migration in 2012 from the European Migration Network National Contact Points as well as from Eurostat, where data available.

The Commission shall, on the basis of article 6(3) of Regulation (EC) 377/2004, as amended by Regulation (EU) No 493/2011 on the creation of an Immigration Liaison Officers Network, report an annual factual summary, and where appropriate recommendations, to the European Parliament on the development of immigration liaison officers network. This report is included in section 7.2.

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

## 2. MULTIANNUAL FINANCIAL FRAMEWORK 2014-2020: ASYLUM AND MIGRATION FUND<sup>5</sup>

The Commission adopted the package of proposals for the next multiannual financial framework (MFF) 2014-2020 in the area of Home Affairs on 15 November 2011. This package covers 4 legislative proposals which together provide for the creation of an Asylum and Migration Fund (AMF) and an Internal Security Fund (ISF), supported by a common regulatory framework (general provisions or 'Horizontal Instrument').

These proposals were accompanied by a Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'Building an open and secure Europe: the Home Affairs Budget for 2014-2020'.<sup>6</sup>

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<sup>1</sup> COM(2013) 423 final

<sup>2</sup> Given the focus of and the manner in which this paper was produced, it should **not be treated as an exhaustive identification of all relevant Member State activities**. In particular, the fact that a Member State is not identified in relation to a certain activity or policy does not mean that it did not or does not pursue that activity or policy, but rather that there were no specific developments in 2012 and/or because such developments were not reported by the EMN NCP(s).

<sup>3</sup> This report includes information in national activities from all EU Member States apart from Denmark. Denmark, Ireland and the UK are not bound by most of the *acquis* referred to in this report. IE and UK are part of the EMN, and have submitted reports. DK is not formally part of the EMN. Contributions from Norway provided by their NO EMN NCP are included as they participate in the EMN via a Working Arrangement concluded in November 2010.

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

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

<sup>6</sup> COM(2011) 749 final

Negotiations on the proposals started in 2012 under the Danish Presidency and continued under the Cypriot Presidency. In the European Parliament, the Committee on Civil Liberties, Justice and Home Affairs (LIBE) is responsible for the MFF Home Affairs package. The negotiations between the Council, Parliament and the Commission (trilogues) started early 2013.

Based on the principles of solidarity and responsibility sharing, the Asylum and Migration Fund is proposed to not be a simple merger of the three existing Funds – the European Refugee Fund, the European Fund for the Integration of third-country nationals and the European Return Fund but a more comprehensive instrument to support the effective and integrated management of migration flows in the European Union.

The proposal foresees that more than 80% of the Fund's resources will be channelled through national programmes of Member States covering the whole period 2014-2020. Following a policy dialogue with the Commission, each Member State would design its programme pursuing the objectives of the Fund and taking into account its respective policy needs. Approximately one fifth of the Fund's resources would be managed directly by the Commission to support Union actions, the functioning of the European Migration Network and to provide emergency assistance. An important part of the financial resources for Union actions would be to support actions implemented in third countries necessary for the implementation of EU internal policy priorities on migration and asylum. These initiatives will mainly serve the EU's own interest and will be coherent with EU external cooperation priorities and strategies towards the third countries concerned. It would for example be possible to support the cooperation with third countries on the implementation of readmission agreements, non-development oriented activities under mobility partnerships and resettlement activities under Regional Protection Programmes. The proposed Fund also foresees an emergency assistance mechanism able to respond quickly to different aspects of migratory pressure in Member States and third countries.

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

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

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

### 3. LEGAL MIGRATION AND MOBILITY

Table 1 in the Statistical Annex gives a *provisional* overview of the residence permits issued in 2012 by reason (family, education, remunerated activities and other). Of the Member States providing such statistics, most residence permits were issued by Italy (202 269) and France (193 799). Member States which issued permits mainly for family reasons were Greece (71% of all permits), Portugal (49%), Italy (49%) and Sweden (48%). The highest proportions of permits issued for the purpose of education were by Germany (40%), Finland (32%) and Hungary (31%). Those who issued permits mostly for the purpose of remunerated activities were Lithuania (71%), Cyprus (66%) and Slovenia (58%). The highest share of permits issued for ‘other reasons’ were by Poland (39%) and Bulgaria (38%). The overall position across the Member States and Norway are shown in Figures 1a and 1b below.

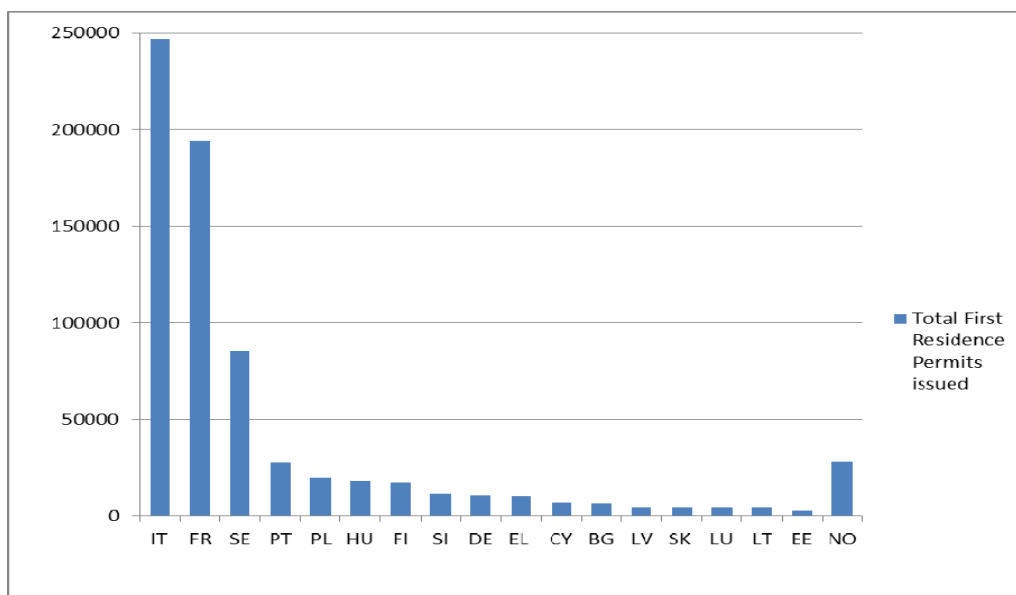
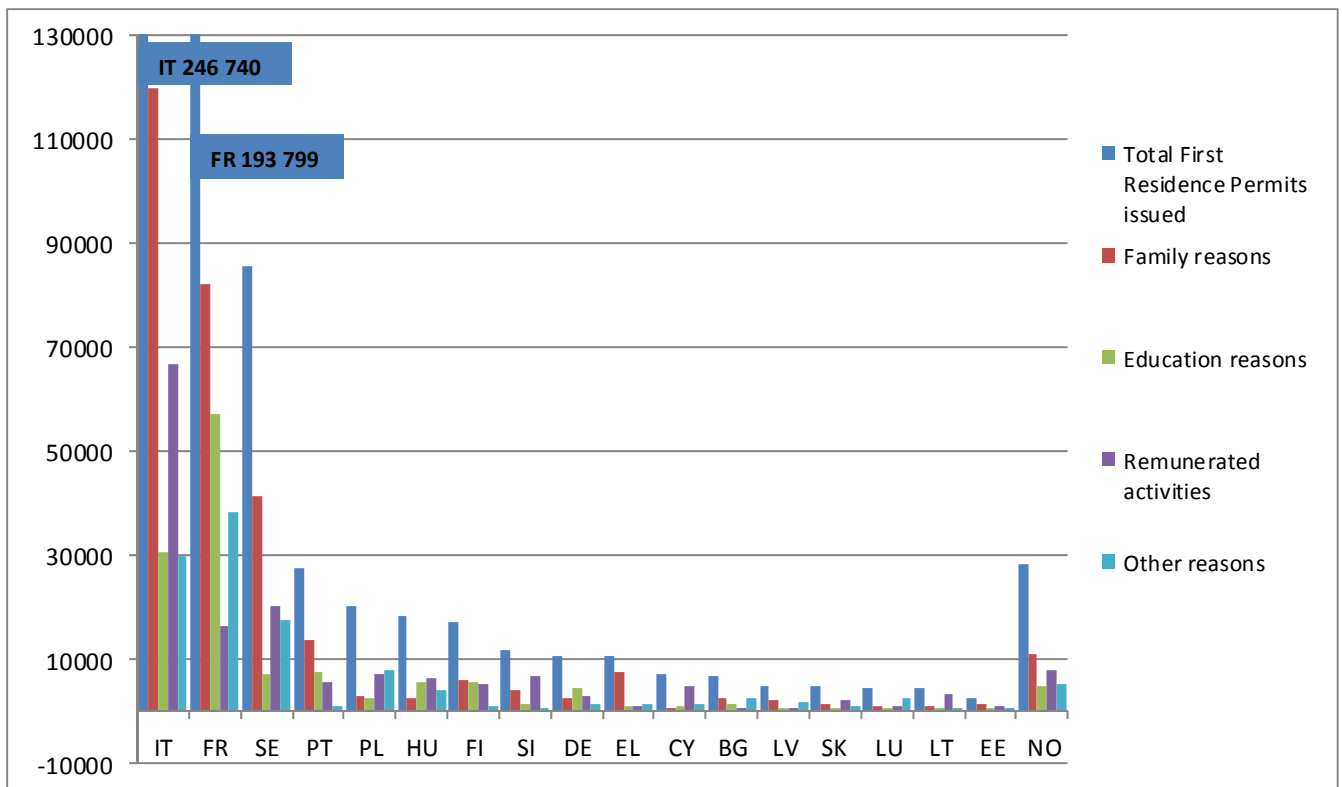


Figure 1a: Total first residence permits 2012



**Figure 1b: First residence permits, by reason in 2012**

Source: EMN APR 2012 National Reports

Notes: (a) means that statistics do not cover the full year (DE: 1<sup>st</sup> January – 30<sup>th</sup> June 2012; FR: 1<sup>st</sup> January to 30<sup>th</sup> September 2012; PT 1<sup>st</sup> January to 27<sup>th</sup> November 2012; FI: 1<sup>st</sup> January to 31<sup>st</sup> December 2012 but statistics provisional. For some Member States, statistics were not available for the full year at the time of publication (see Table 1 in Chapter 10 - Statistical Annex)

The year 2012 saw significant developments in the field of completing and further improving and implementing the EU legislative framework regulating legal migration by third-country nationals to the European Union. Transposition of Directives like the "Blue Card" Directive on highly skilled workers and the Employer Sanctions Directive adopted in 2009, and the 2011 "Single Permit" Directive progressed. Negotiations continued on the Intracorporate transfer Directive and the Seasonal workers Directive. The Commission prepared a proposal for a recast of the Directives on Students and an Researchers. These developments completes the legal acquis covering key types of third-country migrants, by facilitating access to the European labour market and at the same time ensuring third-country workers have equivalent rights. Such measures prevent exploitation of certain groups of third-country workers, and at the same time contribute to achieving economic growth objectives by helping to fill skills-gaps and counteract demographic trends towards an ageing of the population. Promotion of legal migration channels also entails informing migrants, and potential migrants, of the legal channels of migration.

### 3.1. Promoting legal migration channels through better information for migrants

At EU level :

One example of a key information tool to promote legal immigration is the 'EU Immigration Portal'<sup>7</sup>. In 2012 the Spanish and Arabic language versions were developed of the 'EU Immigration Portal', initially launched in November 2011 in English and French. The Spanish

<sup>7</sup> <http://ec.europa.eu/immigration>



language version was subsequently launched in January 2013. The 'EU Immigration Portal' provides hands-on information for migrants interested in moving to or within the EU. Migrants and potential migrants can find more than 600 pages of text with specific information about migration procedures in all 27 Member States, plus links to their national immigration websites and a contact directory of governmental and non-governmental organisations which can help them. In 2012 there were 62 259 unique visitors for the EU Immigration Portal were, with traffic gradually increasing to about 7 000 unique visitors per month in the last quarter of the year. The 'national content' is provided by the National Contact Points of the European Migration Network (EMN) for update the sections on national legislation. Member States welcomed the Portal and some of them took it as a reference in the revamping of their own official immigration websites.

At national level, Member States attach high importance to providing information to third country nationals on the routes and conditions of legal migration. This is demonstrated by the fact that all<sup>8</sup> Member States and Norway provide information on legal migration channels, generally through online instruments as well as information campaigns or projects. Many Member States (AT, BE, BG, CZ, DE, FI, FR, IE, IT, LT, LV, LU, NL, PL, PT, RO, SK, SE, UK) and Norway undertook efforts to improve this information in 2012. Multilingual websites and more general information campaigns and projects were the most commonly-used instruments. Whilst all Member States and Norway have at least one regularly updated website or portal in place with the latest information available to (potential) migrants, some have websites targeting specific groups, such as (qualified or highly qualified) professionals (AT, BE, DE, FR), students (BE, FR, IT, LT, SE) and investors (IE, PT).

In addition to online facilities, information campaigns, materials, projects and programmes were launched by nine Member States (BE, CZ, EL, FI, IE, IT, LT, PL, SE, SK, UK) plus Norway, with a view to improve the provision of information on legal migration channels. Examples of such measures include introduction packs (BE, CZ, IE), television programmes (SK, continued from 2011) and brochures to inform employers (PL). These measures, and especially the online materials, have the advantage also of targeting third-country nationals at pre-departure stage. Italy has for example, reported launching specific pre-departure orientation programmes, targeting Moroccan nationals. The United Kingdom introduced a range of new measures to communicate changes in its national immigration policies, via relevant websites, news-letters, leaflets partner forums etc, both nationally and with partners overseas. Greece implemented pre-departure information campaigns in Moldova and Georgia (in the framework of EIF).

Other measures to facilitate information provision include the establishment of Local Coordination Offices in Countries of Origin (IT), a specific project to improve communication and services to third-country nationals to promote legal labour migration (SE) and a “contact point system for employers” whereby employers are assigned a contact person to deal with any queries they may have in relation to legal migration channels for third-country nationals (NO). Greece gradually established a number of “one stop – shop” authorities better managing legal migration in implementing relevant legislation.

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<sup>8</sup> This report includes contributions from 26 EMN NCPs (AT, BE, BG, CY, CZ, DE, EE, EL, ES, IE, IT, FR, HU, LT, LU, LV, MT, NL, PL, PT, RO, SK, FI, SE, SI, UK) and NO received up to and including 30th April 2013.

## 3.2. Economic migration

At EU level: The employment package,<sup>9</sup> adopted in April 2012, provides a medium-term agenda for EU and Member States action to support a job-rich recovery and reach Europe's 2020 goals for smart, sustainable and inclusive jobs and growth. It states that, in the longer term, and especially in view of the EU's demographic development, economic immigration by third country nationals is a key consideration for the EU labour market.

With the proposal of a Directive on Intra-corporate transfers in 2010, the Commission took initiative to facilitate the temporary transfer of foreign employees of multinational companies to a branch of the company on EU territory, so called intra-corporate transfers.<sup>10</sup> Until now, the fragmented approach has a heavy impact on the attractiveness of such transfers into the EU and often leads international staff to turn down their EU assignments. The proposed Directive is expected bring substantial benefits to the EU in terms of innovation, enhanced competitiveness and increased investment flows. In 2012 negotiations continued between the co-legislators on the proposed Directive for intra-corporate transferees.

Negotiations also continued between the co-legislators on the proposed Directive for Seasonal workers<sup>11</sup>. Following the adoption of the "Single permit" Directive in 2011<sup>12</sup>, its implementation started by some Member States started notifying the transposing acts in 2012.

### 3.2.1. Satisfying labour market needs<sup>13</sup> and skills recognition

At EU level: In December 2012, the Commission launched the EU Skills Panorama, a website presenting quantitative and qualitative information on short- and medium-term skills needs, skills supply and skills mismatches. There are around 2 million job vacancies across the EU despite high levels of unemployment. The EU Skills Panorama shows the top bottleneck occupations to be in the fields of Health, Information Communication Technologies, Engineering, Sales and Finance.<sup>14</sup>

At national level, methods and tools to analyse labour market needs and shortages are considered to be helpful for both Member States that are facing high unemployment rates as well as Member States that (foresee to) have (sectorial) labour shortages (AT, BE, BG, CZ, DE, EE, EL, ES, IE, FR, IT, CY, LV, LT, PL, RO, SI, SK, FI), for example, the use of annual analysis on labour market trends, shortages and demand (EE, EL, IE, IT, PL, FI), via the Public Employment Services (ES, NL, SI, SK), lists of occupations experiencing 'bottlenecks' (AT, BE, ES, LT), research (RO, UK) and mechanisms for forecasting (IT, LV, FI). In 2012, Czech Republic and Germany initiated new projects on labour market forecasting; Germany established an employment monitoring service for analysis of current and long-term labour market needs and expects to issue its first labour market prognosis in 2013; and Poland identified new plans for the monitoring of labour migration. Malta has strengthened links with private employment agencies, social partners and other organisations to better understand the foreign direct investment patterns and the types of employment this may generate in the short and medium terms. In the Netherlands the Public Employment Service tests each individual application for an employment permit against the availability of manpower in the Netherlands/the EU.

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<sup>9</sup> COM(2012) 173 final "*Towards a job-rich recovery*"

<sup>10</sup> COM(2010) 378 final

<sup>11</sup> COM(2010) 379 final

<sup>12</sup> Directive 2011/98/EU of 13 December 2011

<sup>13</sup> See also EMN Study '*Satisfying Labour Demand through Migration*' for further information.

<sup>14</sup> <http://euskillspanorama.ec.europa.eu/docs/EVVR2012Factsheets/08-Bottleneck.pdf>

Thirteen Member States (AT, CY, CZ, FR, HU, IE, IT, LT, LV, PL, PT, SE, UK) amended or introduced changes in their approach to legal migration. These changes appear to suggest two parallel trends, with some introducing more restrictive labour market policies towards labour migrants (e.g. CY), whilst in others there is an emphasis on attracting (high-level) skills e.g. AT, FR, LV, SE, UK (see also Section 3.2.3 below). In France, regional lists of occupational shortages applicable to third-country nationals (30 professions including six on a national level, in certain sectors such as audit and accounting, IT, construction and public works, electricity and electronics sectors) were established under the Decree of 18 January 2008. Finland identified shortages in nursing staff, Ireland identified medical staff, Latvia reported on staff in international shipment and Estonia foresees labour shortages in the coming decade in manufacturing, wholesale and retail trade, construction, education, and transportation and storage. In Malta, in sectors such as construction, hospitality and caring, skills shortages have been identified. In general it seems that some Member States with more open labour market migration policies have targeted (highly) qualified workers, investors or entrepreneurs.

Conversely, Sweden does not focus on particular skills or qualification levels, and rather than operating “selectively”, the system is demand-driven, according to the individual needs of employers who decide themselves whether they have a shortage and need to recruit from outside the EU or not. This approach applies to unskilled, skilled and highly qualified workers. Spain, which considers a non-EU labour-force important for keeping up with global competition and economic growth, focused on the development of training and integration programs for immigrants, amongst other priorities in its Annual Plan for Labour Policy 2012.

With regard to improved labour matching, the Public Employment Service in Austria assesses since 2012 the migration background of registered unemployed/job-seekers in order to ensure “targeted services” (e.g. German courses, basic skills acquisition) for third-country nationals. Austria has also implemented a project “Mentoring for Migrants” where tutors support qualified migrants to enter the labour market. In Poland an online portal has been launched to provide entrepreneurs with information on, for example, relevant regulations.

Sweden intends to launch labour matching programmes in 2013. In relation to the growth agenda, Sweden plans to introduce labour market matching for third-country nationals and employment schemes to encourage employers to hire more third-country nationals. Apprenticeships and training ‘on the job’ are also planned for low skilled third-country nationals, as well as funding to increase efforts for generating growth among third-country national entrepreneurs. Norway plans to launch a programme aiming to increase labour market participation of third-country nationals, and particularly of women, and an Action Plan in 2013 on how to better use the skills of third-country nationals. In Malta, third country nationals who may have initially arrived in Malta in an irregular manner, and obtain a legal status, can participate in training programs and employers of such migrants may seek reimbursement for any training costs incurred. In Italy, 41.3 % of non-national workers employed are over-educated in relation to the duties they perform; as a result, the public debate has mainly focused on issues of *brain waste*.

Several Member States (AT, BE, DE, EE, IE, LT, MT, PL, RO, SI, SK, SE, UK) and Norway undertook actions related to skills recognition in order to address labour market needs and with the aim in some Member States to attract (highly) qualified workers. Changes in 2012 included simplifying and shortening recognition procedures (AT, BE, LT), facilitating validation procedures and increasing information provision (AT), the extension of the Act on the recognition of qualifications, to include (amongst others) long-term residents, refugees or those under subsidiary protection (SI) and better cooperation between service providers to facilitate procedures (BE). In Germany, following amendments to the Recognition Act, vocational qualifications acquired abroad can now be recognised as equivalent to a German

qualification, and over 500 occupations will no longer require candidates to be nationals and in Malta a legal notice for the validation of informal and non-formal learning came into force, allowing third country nationals to have their skills and competences validated against the national occupational standards already developed.

In terms of future plans on skills recognition, Norway expects to complete its database of approved higher education programmes in 2013 which should ensure faster and improved processing of applications for recognition and Slovak Republic also expects to introduce legislative changes that simplify recognition procedures. Spain continued to implement its procedure of skills-recognition for third-country nationals whereby the third-country national can obtain official accreditation relative to their work experience, which will count towards a professional or training certificate.

### 3.2.2. *Highly qualified workers*

At EU level: In the course of 2012 most Member States transposed the Directive 2009/50/EC on highly qualified workers, the so called "Blue Card" Directive. Infringement procedures for non-communication of national measures were therefore closed, except for Lithuania and Sweden. The Commission started its assessment of the conformity of the transposition in 2012. Following this detailed evaluation of the transposition of the Directive into national legislation, the Commission may launch infringement procedures, should shortcomings be identified.

Preparations started in 2012 for a Commission report on the implementation of the Blue Card Directive due out in 2014. This report will be based on the evaluation of the transposition into national legislation by the Member States and on the first statistics on the volumes of third-country nationals who have been granted an EU Blue Card which are expected to become available in the course of 2013.

At national level: Attracting highly qualified workers, as well as investors and entrepreneurs, gained increasing importance. Most Member States introduced legislative changes to facilitate or simplify the entry of qualified or highly qualified workers, for the implementation of the Blue Card Directive as well as to cope with labour shortages (in certain sectors). Several Member States (AT, BE, CY, DE, IT, PL, PT, UK) implemented specific measures to facilitate entry of highly qualified workers. Incentive mechanisms for attracting highly qualified workers included: the 5-point programme on skills recognition of third-country graduates with a view to facilitating labour market access (AT), shortened period for granting residence permit for the purpose of family reunification (EL), shortened period for granting a national long-term residence permit (DE) and agreements of Memorandums of Understanding between government and employer associations to facilitate the entry of highly qualified third-country workers (IT). Estonia organised consultations with social partners in order to improve legislation and smoothen procedures for attracting highly-qualified workers. In United Kingdom, the skills threshold for skilled workers was increased to graduate level (National Qualifications Framework (NQF) 6) in most cases, to improve selectivity, while the resident labour market test was relaxed for jobs paying £70 000(€81 000) or above, or requiring PhD-level skills. Austria has granted skilled workers access to designated shortage occupations (some 26). The main occupational fields covered are construction, wood production, agriculture and horticulture, forestry, automotive and machinery, electro-technics, electronics and telecommunications, as well as information technology and health / medicine. The skilled workers can apply for residence permits introduced in 2011 (the so called "Red-White-Red Card" and "Red-White-Red Card plus") that allow third-country national workers entry and access to the labour market, based on a defined points-based system.

Attracting investors (HU, IE, LV, PL, PT, SE, UK) and/or entrepreneurs (IE, FR, LV, PL, UK) is on the political agenda in several Member States. Measures to attract investors include granting a residence permit for those that make an exceptional economic contribution (FR, LV, PT), fast-track procedures for granting a long-term residence permit (HU), accelerated procedures for intra-corporate transfers of third-country national investors (CZ) and a third-country national investor programme offering entrepreneurs and investors rights to reside in the Member State in return for an investment for the purpose of “saving or creating jobs” (IE). Specific measures for attracting entrepreneurs included targeted information provision to third-country national entrepreneurs (PL), a new immigration route for Graduate Entrepreneurs, who have been recognised by their higher education institutions (HEI) as having exceptional business skills or ideas (UK) and plans to allocate funding for targeted efforts for generating growth among entrepreneurs with a migration background in 2013 (SE).

With regard to actions planned in 2013, United Kingdom plans to extend the Graduate Entrepreneur route for 2013 to enable up to 1 000 MBA graduates of UK Higher Education Institutes (HEIs) to stay on in the United Kingdom and will also establish a scheme to enable the ‘brightest and best’ graduates of overseas business schools to enter as Graduate Entrepreneurs. Czech Republic aims to attract highly-education third-country nationals and therefore plans to produce a list of occupations for highly educated third-country employees. Spain initiated research into possible legislative reforms to facilitate access to the labour market for highly skilled workers and began work on measures to boost business through use of migrant labour.

### 3.2.3. *Cooperation with partner /third countries for economic migration*

At EU level: The issue of legal migration and mobility, including labour migration, continued to be an integral part of the EU's cooperation with third countries and a key area of the EU's external migration policy in 2012, as defined through the Global Approach to Migration and Mobility (GAMM). Its policy priority of "better organising legal migration and fostering well-managed mobility" is one of the four priority areas of the GAMM. According to the Commission Communication on the GAMM of 18 November 2011<sup>15</sup>, European policy on the organisation and facilitation of legal migration and mobility is based on the premise of offering employers wider opportunities to find the best individuals for vacancies on the global labour market. It equally seeks to offer new European employment possibilities for talented people from around the globe, fully respecting Member States' competence to manage their labour markets (See also chapter 7.1).

At national level, several Member States (BE, BG, CZ, EL, FR, NL, PL, PT, SE) reported on their continued participation in the EU Mobility Partnerships including those with Georgia (BE, BG, CZ, FR, PL, SE), Republic of Moldova (BG, CZ, FR, PL, PT, RO, SE), Armenia (BE, BG, CZ, FR, PL), Tunisia (PL, SE), Azerbaijan (BG, CZ) and Cape Verde (FR, NL, PT). BE, ES, IT and PT expect to participate in the EU Mobility Partnership with Morocco which is planned to be concluded in 2013.

Other Member States (EL, ES, HU, IT, NL, PL, SI, SK, SE) concluded, ratified or reviewed bilateral agreements with third-countries in 2012, including Ukraine (PL), India (SE), New Zealand (ES, HU, SK), Canada (ES), Bosnia and Herzegovina (SI) and Azerbaijan (NL). Italy signed agreements with Egypt, Albania, Moldova, and Sri Lanka and concluded agreements with Bangladesh, Philippines, Ghana, Morocco, Tunisia and Peru. The concluded bilateral agreements mostly aimed to strengthen cooperation in labour migration management with

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<sup>15</sup> COM(2011)743 final of 18.11.2011

countries of origin that generate the largest inflows of third-country nationals (IT), developing a working holiday scheme for youth (HU, SK), set general principles of employment for third-country nationals (SI) and reach agreements on pensions and accident insurance (DE).

In terms of planned bilateral agreements, Bulgaria has opened negotiations with Moldova, Armenia, and Ukraine for labour migration agreements, the first two in the framework of Mobility Partnerships. Spain began to negotiate possible agreements with Japan and Australia. Italy expects to conclude agreements with India, China, Ecuador, Ukraine and Russia in the near future and Germany plans on starting negotiations on social insurance agreements with the Philippines in March 2013 with the main purpose to agree on pensions and accident insurance thereby avoiding “double insurance”. Luxembourg plans to conclude an agreement on circular migration with Cape Verde and Hungary will ratify a working holiday scheme with the Republic of Korea in 2013.

### **3.3. Students and Researchers**

At EU level: In 2012 the Commission prepared a proposal on the on the conditions of entry and residence of third-country nationals for the purposes of research, studies, pupil exchange, remunerated and unremunerated training, voluntary service and au pairing, which was subsequently adopted in March 2013<sup>16</sup>. The initiative is based on the findings of the 2011 Commission implementation reports on Directive 2004/114/EC on the conditions for admission of third country nationals for the purpose of studies, pupil exchange, unremunerated training or voluntary service ("the Students Directive") and Directive 2005/71 on a specific procedure for admitting third country nationals for the purposes of scientific research ("the Researchers Directive"). These reports showed a number of weaknesses of these Directives. The Commission's work programme for 2012 therefore included a revision of both Directives which aims at remedying the weaknesses identified and merge the two existing Directives into a single legislative instrument. The proposed new Directive is a recast of these two previous Directives, and foresees several improvements. These concern, in particular, the introduction of clearer admission conditions which better link obtaining a residence permit and a visa, and to which groups they apply to. This would avoid situations in which people fulfil the conditions for a permit, but not the conditions for a visa, and therefore cannot enter into the Member States concerned.

Increasing coherence of EU migration rules with EU mobility programmes such as Erasmus Mundus and Marie Curie Fellowships will aim at avoiding situations in which people fulfil the conditions of EU funding programmes, and have succeeded in obtaining a scholarship or a fellowship, but cannot take this up, as there is a problem with the admission conditions.

Another major improvement refers to the introduction of procedural guarantees, mainly in the form of time limits for decisions on applications which are aimed at facilitating third-country nationals' applications.

The proposal gives students more opportunities to work during their studies so that they can support themselves adequately. It also provides for both researchers and students (after graduation or after their research contract comes to an end) the possibility to remain under certain conditions on the EU territory to identify job opportunities. This would not amount to an automatic right to work, but to offering a possibility to identify job opportunities. The granting of a work permit would remain a national responsibility.

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<sup>16</sup> COM(2013) 151 final of 25.3.2013.

Other improvements refer to facilitating intra-EU mobility by allowing students and researchers' intra-EU mobility on the basis of the initial authorization for a given period.

The proposed Directive also aims at a better protection of vulnerable groups by providing for several safeguards or addressing certain rights of equal treatment with nationals, along the lines of the provisions of the Single Permit Directive (2011/98/EU).

At national level, several Member States (AT, BG, DE, FR, IE, IT, LT, PL, PT, SE, SK, UK) undertook new measures to further facilitate the reception of students and researchers and their movement within the EU. Three Member States (PL, SK, SE) made legislative changes or implemented a national strategy to facilitate mobility of students (PT). Other measures implemented in 2012 include simplified and faster procedures to enable individuals to transfer from a student permit to a work permit (FR), extension of the period to search for adequate employment after graduation (DE), scholarship programmes for students (AT, IT), entry quotas (IT), issuance of temporary residence permits to students and researchers (PL), simplified admission process for international students (SE), funding of high-qualified non-EEA students (UK) and facilitated access for third-country nationals by granting “International Student Status” (PT). Bulgaria has introduced provisions to prolong residence permits for the families of researchers from third countries, in line with that of the researcher. Moreover, Estonia organised consultations with social partners in order to improve legislation and smoothen procedures for students and researchers. The Slovak Republic aims to facilitate access for students and researchers by the exemption of payment of an administrative fee for issuance of a Schengen visa and a shortened decision-making period for temporary residence permit.

Ireland announced a “student probationary extension” for those students who had been continuously resident since before 1<sup>st</sup> January 2005. The new arrangements will allow eligible students to continue to remain there for (up to) an additional two years. Greece and United Kingdom reported that the presence of international students leads to economic advantages for educational institutions and the national economy, and the United Kingdom announced that from April 2013 all international PhD students who have completed their studies in the United Kingdom will be able to remain in the Member State for an additional 12 months to find skilled work or establish themselves as entrepreneurs.

With regard to researchers, two Member States (DE, UK) introduced measures, that included an accelerated visa procedure for this group (and their spouse) who have unrestricted access to the labour market (DE) and relaxation of the resident labour market test and exemptions for those in specified PhD level occupations from minimum salary requirements at the point of settlement (UK). Spain launched measures introduced through legislation of 2011, such as work and residence permits for researchers conducting research projects under signed hosting agreements with research organizations. Lithuania made legislative amendments in order to facilitate the entry and residence conditions for both researchers and students. In Italy the Ministry for Foreign Affairs is financing bilateral scientific projects in order to increase the mobility of researchers from third countries. Lastly, Luxembourg increased the government budget on research, development and innovation and plans to implement a number of measures related to the recruitment, training, skills and careers prospects of researchers.

### **3.4. Family Reunification**

At EU level: In 2012 a public consultation took place on family reunification, following the 2011 Green Paper on Family Reunification,<sup>17</sup> which was based on the findings of the 2008

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<sup>17</sup> COM(2011) 735 final

implementation report<sup>18</sup> on Directive 2003/86/EC<sup>19</sup>. The 2012 consultation took the form of written contributions and a public hearing held on 31 May-1 June 2012 within the framework of the European Integration Forum<sup>20</sup>. This public consultation yielded 120 contributions, including from 24 Member States, international organisations, social partners, NGOs and individuals. The overall conclusion from the public consultation was that the Directive should not be re-opened, but that the Commission should ensure the full implementation of existing rules, open infringement procedures where necessary and produce guidelines. An overall summary of the stakeholder response to the Green paper on the right to family reunification of third-country nationals was published by the Commission on 11 May 2012<sup>21</sup>. As a further follow-up step to the public consultation the Commission also convened an expert group in September 2012, which brought together experts from the Member States to discuss the issues under the Directive that seem to be of concern for all.

As a follow-up, the Commission is preparing guidelines on efficient, transparent and clear implementation of family reunification rules at EU level by clarifying identified implementation issues and providing practical guidance. This process, which also takes into account complaints received by the Commission and ECJ judgments,<sup>22</sup> will address the need to guarantee the fundamental right to family life while ensuring that this right is genuinely and coherently applied according to the rules of the Directive, as well as supporting Member States to tackle misuse.

The Commission also issued a European Migration Network report on "Misuse of the Right to Family Reunification – Marriages of convenience and false parenthood declarations"<sup>23</sup>.

At national level, several Member States (BE, BG, IT, LT, NL, PT, SK, SE, UK) and Norway introduced changes to existing policies and legislation regulating family reunification. Five Member States (BE, LT, NL, SK, UK) made legislative amendments to set a renewed legal framework for family reunification (NL, UK) and tackling marriages of convenience (BE). Non-legislative measures introduced in Norway included opening for more discretionary exceptions to the income requirements for certain groups. Portugal has introduced greater flexibility in its procedures for assessing proof of subsistence for the purpose of family reunification in light of the economic downturn.

Two Member States (LV, SE) introduced specific measures for the integration of third-country national family members. Latvia launched integration projects for vulnerable groups of third-country nationals such as women with small children, elderly people and the Swedish government proposed to invest over 4,6 million EUR in civic orientation to third-country nationals immigrating for the purpose of international protection and family reunification. Spain also focused measures on strengthening the integration of those migrants already resident in Spain through family reunification.

In terms of future measures, Belgium plans to develop an Action Plan to tackle the issue of marriages of convenience and the United Kingdom will introduce in 2013 requirements for third-country national applicants for settlement to pass the "Life in the UK" test and present an English language qualification (at B1 level of the Common European Framework of Reference for Languages) unless they are exempt. Finland has examined the possibility of extending the requirement for sufficient resources as well as introducing an accommodation

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<sup>18</sup> COM(2008) 610 final

<sup>19</sup> Council Directive 2003/86/EC in the right to family reunification, OJ L251, 3.10.2003, p.12. This Directive applies to third-country nationals and their family members.

<sup>20</sup> <http://ec.europa.eu/ewsi/en/policy/legal.cfm>

<sup>21</sup> Available at [http://ec.europa.eu/ewsi/UDRW/images/items/static\\_38\\_49794115.pdf](http://ec.europa.eu/ewsi/UDRW/images/items/static_38_49794115.pdf)

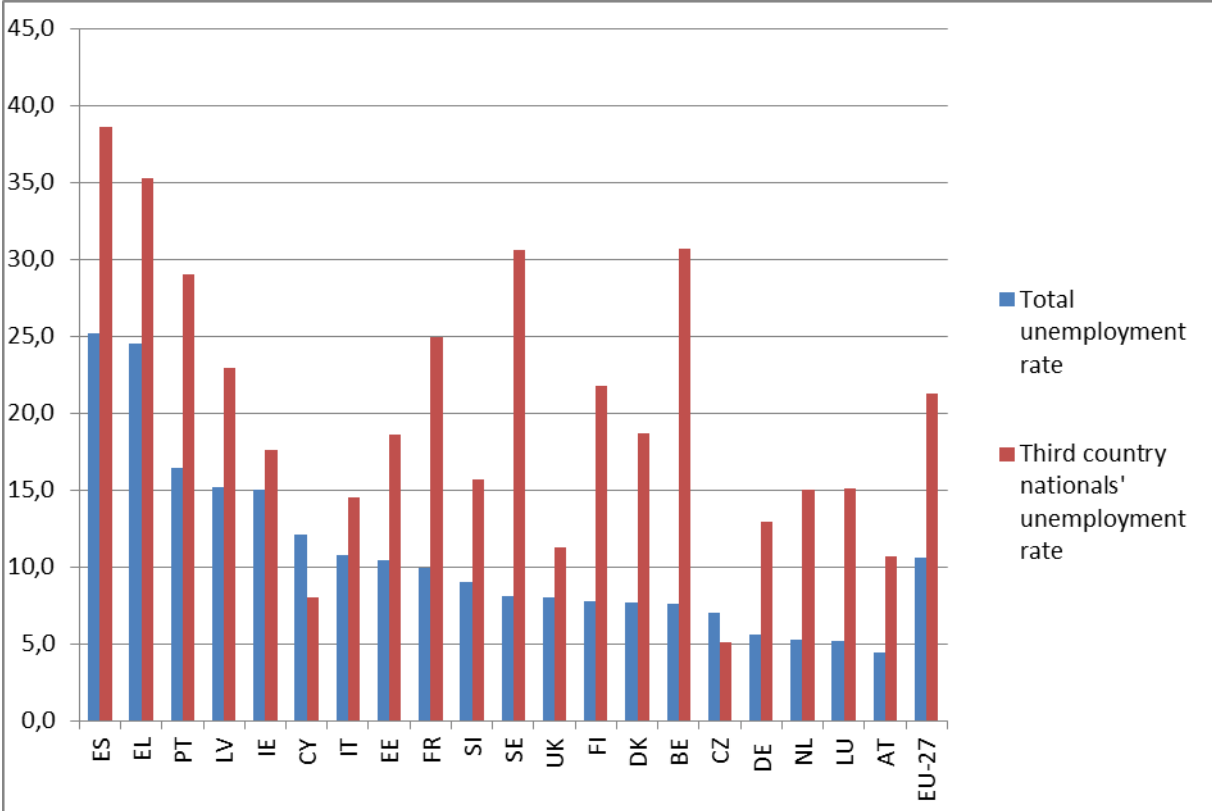
<sup>22</sup> C-504/03 *Parliament v. Council*; C-578/08 *Chakroun*.

<sup>23</sup> <http://emn.europa.eu>



requirement. Ireland aims to examine all options for developing a comprehensive policy approach towards family reunification and settlement. Bulgaria plans to introduce measures to prolong residence permits for certain family members following termination of marriage and in the event of emergency circumstances.

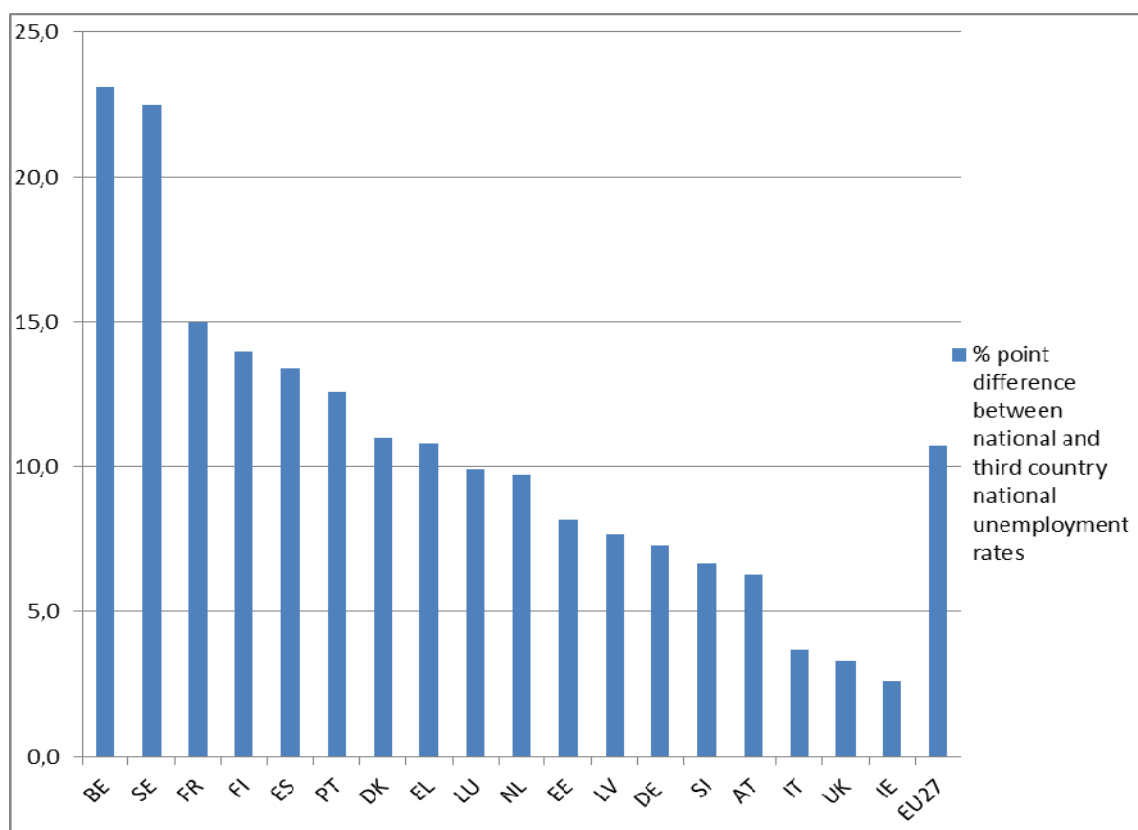
### 3.5. Integration



**Figure 2: Total unemployment rates and unemployment rates of third country nationals**  
*Source: Eurostat, Labour Force Survey, (see Table 2 in Statistical Annex).*

Table 2 in the Statistical Annex gives an overview of one of the key indicators of integration of third country nationals the unemployment rate of third-country nationals, compared to total unemployment in the respective (Member) State. Across the EU-27, the unemployment rate for third country nationals was some 21.3% in 2012 compared with a total unemployment rate of 10.6%. The highest unemployment rates for third-country nationals were reported by Spain (38.6%) and Greece (35.9%), compared with national averages of 25.2% and 24.5% respectively, followed by Belgium (30.7%, compared with a total rate of 7.6%) and Sweden (30.6%, compared with total unemployment rate of 8.1%).

For the EU as a whole, the gap between total unemployment rates and unemployment rates of third-country nationals was some 10.7 percentage points, although individual Member States showed considerable variations. The gap was greatest in Belgium (23.1 percentage points) and Sweden (22.5 percentage points), and lowest in Ireland and United Kingdom (2.6 and 3.3 percentage points respectively). The differences between the total unemployment rates and the unemployment rates of third-country nationals are shown in Figure 2b below.



**Figure 2b: % point difference between total unemployment rates and unemployment rates of third country nationals per Member State**

Source: Eurostat, Labour Force Survey, 4<sup>th</sup> Quarter 2012 (see Table 2 in the Statistical Annex).

At EU level: Despite the constructive legislative progress facilitating legal migration, there are serious challenges facing third-country nationals in terms of integration, not the least on the labour market. The unemployment rates for third-country nationals which is much higher compared to the national averages, are important indicators. Further efforts to increase integration are therefore needed.

EU legislation on equal treatment prohibits discrimination based, inter alia, on racial or ethnic origin and on religion as enshrined in Article 21 of the Charter of Fundamental Rights<sup>24</sup>. This protection is provided in the area of employment, but on the basis of racial or ethnic origin, it covers also other areas such as education, healthcare and housing. Prohibition of discrimination protects everyone in the EU, including third-country nationals<sup>25</sup>. In 2013 the Commission will report on the implementation of the two anti-discrimination directives in the Member States. For this purpose, the Commission in 2012 asked the Member States to report to the Commission how, among other issues, their national legislation provides for protection from discrimination to all, including third-country nationals.

<sup>24</sup> Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation (OJ L 303, 2.12.2000, p.16) and Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin(OJ L 180, 19.7.2000, p.22).

<sup>25</sup> However, it does not cover differences of treatment based on nationality and is without prejudice to provisions and conditions relating to the entry into an residence of third-country nationals and stateless persons on the territory of Member States and to any treatment which arises from the legal status of the third-country nationals and stateless persons concerned.

The Commission provides a framework for dialogue and knowledge exchange between stakeholders at different levels including through the European Fund for the Integration of Third-Country Nationals (EIF)<sup>26</sup>.

In 2012, the Commission continued to implement the priorities as set out in the European Agenda for the Integration of Third-Country Nationals adopted in July 2011<sup>27</sup> and the Council Conclusions adopted by the Justice and Home Affairs Council in December 2011.<sup>28</sup> Efforts continue to coordinate and monitor policy developments at EU level, in finalising the draft European modules on migrant integration to support integration in the Member States and further developing common European indicators for monitoring of results of integration policies. Furthermore, the issue of successful integration of migrants in host societies – in particular into the labour market – is part of the EU's cooperation with third countries in line with the Global Approach to Migration and Mobility<sup>29</sup> (GAMM). In dialogues with different partners, the Commission continues to explore the role of diaspora communities and transnational networks in this context, e.g. in improving the preparation of migrants for their residence in the Member States.

In 2012, the Commission also continued to develop the European Web Site on Integration<sup>30</sup>. Key developments include the release of Special Features to put news on integration in a wider and deeper perspective by linking it with the other content on the website and Integration Dossiers that identify emerging policy or practice trends. In 2012 the website had some 2000 unique visitors per week.

### *3.5.1. Promoting integration through participation: socio-economic contribution of migrants*

At EU level: The economic downturn in recent years has had severe implications for the European economies and labour markets, including a significant decline in the net annual migrant inflows mainly due to the declining number of economic migrants – but also to increasing return migration from the Member States most affected by the crisis (for instance Spain). Nevertheless, net migration has remained positive in most Member States and the overall population of immigrants continued to grow, though at a slower pace.

Against this background and in view of the specific role played by migration in reaching the employment goals of the EU 2020 strategy, the 8th meeting of the European Integration Forum on 16-17 October 2012 focused on the contribution of migrants to economic growth in the EU<sup>31</sup>.

At national level, a majority of Member States (AT, BE, DE, EE, EL, FI, FR, HU, IT, LT, LU, LV, MT, NL, PL, PT, RO, SE, SI, SK, UK) and Norway reported developments in efforts to promote integration through enhancing the socio-economic contribution of migrants. This included legislative changes (PL, LV, NL, SE, NO), the introduction of new policy documents (PL) or updates thereof (NL) and consultation mechanisms (RO).

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<sup>26</sup> Council Decision 2007/435/EC of 25 June 2007 establishing the European Fund for the Integration of third-country nationals for the period 2007 to 2013 as part of the General Programme Solidarity and Management of Migration Flows (OJ L 168, 28.6.2007, pp. 18-36).

<sup>27</sup> COM(2011) 455 final

<sup>28</sup> 3135th Justice and Home Affairs Council, Brussels, 13 and 14 December 2011

<sup>29</sup> COM(2011) 743 final

<sup>30</sup> <http://ec.europa.eu/ewsi/en/>

<sup>31</sup> Summary report available at [http://ec.europa.eu/ewsi/UDRW/images/items/static\\_38\\_483263222.pdf](http://ec.europa.eu/ewsi/UDRW/images/items/static_38_483263222.pdf)

The importance of language training in relation to effective integration of third-country nationals, is evidenced by the high number of Member States and Norway reporting new or on-going provision to improve access to language training (AT, BE, CZ, DE, EE, EL, FR, HU, IT, LV, LT, NL, PL, PT, RO, SE, SI, SK, UK), using both national funding and funding from the European Fund for the Integration of Third-Country Nationals (EIF), the European Refugee Fund (ERF) and the European Social Fund (ESF). Member States aimed to increase accessibility by ensuring the wide availability of facilities for language training through decentralised access (IT, LV, PT, UK), including via language portals (LV) and community-based English for Speakers of Other Languages (ESOL) projects (UK). In Malta, training to teachers on the teaching of languages to third-country nationals was organised by the Ministry of Education. In some Member States, the requirements for language proficiency from third-country nationals increased; in Poland, for example, the draft Act on Foreigners of 18 October 2012, stipulates that applicants from third countries for a permanent residence permit will have to first prove competence in the Polish language, a measure to further facilitate their integration. In Estonia, language classes in preparation for citizenship tests are offered free of charge.

Several (Member) States undertook measures to improve access to social and health services for third-country nationals, and new developments were reported (EL, IT, FR, LV, RO and NO). In Latvia, a draft proposal for amendments to legislation for unemployed people and jobseekers aims to establish greater equality for third-country nationals who legally reside and work in the Member State with nationals if they become unemployed or are looking for a job, ensuring access rights to state support measures; and in France, an inter-ministerial working group on access to social rights for migrants was established. In Italy and Romania, new measures were introduced to gauge uptake of social and health services, in Italy, in particular, in light of the take up of such provision by migrants who entered as a consequence of the political situation in North Africa. In Norway, a White Paper on Integration announced a national strategy to target the specific health challenges of the immigrant population, planned for 2013. In Greece two programs of intercultural mediation in the main public hospitals were conducted within the framework of EIF, and in Portugal, the second generation of the *Pilot Project for Intercultural Mediation in Public Services* was launched.

Other specific integration initiatives recently introduced include measures to enhance the attainment of migrant children in the education system (BE, PT), new support measures and civic integration schemes to improve understanding of the host culture (CZ, LU, MT, NL, SI, UK) and widening the timeframe within which arriving family members may access integration support (SE). In Sweden and Norway, changes in family benefits were introduced which effectively lower the age of a child for whom benefits can be claimed to encourage the labour market integration of parents, and encourage enrolment of children in kindergarten, to facilitate the integration of immigrant children into the community and their acquisition of Norwegian. In Portugal, the *Choices Programme* aims to enhance the social inclusion of children and young people from the most vulnerable socio-economic contexts, including the descendants of migrants and ethnic minorities.

Member States also demonstrated how various measures can work together to promote effective socio-economic integration. In Germany, for example, the EIF annual programme was expanded and new aspects added to provide a ‘joined-up’ approach to measures for pre-integration, training, enhancing participation in society and promoting openness within society towards other cultures, as well as tools for monitoring and evaluation. Similar four-stage ‘integration pathways’ were prepared (Wallonia) and continued (Flanders) in Belgium consisting of personalised assistance, language training, citizenship and social and

professional orientation. Latvia and Portugal established national centres to support migrants and assist integration, facilitating access to a range of services in a single office.

In Greece, information and awareness-raising actions took place, aimed at eliminating negative stereotypes, and strengthening interaction between migrants and citizens, as well as showing migrants' positive impact on Greek society, including a series of projects promoting integration through art (photos, painting, theatre etc.) undertaken in the framework of the EIF.

For particularly vulnerable groups, language courses in Estonia and Hungary targeted the most vulnerable third-country nationals, including those with disabilities (EE). In France, new initiatives were launched under the EIF to facilitate access to public services for older migrants. In Greece, a guide was developed for disabled persons of migrant origin which consists of a bilingual information guide setting out rights and available support and in Romania, a programme was implemented to assist vulnerable people including those with special needs to access appropriate medical and psychological care. Italy adopted a National Strategy for the Inclusion of the Roma, Sinti and Caminanti communities, as a consequence of implementing COM(2011) 173 (final)<sup>32</sup>. Portugal introduced measures to simplify the requirements for granting autonomous residence permits to family members of third-country national victims of domestic violence and Spain continued to implement programmes targeting victims of trafficking in human beings for the purpose of sexual exploitation aimed at improving employability and social inclusion and providing access to education amongst other areas.

In terms of future measures, Sweden will make significant investments over four years (2013-2016) to improve educational performance (including language skills) of both children and adult third-country nationals. Quality will be improved by making language courses more flexible and targeted towards individual needs. In Slovenia, a Regulation on assistance programmes for the integration of third-country nationals was adopted, with new provisions for Slovenian language and society training, entering into force on 1<sup>st</sup> January 2013. The United Kingdom continues to require those seeking to enter to work, study or marry to have an appropriate knowledge of the English language before entry. Those seeking to live permanently, or take up citizenship, are generally required to demonstrate their knowledge of the English language and life in United Kingdom and from October 2013, applicants for permanent residence will be required to demonstrate that they meet this requirement by passing the 'Life in the UK test' and obtain an English language qualification at B1 on the Common European Framework of Reference of Languages. These measures aim to ensure that applicants have the necessary knowledge and understanding to integrate with wider society from the outset.

### 3.5.2. *Promoting integration through participation: rights and obligations – achieving equal treatment and belonging*

At EU level : Following the Eurostat pilot study on 'Indicators of Immigrant Integration' published in June 2011<sup>33</sup> the Commission launched a project in 2012 aimed at further exploring the role of indicators for integration policy at EU level. In this framework, a number of independent scientists, civil society and policy-makers, in close cooperation with the EU National Contact Points on Integration, looked at different options for monitoring the degree

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<sup>32</sup> COM(2011) 173 (final): the EU Framework for National Roma Integration Strategies up to 2020:

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[http://epp.eurostat.ec.europa.eu/portal/page/portal/employment\\_social\\_policy\\_equality/migrant\\_integration/indicators](http://epp.eurostat.ec.europa.eu/portal/page/portal/employment_social_policy_equality/migrant_integration/indicators)

of migrants' integration (outcomes of policies), including through a thorough process of comparative data collection and analysis.

On 19-20 April 2012, the Danish Presidency organised a conference on “Enhancing democratic values, promoting social cohesion, and furthering intercultural dialogue: Sharing of best European practices”, in Vejle (DK), to discuss how to move forward with the draft European Modules on Migrant Integration. As a follow-up, the Danish Presidency proposed possible steps to further progress and fully transform the draft European Modules on Migrant Integration into a flexible and relevant toolbox with the finalization of the modules into a user-friendly version as a first important step. In 2012 the Commission prepared the work to finalize the modules into a publication.

On 27 November 2012, the Education, Youth and Culture Council adopted conclusions identifying the priorities needed to address the participation and social inclusion of young people with emphasis on those with a migrant background.<sup>34</sup>

At national level, (Member) States undertook specific measures to promote the integration of migrants through their active participation in the democratic process, with several specific examples of migrant involvement in the design and implementation of integration policies (BE, CZ, EE, FI, IE and NO). In Estonia, for example, national minorities took an active part in the elaboration of Ida-Virumaa County development plan, which emphasised integration and the situation of migrants. New measures include improving the participation of migrants in advisory boards at local level (BE) and consultative forums (FI, HU, IE, SK), to stimulate their involvement in policy-making at various levels, and one-day “welcome courses” for newly arrived immigrants, setting out their rights and responsibilities designed and delivered in the main by migrants, working also with an NGO (CZ). (Member) States reported on their work with migrants’ associations to improve migrants’ participation (DE) specifically in the democratic process (PT, NO). In Germany, migrants' organisations act as dialogue partners, helping to shape social integration approaches, and receive support from the Federal Government; in Norway, national funding has increased in order to widen participation.

In Italy, the national equality body against discrimination (UNAR) proposed to the government to grant third-country nationals the right to work in public administration bodies under the same conditions as EU citizens. Bulgaria and Estonia also reported on initiatives to support the development of equal treatment for migrants. In Estonia for example, this consisted of awareness-raising with employers, a survey of perceptions on equal treatment, translation of relevant materials and training to national culture organisations with migrant backgrounds.

Specific actions were also undertaken to encourage migrant take up of voting rights. These consisted of awareness-raising campaigns to encourage migrants to register on the voters' lists and to exercise their right to vote on the occasion of recent elections (BE, FI, LU, PT, UK and NO). Infrastructural developments in this area include the designation of an Electoral Roll Supporting Office to support the electoral enrolment of migrants, in cooperation with local Parish Councils (PT), and improvements to information provision on the rights and responsibilities of migrants within the democratic process, in the form of new guidance documents (UK). In Italy, where under current legislation third-country nationals do not have the right to vote, even at the administrative level, a number of initiatives were encouraged at the local level to promote the representation of foreign citizens. A proposal for a popular initiative law, entitled “Policies on political and administrative participation and on the right to vote free from discriminations based on citizenship or nationality”, was filed, which aims to extend the right to vote in administrative elections to migrants who have been legally living

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<sup>34</sup> OJ C 393, 19.12.2012

in Italy for at least 5 years. In Greece projects promoting the participation of migrants in associations were developed and in Spain, a call for proposals was launched aimed at developing such projects.

### 3.5.3. *Promoting action at local level*

At EU level: As stated in the European Agenda for the Integration of Third-Country Nationals<sup>35</sup>, prompting integration at local level is a key to achieve durable and effective solutions to the challenges of this policy field. Taking into account the wide diversity of the different national contexts, local and regional authorities as well as civil society and the scientific community are essential partners for the Commission in developing the right tools to advance knowledge on the specific issues at stake and supporting successful policy action.

On 20 November 2012, the Cyprus Presidency organised a conference in Nicosia (CY) on the role of local and regional authorities and communities in shaping and implementing integration policies<sup>36</sup>.

The exchange of information on good practices via the European Web Site on Integration<sup>37</sup> continued in 2012. By the end of the year, 112 practices had been uploaded on the website meaning that there were a total of 718 examples of good practices, most of these undertaken at the local and regional level. To give further visibility to the important work and role of local and regional authorities and to further increase the exchange of knowledge between these actors, the Commission initiated the development of an interactive map (to be launched on the website in 2013) that will show the work being carried out at the local and regional level in a user-friendly way.

In the 2012 call for proposal 2012-2013 under the European Integration Fund<sup>38</sup> community actions programme was launched. Specific priority to local action to enhance migrants' economic, social, cultural and political participation was given as well as to cooperation with countries of origin in fostering integration. In 2012 the Commission selected 9 proposals based on the work programme of 2011<sup>39</sup>.

To further increase the exchange of innovative local and regional methodologies and practices of integration, the Commission also began preparing the launch of two pilot studies on cities and regions that have particularly interesting experiences in this field. The studies will be funded by the 2012-13 Work Programme for the European Integration Fund Community Actions.

At national level, the critical importance of promoting action at the local level was reflected in new initiatives in (Member) States with the active involvement of local authorities to address specific integration challenges and to improve multi-level cooperation between the different levels of governance (AT, EL, IT, MT, NL, PT, SE, SK, NO).

To promote action at local level among the various organisations, several (Member) States reported on new infrastructure: a cooperation platform was established by Netherlands to

<sup>35</sup> COM(2011) 455 final

<sup>36</sup> <http://www.cy2012.eu/en/events/expert-meeting-on-integration>

<sup>37</sup> <http://ec.europa.eu/ewsi/en/>

<sup>38</sup> [http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders/integration-fund/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders/integration-fund/index_en.htm)

<sup>39</sup> [http://ec.europa.eu/dgs/home-affairs/financing/fundings/pdf/integration/eifca2011callforproposalslistofproposalsselectedforfunding\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/financing/fundings/pdf/integration/eifca2011callforproposalslistofproposalsselectedforfunding_en.pdf)

support the ‘Common Integration Agenda’ (GIA) which in 2012 focussed on enhancing local and national diversity policy through information exchange and harmonisation; in Portugal, new partnerships between local authorities and local support centres for the integration of migrants were established; and in Slovak Republic, there were new projects to promote social and cultural orientation bringing together representatives from local government, towns and municipalities and representatives of state and public administrations. Portugal also completed a national study *Diagnosis of Immigrant Population in Portugal: Challenges and Potentials*, that aimed to contribute to a better understanding of migrant communities living in different municipalities, to support integration interventions and reduce special inequalities. In Sweden, performance-related funding to stimulate the work of municipalities in urban areas that face problems of extensive exclusion was introduced to improve employment rates, school results and a reduction of dependency on social welfare. In Norway, new collaborative agreements on integration were established with two municipalities, which will eventually be rolled out to include 15 municipalities in Western Norway. Italy carried out a consultation process involving relevant stakeholders working to improve integration at local level to identify strategic priorities in the planning framework for EU funding. In Greece, two projects to enhance migrants’ participation in migrants’ integration councils, which have been set up in each municipality, were implemented. Spain continued to provide European Integration Fund co-financing local authorities to implement integration projects; in 2012, Spain focused on projects that encourage migrant participation in local organisations, that promote the use of common space and that implement social interventions in neighbourhoods with high rates of xenophobia. In February 2012, United Kingdom published its strategy on ‘Creating the Conditions for Integration’ that sets out its approach to creating an integrated society.

Member States reported a range of local integration initiatives, operating both in rural areas (AT), as well as residential areas of growing cities (FI). The focus of such initiatives varied, for example, supporting migrants during the transition between school, training and work (DE); providing extra-curricular activities for children and young people within localities where there are large numbers of third-country nationals, to enable integration with their EU peers (MT); and addressing equality (IE) and discrimination (SE) issues. Methods included using the resources of municipal education and cultural institutions, for example, libraries, museums, cultural centres (LV); and arranging the hosting of migrant families by national families and establishing ‘family pairs’ (PT). Action at local level also included awareness-raising initiatives (BG, EL); the introduction of a newspaper disseminating practical information for the integration of third-country nationals (LV), the manual ‘Living Together Joins/Merges Differences: integration in (fast-track) transition’ (NL) and guides to newly arrived immigrants to facilitate their integration by offering social networking and giving advice on practical issues (SE). Intercultural training of local government staff, police and civil servants working directly with migrants took place in Greece, as well as actions to provide technical support to Councils of Migrants Integration within the country’s Municipalities, including training of stakeholders, the facilitation of networking and the exchange of best practices among the members of the network.

#### 3.5.4. *Involvement of countries of origin*

At EU level: The role of countries of origin is an important element in EU integration policies and cooperation with countries of origin is one issue addressed in the European Agenda for Integration.

Cooperation with source countries was among the priorities of the 2011, as well as 2012-2013, calls for proposal under European Integration Fund Community Actions programme.



At national level, Member States have worked with countries of origin of migrants to play a role in their integration before departure, during stay in the EU, and on return. Recognising that early integration measures can be effective in facilitating integration on arrival, a number of new measures were introduced (AT, BG, CZ, IT, LV, NO).

New pre-departure measures include language training (AT); the provision of information on entry and residence conditions via diplomatic and consular representations abroad as well as on the home pages of relevant national Ministries (AT, LV); plus specific packages of support for labour migrants (IT). In Austria, a learning platform has been launched in five languages offering pre-departure German courses at all levels, as well as literacy courses to assist migrants to meet the requirements of the Austrian Settlement and Residence Act which requires third-country nationals to demonstrate German language skills to level A1 of the Common European Framework when applying for certain residence titles. Special projects have been established by Italy in those countries where bilateral agreements have been signed and in Hungary, a new project was launched that aims to create an Information Point in Subotica, Serbia, in order to support the pre-accession integration programs and provide trainings for third-country nationals from the Western Balkan states.

Initiatives directly involving third countries aimed at improving integration of third country nationals during stay include pre-departure linguistic and civic education training to family members of resident workers from third countries (IT) and supported actions to facilitate the role of third country community organisations in the provision of services to migrants (PL), for example, language courses, career counselling, assistance in finding accommodation.

For migrants from third countries aiming to return to their country of origin, a number of new initiatives and collaborations with third countries were reported to facilitate this (see Section II, Priority VI for details of voluntary return programmes).

### 3.5.5. *Cooperation, consultation and coordination of stakeholders*

At EU level: The EU group of National Contact Points on Integration (NCPI) allows for a regular exchange of information on the implementation and evaluation of Member States integration policies, including through their use of EU funds. The NCPI met three times in 2012 (9 February, 5 June and 15 October). On those occasions, an exchange of information on legislative and policy developments in the field of immigration and integration took place. Coordination and monitoring of policy initiatives in the field of integration was also reinforced by in depth debates on specific initiatives, regularly held during these NCPI meetings.

The European Integration Forum met twice in 2012. The 7th Forum took place on 31 May-1 June as a public hearing on the right to family reunification of third-country nationals living in the EU (see above, 1.4) and the 8th Forum took place on 16-17 October and focused on the contribution of migrants to economic growth in the EU (see above 1.5.1).

The Commission closely followed the preparation of the draft report of the European Parliament on the "Integration of migrants, its effects on the labour market and the external dimension of social security coordination"<sup>40</sup>, subsequently adopted in March 2013<sup>41</sup>.

Recognising the importance of evidence-based policy making in the area of immigration and integration, the Commission reinforced its links with independent research. In this framework, on 25-26 June 2012, the Commission initiated a formal collaboration with the Migration

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<sup>40</sup> 2012/2131 INI

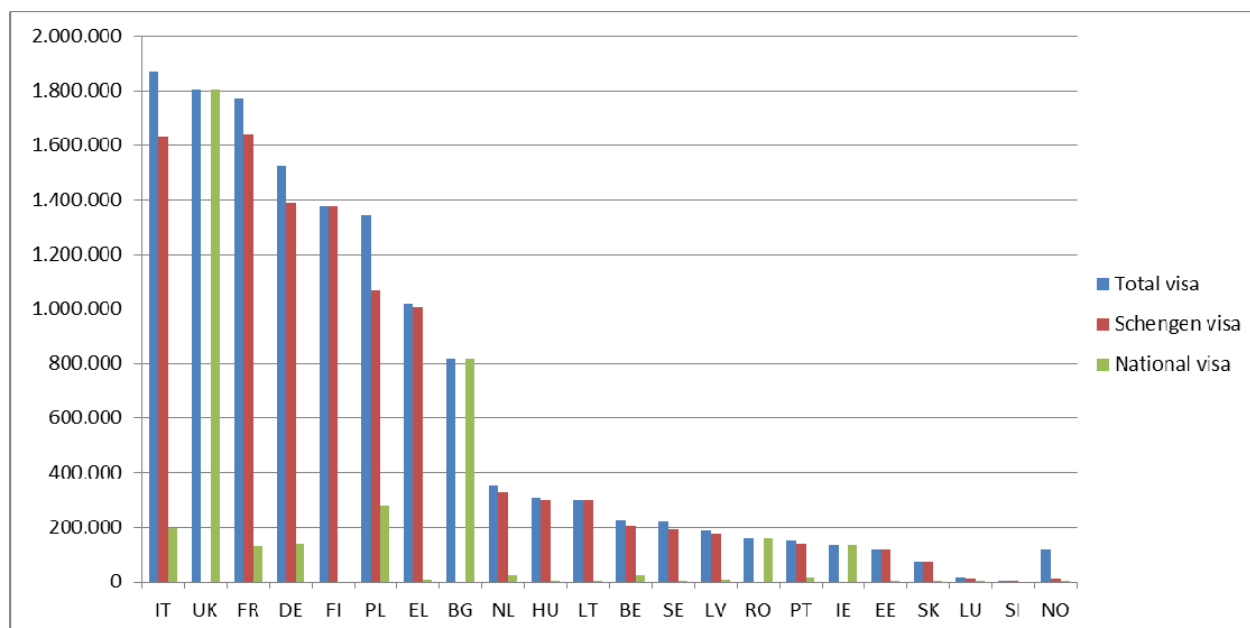
<sup>41</sup> <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P7-TA-2013-92>

Policy Centre at the European University Institute, which conducts policy relevant research on global migration issues.

At national level, several Member States (AT, BE, EE, ES, HU, IE, NL, RO, SK) reported on the activities of national mechanisms set up to improve the cooperation, consultation and coordination of stakeholders. In Austria, for example, the Integration Advisory Committee met twice in 2012, to facilitate exchanges of information between the Federal Government, the Federal States, the Association of Towns and Municipalities, the social partners, the Federation of Austrian Industries, and relevant NGOs. Specifically, the Integration Advisory Committee has been involved in developing innovative measures such as the “Red-White-Red Primer” to facilitate the socio-political integration of migrants. In Belgium, the Interdepartmental Commission on Integration Policy prepared an “Integrated Action Plan” coordinating inputs from across a wide stakeholder group, which was approved by government in 2012. In Ireland, the Office for the Promotion of Migrant Integration (OPMI) coordinated activities amongst officials from statutory bodies, embassy officials, representatives of NGO and civil society groups, researchers, as well as visiting experts and academics from different countries on integration issues. The Romanian authorities developed a new consultation mechanism between the responsible authorities, civil society and migrant communities and in Slovakia, the Inter-ministerial Commission for Migration and Integration of Foreigners (MEKOMIC), which brings together experts representing all key central state administration bodies, relevant state authorities and institutions, as well as, on an ad-hoc basis, international and non-governmental organisation active in the field of integration, continued in its work. Other stakeholders including representatives from migrant communities actively participated in meetings of the Forum for Integration. In addition to existing national mechanisms set up in previous years, in 2012, at regional level Spain implemented various “integrated action plans” in various municipalities of Catalonia where there are large numbers of immigrants. The aim of the action plans is to integrate migrants, preventing conflicts and ensuring interaction between residents of different cultures. In relation to European level mechanisms, several Member States reported on their activities in the framework of the European Integration Forum and actions by the National Contact Points on Integration. These included contributions to the European Web Site on Integration (AT, BE, EE, LV), and attending meetings of the European Integration Forum (AT, BE, CZ, EE, EL, IE, IT, LV, NL, PL, SE, SK).

Other measures included for example, conferences such as the Expert Conference on immigrant integration within the framework of the EU Presidency (CY) and a series of expert meetings and round-table discussions with stakeholders to identify problems and problem-solving approaches in specific integration issues (NL). In Hungary, the Budapest Migration Round-table was established as a network of stakeholders to empower relevant NGOs and create more inclusive approaches for migrant inhabitants of Budapest. Other measures included engagement in other relevant EU and international activities, such as the network of experts established by the EU Agency for Fundamental Rights (LV) and the UNHCR Project Integration Evaluation Tool in Central Europe promoting the integration of third country nationals under international protection (SK), and the publication of a new integration monitoring study ‘Measuring and monitoring immigrant integration in Europe’ (NL). In Estonia, a trilingual website platform focussing on the national integration strategy was launched, providing information to all stakeholders, as well as the general public

### 3.6. Managing Migration and Mobility



**Figure 3: Total visas issued in 2012 showing breakdown (where relevant) between Schengen and National visas (21 Member States and Norway)**

Source: EMN APR 2012 National Reports. For some Member States, statistics were not available for the full year at the time of publication (see Table 3 in the Statistical Annex)

Table 3a and b in the Statistical Annex gives a provisional overview of the number of visas issued, by type. The four Member States issuing the highest number of visas in total are United Kingdom (2 229 357), Italy (1 870 382), France (1 771 290) and Germany (1 523 743). France, Germany and Finland ranked as the Member States issuing most Schengen visas (over 90%). In comparison, Poland issued a large number and share of national visas (277 073), representing over 20%).

#### 3.6.1. Visa Policy

At EU level: Negotiations continued in 2012 on amendments<sup>42</sup> to Council Regulation 539/2001<sup>43</sup> proposed by the Commission in order to make a number of technical amendments, introduce a new visa suspension mechanism and revise the existing reciprocity mechanism. The co-legislators found agreement on most of the issues under discussion, but disagreement over the revised reciprocity mechanism prevented the amendments from being formally adopted by the end of 2012. Whatever its final form, the revised reciprocity mechanism is expected to be more efficient and to put more pressure on third countries not respecting the principle of reciprocity. The suspension mechanism will provide a last resort measure in situations where the visa-free regime with a given third country has led to sudden and substantial increases of irregular migrants or unfounded asylum applications from that third country, by allowing a quick re-imposition of the visa obligation on nationals of the concerned third country, on a temporary basis.

<sup>42</sup> COM (2011) 290 of 24 May 2011

<sup>43</sup> OJ L 81, 21.3.2001, p.1. COUNCIL REGULATION (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement

On 7 November 2012, the Commission adopted a proposal amending the visa lists of Council Regulation 539/2001<sup>44</sup>. The Commission proposed to move to the visa free list 16 small Caribbean and Pacific island nations. Exempting the citizens of these islands from the Schengen visa requirement will not only promote their mobility but will also provide them with the chance to take advantage of opportunities that may arise from business exchanges, the development of partnerships in many fields and people to people contacts.

In line with the GAMM, visa liberalisation dialogues continued with Russia, Ukraine and Moldova in 2012 while new dialogues were launched with Kosovo\*<sup>45</sup> and Georgia, aiming at reaching in due course visa free travel for citizens of both sides. It is an influential instrument for a forward-looking policy on mobility and represents a step further towards closer cooperation and integration between the EU and partner countries.

The Commission continued its efforts, in close cooperation with the Member States concerned, in order to achieve full mutual visa free travel for all EU citizens with the third countries which are exempt from the visa requirement by the EU. On 26 November 2012, the Commission adopted its seventh report about breaches of the principle of visa reciprocity by third countries<sup>46</sup>. Full reciprocal visa-free travel for all EU Member States was established with Brazil. Japanese authorities further extended the temporary visa waiver granted for Romanian citizens. Regretfully, there are still two important cases of "non-reciprocity" that remain: the United States of America still maintains a visa requirement for citizens of Bulgaria, Cyprus, Romania and Poland; Canada also imposes a visa requirement for the Czech Republic, Bulgaria and Romania.

In anticipation of the Visa Code revision<sup>47</sup>, the Commission presented a Communication to the Council and European Parliament on 'the implementation and development of the common visa policy to spur growth'<sup>48</sup> and a Report 'on the functioning of Local Schengen Cooperation during the first two years of implementation of the Visa Code'<sup>49</sup>.

The Visa Information System (VIS) successfully started operations in two new regions: the Near East (Israel, Jordan, the Lebanon and Syria), on 10 May 2012, and the Gulf region (Afghanistan, Bahrain, Iran, Iraq, Kuwait, Oman, Qatar, Saudi Arabia, United Arab Emirates and Yemen), on 2 October 2012. On visa facilitation agreements, the Commission opened negotiations with Armenia and Azerbaijan in February and March respectively. The agreement with Armenia was signed in December and by that time substantial progress was achieved with Azerbaijan. The agreement with Cape Verde was signed in October and the amended agreements with Moldova and Ukraine were signed in June and July respectively. By the end of 2012 there remained one open issue in the negotiations on the amended agreement with the Russian Federation.

As regards Member States' presence/representation arrangements for the purpose of processing short stay visa applications, consular coverage has increased in 2012: Schengen visa applications can be lodged in an increasing number of locations mainly via external service providers and secondly via "traditional" representation arrangements. More than 130 new representation arrangements can be reported; France is still in the lead when it comes to representation of other Member States. The use of external service providers is also getting

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<sup>44</sup> COM(2012) 650 final of 7.11.2012

<sup>45</sup> This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo Declaration of Independence.

<sup>46</sup> COM (2012) 681 final of 26.11.2012

<sup>47</sup> Regulation (EC) No 810/2009. OJ L243, 15.9.2009, p.1.

<sup>48</sup> COM (2012) 649 final of 7.11.2012

<sup>49</sup> COM (2012) 648 final of 7.11.2012

more and more widespread: Member States launched cooperation with external service providers in more than 100 locations, mainly in Turkey, India and Russia.

Furthermore, in 2012, three Commission Implementing Decisions<sup>50</sup> on the harmonisation of supporting documents were adopted covering the following locations: Kazakhstan, Nicaragua, Nigeria, Chile, United Kingdom and Egypt.

After the adoption of Decision No 1105/2011/EU of the European Parliament and of the Council of 25 October 2011<sup>51</sup> on the list of travel documents which entitle the holder to cross the external borders and which may be endorsed with a visa and on setting up a mechanism for establishing this list, the Travel Document Committee was established and took up its work to update the existing list of travel documents. Four meetings were held in 2012. In addition a Travel Document Expert Group was created and examined travel documents as requested by Member States.

At national level, Member States reported a range of updates in relation to the implementation of the Visa Code (BG, CZ, DE, IT, LV, LT, PL, PT, RO, SK, and SE). In Lithuania, an amendment to the Law on the Legal Status of Aliens, was passed which harmonises the provisions of this Law with the Visa Code<sup>52</sup>. In Bulgaria, the implementation of a visa-free regime for holders of a valid Schengen visa, valid long-stay visas and residence permits issued by Member States which fully apply the Schengen acquis, plus Switzerland and Liechtenstein came into force. Romania has further modified its national legal framework (Government Emergency Ordinance no. 194/2002) to bring the national legal framework more fully in line with EU provisions in relation to visas.

Member States have reported positively on their experiences of rolling out the Visa Information System (VIS) in North Africa following its launch in 2011, and in 2012, in the Middle East (BG, EL, ES, HU, LU, NL, NO). Whilst successfully implemented, Finland has reported that only approximately 1% of visa applications in Finnish Missions are issued with VIS, due to the very high numbers of visa applications in the Russian Federation. Spain also reported successful operation of the VIS, but expressed concerns over the quality of biometric and alphanumeric data entered by consular authorities. In Italy, as a consequence of the national “spending review” a restructuring of the Italian consular network is being implemented, which has resulted in the closure of several consulates. However, a new online platform for managing visa requests was also implemented during the period. Latvia applies the VIS in the first two regions of the VIS roll-out, involving diplomatic missions in Egypt and Israel. Estonia uses VIS in all national missions.

In relation to the processing of biometric data, several Member States (BG, DE, EE, HU, IE, IT, LT, LV, PT and RO) reported recent developments. Germany, for example, aims to further expand the collection of biometric data in its visa procedure, and has carried out verification of visa holders' fingerprints as part of the standard check at some border crossing points since the end of 2011. In Latvia, work has been undertaken to improve the functionality of the national VIS (NVIS), including the improvement of the operation of the NVIS integrated biometrics equipment and in Lithuania, the legal amendments referred to above stipulate that biometric data are to be routinely obtained from third country nationals when national visas are issued. In Portugal, equipment for checking fingerprints (instruments and software) has been installed in Lisbon Airport and will be extended to all border posts. Ireland continued to

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<sup>50</sup> C(2012)5310 final, C(2012)4426 final, C(2012)1152 final

<sup>51</sup> OJ L 287, 4.11.2011, p.9.

<sup>52</sup> Regulation No 810/2009 established the Community Code on Visas.

operate biometric data collection ('e-Visa') as part of the visa application process in Nigeria, and has indicated its intention to expand this collection system to include other countries, notably Pakistan. Whilst Romania does not yet issue biometric visas, this approach has been successfully tested at the Cahul Consulate General in the Republic of Moldova for the purpose of issuing biometric visas, and at neighbouring border crossing points, for the purpose of verification.

A number of Member States (BG, CZ, ES, IE, HU, IT, LU, LV, PL, PT, SK, and SE) reported new cooperation initiatives. Bulgaria has developed further dialogue on migration and mobility with Turkey and the Western Balkans, to enhance economic, cultural, commercial and academic relations between the two countries. In this connection, the Government of the Republic of Bulgaria approved Decision № 76 and the Decision № 48 of 27 January 2012, which granted visa-free access for certain categories of Turkish citizens plus holders of diplomatic and official passports. Ireland introduced new measures to enable the cross-checking of visa application data with the immigration fingerprint database in the UK.

With regard to consular activities, new cooperation arrangements have been established between EU Member States for representation in third countries: some examples are given in the table below:

<b>Member State</b>	<b>Member State represented</b>	<b>Countries of representation</b>
Belgium	Czech Republic  Estonia	Burundi, Rwanda and the Democratic Republic of Congo  Nigeria and the Democratic Republic of Congo
Czech Republic	Slovak Republic	Philippines, Ghana, Mongolia, Pakistan and Algeria, plus Kenya (through a reciprocal arrangement)
Finland	Estonia	Bulgaria
Latvia	Sweden	Astana (Kazakhstan)
Netherlands	Estonia	Oman, Aruba and Curacao.
Portugal	Sweden Greece	Cape Verde Kenya and Australia
Spain	Portugal	Israel (for a 3 month period)
Sweden	Latvia	Dhaka (Bangladesh) and Lusaka (Zambia). There is also an existing agreement between Sweden and Latvia in Georgia.
Norway	Estonia	The Philippines

*Table II : New cooperation arrangements for consular arrangements. Source EMN.*

Lithuania increased its diplomatic representation in 17 third countries and signed agreements to represent another Member State in a third country with six EU Member States. Hungary signed visa representation agreements with the Netherlands, Germany, Denmark, Finland, Slovenia, Austria, Austria, Latvia, Slovenia, Slovakia, Netherlands, Belgium, plus a number of non-EU Member States, Poland has signed visa representation agreements with Estonia, Slovak Republic, Slovenia, Sweden and Netherlands and has initiated talks on representation with other Schengen Area countries which remain on-going. Italy has a new agreement on the

reciprocal representation for the issuing of Schengen visas (with Estonia in Kosovo) and other pre-existing cooperation frameworks. Spain is no longer represented by Germany in Lilongwe (Malawi) nor by the Netherlands in Asmara (Eritrea) and is negotiating with other Member States to represent them in these cities. Greece, Hungary, Lithuania and Poland have reported that they are now working with outsourcing organisations in some third countries. Greece, for example, has established visa centres in collaboration with external providers in Russia, China, India, Kazakhstan, Sri Lanka, Nepal, Turkey, and new centres to be established in other geographical areas are in progress, whereas in Lithuania, these were in Russian Federation and Ukraine, in Hungary, India, and in Poland, Kaliningrad Oblast and Ukraine.

### 3.6.2. Schengen Governance

At EU level : In September 2011, the European Commission had proposed to strengthen the EU's area without internal borders by enhancing the evaluation and monitoring of the application of the Schengen rules (COM (2011)559). In addition a mechanism was set out for the reintroduction of internal border controls as a last resort (COM (2011)560). The proposed mechanism will not make it any easier to reintroduce internal border controls, but rather, it will ensure that a coordinated EU response is available to protect the functioning and the integrity of the Schengen Area as a common good shared by 400 million people. It would only apply in exceptional circumstances. These proposals were intensively examined and discussed by the European Parliament and the Council in 2012. Negotiations will continue in 2013.

At the same time, the Commission announced its intention to present a biannual overview on the functioning of Schengen, providing the basis for a regular debate in the European Parliament and in the Council. The first report (COM (2012) 230) covered the period 1 November 2011 - 30 April 2012 and was adopted on 16 May, discussed by the JHA Council on 7 June and by the European Parliament on 4 July 2012. The second report (COM (2012) 686), covering 1 May – 31 October 2012, was adopted on 23 November, debated by the JHA Council 6-7 December and by the European Parliament on 18 December 2012.

In its 4.5.2011 Communication on Migration (COM(2011) 248), the Commission had committed itself to issue guidelines to ensure a coherent implementation and interpretation of rules governing the Schengen area. Two areas were identified in which such guidelines could have an added value: issuing of temporary residence permits and travel documents to non-EU citizens and police measures in the internal border zones. In 2012, after consultations with the Member States, guidelines in these two areas were developed and annexed to the first biannual report on the functioning of the Schengen area, COM (2012) 230.

Schengen enlargement: As regards the accession of Romania and Bulgaria, the European Parliament adopted its legislative resolution approving the accession of Romania and Bulgaria by a large majority on 8 June 2011 and the Justice and Home Affairs Council of 9 June 2011 concluded that both Romania and Bulgaria fulfil the so-called Schengen criteria. The necessary unanimity in Council for taking the decision to lift internal border control with these two Member States has however not yet been reached.

At national level, (Member) States reported a range of recent developments. Latvia developed a list of documents necessary for the receipt of Schengen Visas within the framework of local Schengen cooperation in accordance with Article 48 of the Visa Code, aimed at reducing irregular visa applications and facilitating the processing of regular applications in the Schengen area. Norway reported recent developments in its national administrative and operational structure and procedures, in particularly, progress in developing a National

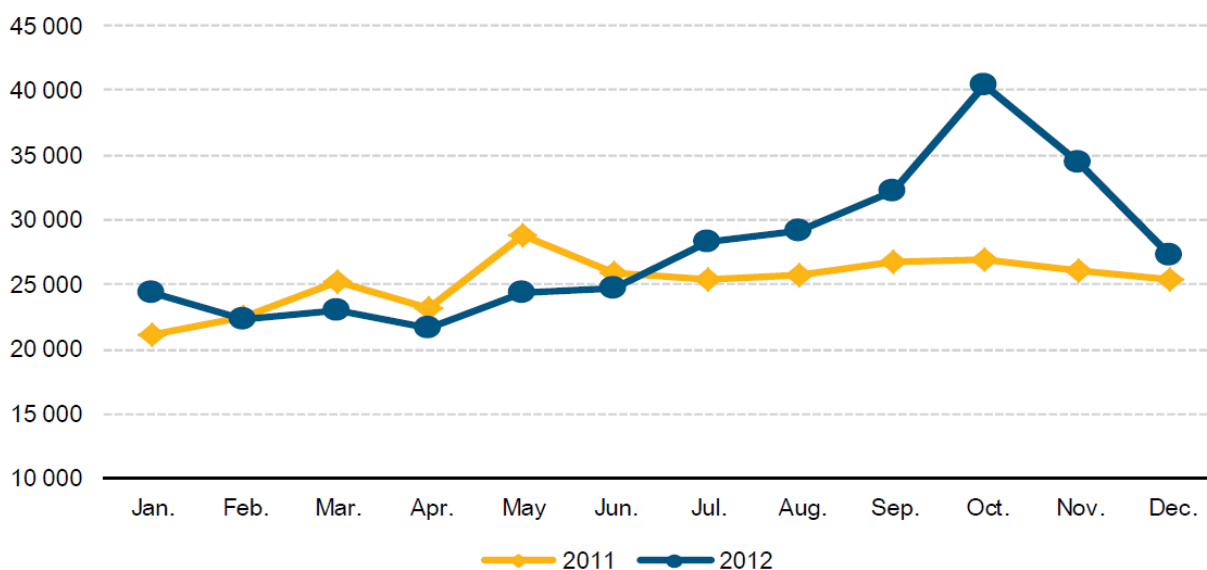
Coordination Centre (NCC), to assist in preparations for the implementation of EUROSUR from 2013.

Italy and Slovenia undertook actions to review and appraise aspects of Schengen governance. Slovenia began an evaluation of the Schengen system, focussing initially on air and sea borders and an evaluation of performance at the external land border is planned for 2013.

In Spain, a week-long suspension of the internal Schengen border took place at the time of the meeting of the Central European Bank in Barcelona (in early May). During this week, Spain controlled the entry of 669,385 persons and rejected 68 entries for reasons of national security or lack of documentation. Poland, also temporarily reinstated border controls at the sections of the border with Germany, Czech Republic, Slovak Republic and Lithuania at the time of the organisation of the European football championship finals (EURO 2012) by Poland and Ukraine in June 2012. A further development in the field of Schengen governance in Poland was the preparation of an Agreement between the Governments of Poland and Russian Federation on the rules of local border traffic, which entered into force on 27<sup>th</sup> July 2012.

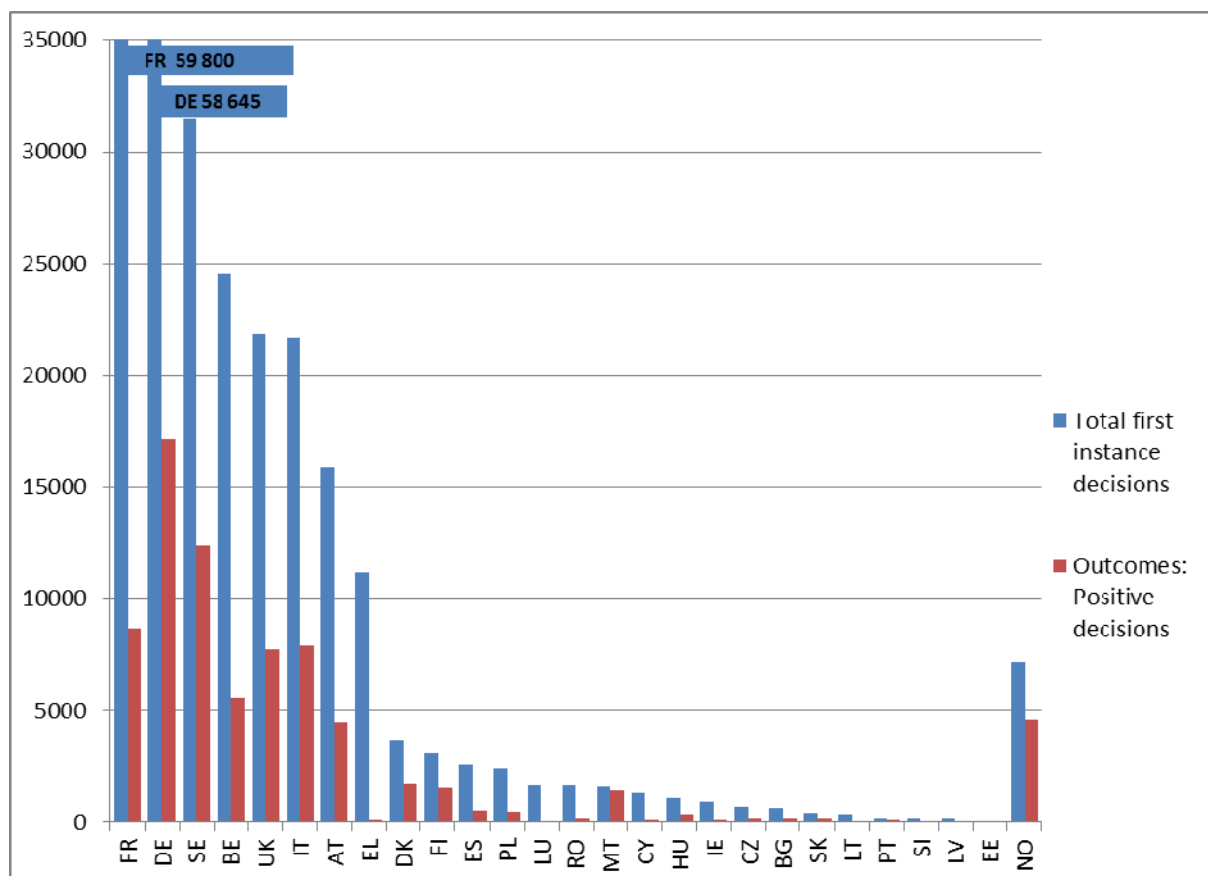


#### 4. INTERNATIONAL PROTECTION INCLUDING ASYLUM



**Figure 4a: Asylum applications in EU-27, January 2011 – December 2012**

Source: [Eurostat Data in focus 05/2013](#)



**Figure 4b : Total first instance decisions on asylum applications and total positive decisions in first instance 2012** Source : Eurostat

Table 4 and 5 in the annex, provide an overview of Asylum Applicants and First Instance Decisions by Member State in 2012.<sup>53</sup> In 2012, there were 331 975 asylum applicants<sup>54</sup>, a nearly 10 % increase from 2011, and as for the previous year it is estimated that around 90% of these were new applicants and around 10% were repeat applicants. The main country of citizenship of the applicants remained Afghanistan (26 250 or 8% of the total), and in 2012 the second country became Syria (23 0510 or 7%) and there after the Russian Federation (23 360 or 7%), Pakistan (6%) and Serbia (6%). Germany, France, Sweden, the United Kingdom and Belgium register 70% of all applicants. with the highest number registered in Germany (77 500, or 23%), followed by France (60 600, or 18%), Sweden (43 900, or 13%), the United Kingdom (28 200, or 8%) and Belgium (28 1000, or 8 %). When compared with the population of each Member State, the highest rates of applicants registered were recorded in Malta (4 980 applicants per million inhabitants), Sweden (4 625), Luxembourg (3 905), Belgium (2 535) and Austria (2 065)

A total of 268 495 first instance decisions were made,<sup>55</sup> of which 71 580 were positive decisions (some 26,7 %). Of these 37 245 (14%) were granted refugee status, 27 920 (10%) subsidiary protection and 6 415 (2%) authorisation to stay for humanitarian reasons. 196 920 were rejections (73% of decisions).

#### 4.1. Common European Asylum System

At EU level, the goal of the Commission, the Council and the European Parliament had been to complete the package of instruments of the second phase of the Common European Asylum System (CEAS) by the end of 2012. This ambition came close to being achieved during 2012. In this context, the Commission emphasizes that the completion of the second phase of CEAS does not end with a political agreement on the new legislation, but also entails its actual adoption and future implementation, as informed by the developing case law of the CJEU in relation to the Qualification Directive<sup>56</sup>.

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<sup>53</sup> As published by Eurostat (see also News Release48/2013 of 22 March 2013)

<sup>54</sup> Eurostat. The EU-27 total excludes the NL.

<sup>55</sup> It should be noted that first instance decisions made in 2011 may refer to applications registered in previous years.

<sup>56</sup> In joined cases C-71/11 and C-99/11 (*Bundesrepublik Deutschland v Y and Z*) (5.9.2012) the CJEU clarified the meaning of the concept of persecution for reasons of religion set out in Articles 9 and 10 of the Directive. Not all the limitations to the freedom of religion in the country of origin can be the basis for the recognition of refugee status, but only those serious acts which constitute a severe violation of basic human rights, interfere with a person's freedom to privately practice or to live that faith publicly, and if upon return to the country of origin, engaging in religious practices which will expose him/her to a real risk of persecution.

In case C-277/11 (*M. M. v Minister for Justice, Equality and Law Reform, Ireland*) (22.11.2012) the CJEU decided that the requirement that a Member State cooperate with an applicant for asylum, stated in Article 4(1), does not oblige the authority to inform the applicant that it intends to reject his application for subsidiary protection status lodged after the initial refusal of refugee status and notify him of the arguments on which it intends to base its rejection, so as to enable him to make known his views in that regard before adopting its decision. However, in the case of a system with two separate, consecutive procedures, the right to be heard of the applicant must be ensured before the adoption of any decision that does not grant the protection requested.

In case C-364/11 (*El Kott and Others v Bevándorlási és Állampolgársági Hivatal*)(19.12.2012) the CJEU interpreted Article 12(1)(a) and decided that the cessation of protection or assistance from organs or agencies of the United Nations other than the High Commissioner for Refugees (HCR) 'for any reason' includes the situation in which a person who, after actually availing himself/herself of such protection or assistance, ceases to receive it for a reason beyond his/her control and independent of

Political agreement was reached on 27th June 2012 concerning the Reception Conditions Directive<sup>57</sup> and endorsed at the JHA Council on 25 October 2012. The Recast of the Directive further harmonises the Union's rules to ensure that there are appropriate material reception conditions for asylum seekers across the EU. For the first time in an EU instrument, detailed rules have been adopted on the issue of detention of asylum seekers (informed by the developing case law of the European courts) aimed at ensuring that such detention can only exceptionally be resorted to, and that the fundamental rights of the concerned persons are fully respected.

The amended Directive will help to ensure that the most vulnerable are adequately protected. It clarifies the obligation to conduct an individual assessment in order to identify the special reception needs of vulnerable persons; it provides particular attention to unaccompanied minors and victims of torture and ensures that vulnerable asylum seekers can also access psychological support. Finally, it includes rules on the qualifications of the representatives for unaccompanied minors.

The amended Reception Conditions Directive addresses the obligation to guarantee dignified living conditions for asylum seekers as well as the need to counteract abusive asylum applications. The Directive includes certain tools to be used against such abuses such as the possibility to withdraw or reduce material support.

After years of difficult negotiations, agreement was finally reached at the end of 2012 as concerns the recast Dublin Regulation<sup>58</sup>. The new Regulation will increase the efficiency of the system and will ensure higher standards of protection. An early warning, preparedness and crisis management mechanism is foreseen, geared to addressing the root causes of dysfunctions in national asylum systems or problems stemming from particular pressures. It provides clear reference to solidarity with MSs under pressure and an obligation to comply with fundamental rights.

The new Regulation introduces a series of provisions on the protection of applicants fundamental and procedural rights, such as a compulsory personal interview, guarantees for minors (including a detailed description of the factors that should lay at the basis of assessing a child's best interests) and extended possibilities of reunifying them with relatives. Applicants will be guaranteed the right to appeal against a transfer decision. The Regulation also now provides for the possibility for appeals to be suspensive, together with the guarantee of the right for a person to remain on the territory pending the decision of a court or on the suspensive effect. Legal assistance is to be provided free of charge upon request.

There is a single ground for detention, namely where there is a risk of absconding, and the scope for detention is strictly limited. It introduces the possibility for asylum seekers that could in some cases be considered irregular migrants and returned under the Return Directive to be treated under the Dublin procedure, thus giving these persons more protection than the Return Directive. More legal clarity of procedures between Member States is foreseen - e.g. exhaustive and clearer deadlines. The entire Dublin procedure cannot last longer than 11 months for "take charge" cases, or 9 months for "take back" cases (except for in cases where the person absconds or where the person is imprisoned).

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his/her volition. Where this condition is satisfied, the fact that that person is *ipso facto* 'entitled to the benefits of [the] directive' means that that person must automatically be granted refugee status, provided always that he is not caught by Article 12(1)(b) or (2) and (3) of the directive.

<sup>57</sup> Recast of Directive 2003/9/EC

<sup>58</sup> Council Regulation (EC) No 343/2003. OJ L50, 25.2.2003, p1. Commissions proposal for recast COM(2008)820.

The agreement on the Dublin Regulation incorporates the judgment of the Court of Justice of the EU in case *NS v UK* (case C-411/10), by introducing the provision according to which an asylum seeker cannot be sent to a Member State where there is a serious risk of violation of his/her fundamental rights, but instead another Member State is to assume responsibility on the basis of the Dublin criteria, within the shortest delay, in order not to jeopardize the quick access to procedure. A number of other judgements in 2012 of the Court of Justice of the EU further clarified the interpretation of the Dublin regulation<sup>59</sup>.

The Commission put forward a revised proposal to recast the EURODAC Regulation<sup>60</sup> on 30 May 2012. This proposal was essentially a merger of the 2010 proposal on the asylum-related elements with the 2009 proposal to allow law enforcement access to EURODAC under certain limited circumstances for the purpose of preventing, detecting and investigating serious crimes and terrorism. By the end of 2012, both co-legislators had proposed amendments to the text, but there was broad agreement on the principle of allowing law enforcement access. Negotiations also continued on a revised Asylum Procedures Directive<sup>61</sup> will lead to fairer, quicker and better quality asylum decisions that fully respect fundamental rights. The special needs of vulnerable people will be better taken into account and in particular there will be greater protection of unaccompanied minors and victims of torture.

Political agreement was reached in March 2013 on the final two pieces of legislation forming the CEAS - the recast of two instruments, the Asylum Procedures Directive<sup>62</sup> and the EURODAC Regulation, on a biometric database for the comparison of fingerprints<sup>63</sup>.

The Commission is furthermore conducting a study on fingerprint recognition of children below the age of 12 years. The major source of information within this study has been a set of children fingerprints provided by courtesy of the Portuguese Immigration Service (SEF). The aim is to scientifically identify if there is an age limit for collecting fingerprint and what is this limit. The final report will be issued in the second part of 2013.

At national level, Member States remained committed to establishing a Common European Asylum System. Some Member States (BE, ES, LU, NL) referred to legislative developments in relation to the transposition of EU legislative instruments, in particular, the recast

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<sup>59</sup> In case C-620/10 (*Kastrati v Sweden*) (3.5.2012), the CJEU stated that the withdrawal of an application for asylum which occurs before the Member State responsible for examining that application and has agreed to take charge of the applicant, has the effect that that regulation can no longer be applicable.

In case C-179/11 (*CIMADE & GISTI v France*) (27.5.2012) the CJEU decided that a Member State in receipt of an application for asylum is obliged to grant the minimum conditions for reception of asylum seekers laid down in the Reception Conditions Directive even to an asylum seeker in respect of whom it decides, under the Dublin Regulation, to call upon another Member State to take charge of or take back that applicant. Such an obligation only ceases when the applicant is actually transferred.

In case C-245/11 (*K v Austria*) (6.11.2012) the CJEU decided that in a situation of dependence which can fall under Article 15(2) and where the persons concerned are present in the territory of a Member State other than the one responsible in the light of the criteria laid down in Chapter III of that regulation, that Member State is, on condition that the family ties existed in the country of origin, 'normally' obliged to keep those persons together. This obligation must be understood as meaning that a Member State may derogate from it only if justified because an exceptional situation has arisen.

<sup>60</sup> Council Regulation (EC) No 2725/2000. OJ L316, 15.12.2000, p.1

<sup>61</sup> Directive 2005/85/EC on minimum standards on procedures in Member States for granting and withdrawing refugee status. OJ L 326, 13.12.2005, p. 13.

<sup>62</sup> Inter-institutional reference COD(2009)0165

<sup>63</sup> Inter-institutional reference COD(2008)0242. The next EURODAC Annual Report will be published in the latter half of 2013.

Qualification Directive<sup>64</sup> as well as the Long-Term Residents' Directive<sup>65</sup>. Bulgaria established an expert working group within the State Agency for Refugees to support the implementation of the necessary legal amendments resulting from the transposition. Others (CY, CZ, EE, EL, HU, IT, PL, SK) and Norway reported on policy developments for the implementation of measures linked to the requirements of the Common European Asylum System, including projects undertaken with other Member States under the ERF. Spain reported on its Refugee and Asylum Office (OAR)'s participation in meetings of the Working Group Asylum regarding negotiations on the reform of the European Asylum System. In relation to reception, Slovak Republic implemented a project aiming to increase the overall quality of reception conditions for applicants residing in collective centres, whilst Italy aimed to increase reception assistance to applicants in addition to providing support for socio-economic integration with a view to facilitate access to the labour market. Cyprus, following the crisis in North-Africa, increased its reception capacity by utilising hotels as reception centres. In Estonia, a capacity building project for stakeholders in the asylum process took place, funded by ERF, which aimed to support the Estonian reception system, starting with asylum procedures through to decisions on international protection, and included participants from the Police and Border Guard Board.

In relation to the special needs of vulnerable persons, Italy and Norway implemented a project which aimed to improve reception conditions for vulnerable persons and Norway developed guidelines for the treatment of vulnerable applicants for international protection. Poland participated in a project which aimed to enhance identification of persons with special needs.

On procedures, Italy implemented a project aimed at automatising of all applications for international protection. Poland has taken measures in preparation for an ERF funded project to be implemented in 2013 concerning the method of language analysis. With regard to qualification criteria, Norway developed guidelines which include a non-exhaustive list of elements that could amount to persecution on the basis of gender or sexual orientation.

Finally, the Czech Republic reported on their contribution to the development of the CEAS by the provision of training, having provided several EAC trainings to more than 60 officials and having delivered a training of EAC modules in the Slovak Republic, whilst Hungary emphasized its efforts undertaken in relation to country of origin information, by having implemented a project on quality development of COI.

#### *4.1.1. Intra-EU solidarity including Relocation*

At EU level: Following the adoption of the Commission Communication on enhanced intra-EU solidarity in the field of asylum in December 2011, 2012 was a year of intense debate on the subject on the EU level. The Commission organised an expert meeting to discuss the implementation of solidarity on 22 February 2013. The discussions confirmed that there is still considerable scope for closer practical cooperation between national authorities. For example, despite the widely recognised high quality of the European Asylum Curriculum (EAC), only a handful of Member States reported that they use it extensively for the training of their asylum staff. Member States' representatives recognised the importance for mutual trust of coherent transposition of the new asylum laws. Practical measures to support close collaboration on this issue were discussed. In addition, several Member States' experts expressed readiness for a higher level of openness of national asylum procedures to EU-level scrutiny.

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<sup>64</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:337:0009:0026:EN:PDF>

<sup>65</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:132:0001:0004:EN:PDF>

As for solidarity actions to address pressure due to external events, two challenges were pointed out. First, coordination responsibilities for solidarity actions on a European level, including with actions beyond the asylum field, need to be more clearly defined, so as to ensure their effective implementation and to maximise the participation and full engagement of Member States. Second, in asylum crisis situations, national contingency planning remains the primary tool, but this could possibly be coordinated at EU level and supplemented by solidarity tools, including assistance from EASO. As regards the handling of asylum claims, for example, a study on joint processing of asylum applications put forward some ideas on how the EASO could help prevent or reduce a backlog of asylum cases.

The Commission intends to take forward the main conclusions of the meeting by focusing in 2013 on enhancing mutual trust through coherent implementation of EU law, improving EU-level coordination and further reflecting on emergency assistance.

In the implementation of this strategy, developments on the EU level have been encouraging. Significant progress has been made towards the adoption of CEAS-2 instruments, which will lead to a more level playing field between Member States.

In addition to refugees from Syria, the asylum system was affected throughout the year by a large number of mostly unfounded applications by citizens of Western Balkans countries following visa liberalisation. The common nature of the challenge was an opportunity for practical cooperation and solidarity between Member States. However this opportunity was only partially used. For example, Belgium developed a number of tools that were used to rapidly reject the most obviously unfounded applications where the claims followed a well-established pattern. Other Member States were made aware of those tools as early as January 2012 in an IGC workshop, but no sharing followed. A further presentation was made at GDISC in June, again with little follow-up. It is necessary to ensure better follow-up in practice of discussions on a senior or political level.

On the other hand, there were also effective examples of solidarity in practice. In particular, in January 2012, Luxemburg requested the deployment of EASO Asylum Support Teams in order to help in training of newly recruited staff. This second deployment of EASO teams took place rapidly and provided tangible and useful help.

Unexpected or acute situations are when solidarity comes to the fore. But the Union's ability to assist rapidly and effectively in case of need depends on well-functioning channels of cooperation established outside of crisis situations. On the EU level, experiences such as the "Syria network" and new developments, in particular the operating arrangements between Frontex and EASO signed in September, are a good basis for future coordinated activity. On the ground, however, there is a pressing need to continue reinforcing everyday collaboration and ensure full follow-up of political commitments. The EU framework, notably EASO-led projects such as the European Asylum Curriculum and the Country of Origin activities of EASO should be used to the full.

At national level: As regards support to national asylum systems, many Member States (BE, CY, CZ, NL, PL, RO, SE, SK, UK) and Norway took part in initiatives to support those faced with specific and disproportionate pressures on their national asylum system (see also Section 3.2.1 above).

#### 4.1.2. *Cooperation with the European Asylum Support Office (EASO)*

At EU level : Together with the handover of projects and responsibilities, the relationship with EASO has grown stronger in strategic areas of cooperation, in particular as regards the assistance provided to the Greek authorities in the context of the Action Plan for Migration and Asylum, the establishment of an alert system in line with Article 33 of the revised Dublin Regulation, as well as on the coherent implementation of the Common European Asylum System by way of improving the quality of the asylum procedures and the alignment of Country of Origin Information. EASO has drafted a report on the EUREMA project (relocation from Malta) that was submitted to the European Commission in June 2012, whilst the development of External Dimension activities had to be de-prioritized due to resource constraints of the agency.

The expectation in 2013 is to further develop these areas of cooperation in view of supporting, from the point of view of practical cooperation, the implementation of the new Common European Asylum System. Furthermore the European Commission will conduct a first evaluation of the EASO, in line with its Communication on Solidarity, and will work with the agency in order to fully adopt the measures foreseen in the Joint Statement on Decentralized EU Agencies that was adopted by the European Parliament, the European Commission and the Council.

##### 4.1.2.1. Participation in EASO activities

At national level, almost all Member States have participated in EASO activities (AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, IE, IT, LV, LT, MT, NL, PL, PT, RO, SE, SI, SK, UK) plus Norway. All associated countries have also been invited to the meetings of the Management Board starting in September 2012; they are currently negotiating an Association Agreement with EASO, and have also already contributed to several EASO activities. Croatia has been invited to the meetings of the EASO Management Board in view of the accession to the European Union.

With regard to secondment of staff, Member States and Norway reported on contributing experts to the Asylum Intervention Pool (AT, BE, CZ, PL, PT, SE, SK, UK), the EAC Trainers Pool (AT, BE, CZ, MT, PL, UK) as well as the Interpreters Pool. Nine Member States (AT, BE, CY, DE, FI, PT, SE, SK, UK) and Norway noted that their national experts had been deployed in Asylum Support Teams to provide assistance in Greece and Luxembourg. Sweden has also contributed to the evaluation of the Asylum Support Teams deployed to Greece. Belgium and Ireland reported that within the context of EAC, their national experts had provided training courses in Malta. Other Member States (BE, CZ, NL) further reported on having seconded national experts to temporarily work for the agency in Malta.

With regard to participation in meetings, most Member States (AT, BE, BG, CZ, CY, DE, EE, EL, ES, FR, IE, LV, MT, NL, PL, RO, SE, SI, SK, UK) reported on having actively contributed to EASO Management Board Meetings, NCP Meetings as well as several expert meetings on, amongst others, COI, EAC, and age assessment. France, Malta, Poland, and Sweden also noted to have taken part in the Consultative Forum.

Some Member States (BE, BG, CY, IT, SE) referred to having contributed to the EASO early-warning and preparedness system by supplying data on trends and analysis with regard to applications for international protection; and to participating in the Working Group on the Portal of country of origin information (ES).

#### 4.1.2.2. Provision of support by EASO to the Member States

At national level, Asylum Support Teams were deployed to Greece and Luxembourg. Technical assistance in Greece consisted of support in building the Greek asylum system, in particular, the establishment of the First Reception Service, of the Asylum Service, of the Appeals Authority and for the improvement of reception conditions in line with the Action Plan on Migration and Asylum. In Luxembourg, support involved trainings to support staff in processing the high numbers of applications received for international protection.

Moreover, several Member States (CZ, FI, EE, ES, FR, IE, MT, PL, SE) reported benefitting from EAC trainings organised and coordinated by EASO. France and Ireland have each incorporated EASO training materials into the training modules, respectively within the French Office for Protection of Refugees and Stateless Persons (OFPRA) and the Irish Immigration Authority (INIS). In Italy, a special support plan is being defined by IT and EASO in order to improve asylum procedures in Italy and maximise response capacities for dealing with unexpected mixed migration flows.

#### 4.1.3. *Support to national asylum systems: Greece*

At EU level : The national Action Plan on the asylum reform and migration management is the current point of reference at EU level for addressing migration and asylum pressures in Greece. It has been only partially implemented and recently revised to reflect the current state of affairs as well as to include concrete objectives and deliverables. There are however still gaps which the Commission will address with the Greek authorities in order to establish priorities and facilitate the swift implementation of the envisaged actions.

The General Programme Solidarity and Management of Migration Flows (SOLID Funds) is the main source of funding to co-finance activities in policy areas concerned. In that context, the relevant Funds could cover a part of needs identified in the Action Plan. However, since the Funds are largely implemented in a shared management, it is up to the Greek authorities to decide on priorities within the limits of available resources allocated to Greece per Fund and according to their respective areas of eligibility.

For the period of 2011-2013, Greece was allocated with the amount of EUR 97,9M for the Return Fund, EUR 129,7M for the External Borders Fund and EUR 19,95M for the European Refugee Fund (including EUR 7.7M of emergency funding) and some of these resources still can be used still in 2013 or even in 2014. To be noted that the ERF allocation for 2013 is limited and amounts only to EUR3,2 M. The Greek allocations under the Return Fund and the External Borders Fund for 2013 are respectively EUR 35,3 M and EUR 44M.

In addition, the possibility to cover some other needs, in particular as regards some infrastructure projects, could be explored within the Greek programmes under the EU Structural Funds. Again, it is up to the Greek authorities to explore these possibilities through the Greek national frameworks and to trigger necessary requests under the Structural Funds. The Commission (DG HOME+TFGR) stands ready to assist Greece in this process. However, given the size of the Greek funding needs, it is clear that that financial support additional to the EU funding (SOLID funds, Structural funds) will have to be additional funding will be required from other sources.

Greece has shown real political will to re-construct its asylum and migration policies. In support of its efforts Greece has benefited from the following elements:

- Deployments of EASO Asylum Support Teams took place with the purpose of building the capacity of the new Asylum Service and the First Reception Service, as well as to provide



accurate statistics on migration and asylum. Also, in October 2012, in close cooperation with the Commission (DG HOME & TFGR), EASO has deployed 3 experts in support of the implementation of the three relevant SOLID Funds in Greece; namely ERF, RF and EBF. Finally, in order to further reduce the backlog at second instance a project implemented is currently being implemented by UNHCR under financial support by EASO for the first phase.

- Under the European Refugee Fund, an additional M 3.75 € emergency support was granted to Greece for 2011 (measures implemented up to the end of August 2012) and 2012 (currently being implemented and expected to finish by the end of May 2013 at the latest). These measures include, *inter alia*, the provision of training to police officers and other staff involved in the asylum procedure, support for registration, case-management and reception strategy, interpretation services as well as support related to Country of Origin information analysis. Moreover, the Commission has triggered additional funding mechanisms (grant of M 2.1 € under the 2012 ERF Community Actions) in order to provide support to Greek authorities in establishing, in particular, a fully operational New Asylum Service and Appeals Authority with the full involvement of UNHCR.

#### 4.1.4. Support to national asylum systems: Conflict in Syria

At EU level : The migratory consequences of the events in Syria could become an important test for the EU's asylum system. The vast majority of the almost 600,000 refugees from Syria in 2012 fled to Lebanon, Jordan, Turkey, and Iraq<sup>66</sup>, and only approximately 23,510<sup>67</sup> Syrians requested asylum in the EU in 2012. Of those, most applied in Germany and Sweden (34% of total each), with other Member States only marginally affected. The requests were made chiefly by persons already present on the territory or by Syrians arriving directly by air to the Member States concerned. The numbers were not high enough to destabilise the asylum systems, especially since positive decisions could be made rapidly, in particular in Germany. However, given the unpredictable developments, there has been an obvious need for preparedness and contingency planning, in a spirit of EU solidarity.

For the first time in this kind of situation, tangible contingency planning took place on the EU level. Starting in August 2012, the Commission set up a network including the relevant Union agencies which held regular information exchanges in order to coordinate action. This mechanism of coordination between the European Commission and EU Agencies will represent a blueprint to ensure a better monitoring of the situation at the borders and in the asylum systems which would allow the Commission to activate instruments in a timely manner, and will support its role as envisaged in Art 33 Dublin. As soon as it became clear that the number of asylum applications from Syria would increase, EASO called expert workshops on country-of-origin information. Two of those took place in 2012 (July and August). The workshops showed that such activities could have an added value when Member States engage on a practical level. However, the August workshop was attended by political staff of Member States rather than asylum practitioners, which undermined its effectiveness. The policies with regards to Syrian refugees continue to differ substantially across Europe, and a next workshop is planned for February 2013.

<sup>66</sup> Source: <http://data.unhcr.org/syrianrefugees/regional.php>, as of 31.1.2012

<sup>67</sup> Eurostat, 22 March 2013. No data available for NL. See Table 4 and 5 in the Statistical annex.

#### 4.1.5. Relocation

At EU level: A first EU Relocation from Malta (EUREMA) project had relocated 227 beneficiaries of international protection from Malta in 2010-11. The EUREMA II project was launched in 2012. 97 places were initially pledged under this project plus a further 265 bilateral pledges outside the project. Over the course of 2012, 105 persons were relocated either through EUREMA II or the accompanying bilateral arrangements.

The EUREMA II project has been extended until the end of 2013. However there continue to be difficulties in relocating beneficiaries based in Malta to certain participating Member States. According to EASO's report and to information supplied to the Commission by UNHCR, IOM and the Maltese Government, the reasons for this vary from the sometimes restrictive criteria applied by Member States for selecting beneficiaries for relocation, to perceptions by beneficiaries that family reunification and integration prospects in the Member State offering to relocate them could cause them difficulties.

At national level, some Member States also reported on relocation of beneficiaries of international protection: In 2011, seven Member States (BG, HU, LT, PL, RO, SK) had pledged to relocate beneficiaries of international protection from Malta through the EUREMA II project. During 2012, Lithuania relocated four beneficiaries and Portugal six beneficiaries from Malta. Poland planned to relocate 50 beneficiaries from Malta; and this procedure remains in place. Other Member States (DK, ES, IE, NL) made pledges to Malta on a bilateral basis. Following such bilateral pledges, Ireland relocated ten beneficiaries of international protection. Norway resettled 31 beneficiaries following a request from the EU to relocate refugees as a result of the Libyan crisis (see also Table 7 in the Statistical Annex).

#### 4.1.6. Enhancing the external dimension including Resettlement

##### 4.1.6.1. Cooperation with third countries

EU Level: In May 2012, the Council Conclusions on the GAMM confirmed international protection and the external dimension of asylum as one of the four priority areas of the GAMM. Efforts to strengthen asylum systems and national asylum legislation and to ensure compliance with international standards continues to be incorporated in actions and cooperation frameworks with third countries.

The Interior Ministers have called upon the Commission to respond to the on-going crisis in Syria and the refugee situation in the neighbouring countries through setting up a Regional Development and Protection Programme in the Middle East.

The EU as a whole is leading the international humanitarian response to the Syria crisis. The EU's and Member States' efforts have concentrated, for the time being, mainly on securing the most basic needs of the refugees, such as shelter and accommodation, and other daily necessities, as well as emergency health care, psycho-social assistance, basic forms of education and vocational training and social support through financial aid. The Commission is also financing actions aimed at enabling effective international protection to be provided in the countries neighbouring Syria. The Commission provides financial support to UNHCR in its efforts to enable refugees in Jordan, Lebanon and Iraq to be properly registered and thus gain access to protection. Ensuring access to protection also includes assisting the local authorities with the provision of transport from border crossing points, providing the necessary equipment and supplies, as well as, wherever necessary, providing training and familiarising non-governmental organisations, officials, and other stakeholders with the basic principles of international protection.

At national level, several Member States (BE, CZ, DE, HU, PL, SE, UK) cooperated with third countries with a view to strengthening their asylum systems. For example, Germany and Sweden have - in close cooperation with EASO and UNHCR - sought to develop the European Asylum Curriculum (EAC) tool in Eastern Partnership countries. Similarly, Belgium also assisted the asylum authority in Burundi by the provision of training on the basis of the EAC learning method, whilst the United Kingdom has shared best practice on asylum processes with Australia and Turkey, including the hosting of an EU-funded study visit for a Turkish delegation to witness UK operations. Furthermore, Sweden and Poland administered a twinning project to improve the management of migration and asylum in Armenia. Germany provided assistance to Turkey and the Republic of Moldova in the context of TAIEX (Technical Assistance and Information Exchange instrument) activities and Hungary exchanged experiences on capacity building with the National Police of Serbia.

#### 4.1.6.2. Resettlement

Table 7 provides statistics on third-country nationals resettled to Member States and Norway. In 2012, third-country nationals were primarily resettled to SE (1 680), NO (1 231<sup>68</sup>), UK (1 040), FI (730) and DE (305). The Czech Republic, Denmark, Ireland, Spain, France, Lithuania and Portugal also reported resettling people from third countries in 2012<sup>69</sup>.

At EU level: 2012 saw the creation of the Joint EU Resettlement Programme under the European Refugee Fund. For the first time, the Member States agreed on a list of specific common EU resettlement priorities for 2013. It is a strong political signal of unity and solidarity with the international community and refugees in need of a durable solution and an expression of the importance that the EU and the Member States attach to directing the Union's resettlement efforts towards protracted situations that need special attention and increased efforts.

Under the Joint EU Resettlement Programme the Member States can pledge to resettle a number of refugees and receive a fixed amount for each resettled refugees on the basis of a list of priorities. In order to encourage more Member States to engage in resettlement activities, additional financial support is provided to those Member States that decide to resettle refugees for the first time. Under this scheme, the participating Member States pledged in 2012 to resettle 3.962 refugees in 2013. This is a considerable increase compared with 2012 when 3.083 resettlement places were pledged.

At national level: Several Member States (CZ, DE, ES, FI, FR, IE, NL, PT, SE, SK<sup>70</sup>, UK) plus Norway resettled refugees from different regions of the world, mainly in cooperation with UNHCR. Some of the resettled refugees came from North Africa, including refugees that have fled the crisis in Tunisia (DE, PT, SE), and Egypt (IE, PT). Other Member States and Norway resettled refugees from Republic of Kenya (NL, SE), Eritrea and Ethiopia (ES, FR, IE, PT, UK), Liberia (IE), Somalia (ES, FR, PT, UK), Sudan (ES, NL, PT, SE), Djibouti (SE), Democratic Republic of Congo (FR, IE, PT, UK) plus Congolese refugees from Rwanda (FI), as well as refugees from Afghanistan (FR, PT), Afghan nationals from Iran (FI, SE), Iraq (FR,

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<sup>68</sup> This figure includes 31 third-country nationals relocated from Malta

<sup>69</sup> Relocation data by EMN, resettlement data by Eurostat.

<sup>70</sup> In the case of Slovak Republic, this concerned a temporary resettlement (humanitarian transfer) for a maximum 6 month period after resettlement to the final destination.

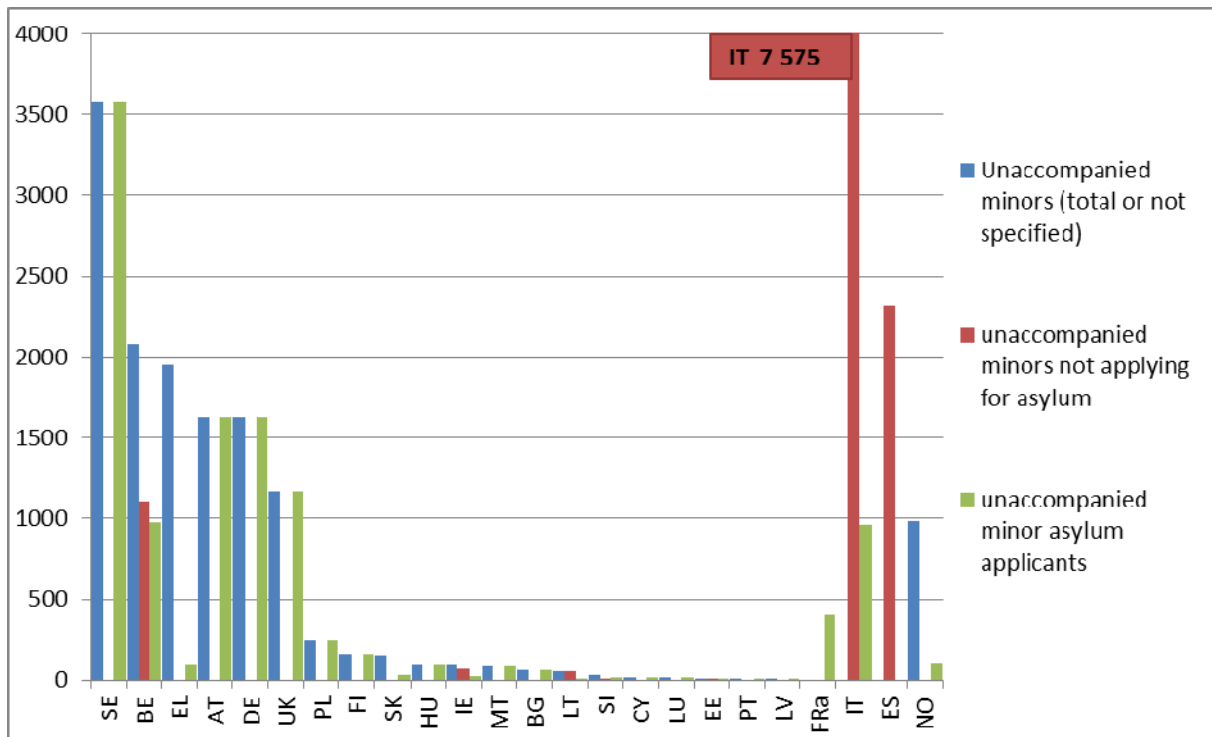
UK), Palestine (FR), Iraqi nationals from Turkey (DE, FI) and Ukraine (HU), Iranian Kurdish from Iraq (IE), Colombian nationals from Ecuador (NL, SE), Burmese refugees from Malaysia (CZ), Iraqi and Iran nationals from Lebanon (NL) and Myanmar refugees from Thailand (FI, NL). Spain implemented an integration programme for the eighty refugees it resettled and shared its experience of resettlement at two separate seminars organised by EASO and as part of the Trans-national Observatory for Refugees' Resettlement in Europe (TORRE) project.<sup>71</sup>

Some Member States have set a quota with respect to the number of persons accepted for resettlement. The size of the annual quota varies, from for example 500 in the Netherlands to 1200 in Norway and 1900 in Sweden. Several Member States reported on other resettlement-related activities, for example, the undertaking of resettlement missions (NL, SE), as well as conducting cultural orientation programs (SE). Italy has participated in "Linking in EU Resettlement", an ERF funded project aimed at strengthening the collaboration among Member States and the sharing of good practices. Bulgaria adopted a government decision in 2012 to resettle refugees and has set a pilot resettlement quota of some 20 refugees.

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<sup>71</sup> <http://www.resettlement-observatory.eu/>

## 5. UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS



**Figure 5: Unaccompanied minors 2012 (23 Member States and Norway)**

Source: EMN APR 2012 National Reports(a) IT: statistics for UAMs applying for asylum and those not applying for asylum are based on different measures and not comparable therefore no total supplied; FR: partial data supplied. For some Member States, statistics were not available for the full year at the time of publication (see Table 8 in the Statistical Annex).

Table 8 in the Statistical Annex gives an overview of the provisional number of unaccompanied minors including, where possible, a distinction between those who did and those who did not apply for asylum in 2012. On the basis of these provisional data, Italy (970 asylum applicants, 7 575 non-asylum applicants), Sweden (3 580 asylum applicants), Spain (2 319 asylum applicants, 15 non-asylum applicants) and Belgium (1 530 asylum applicants; 1 104 non-asylum applicants) received the highest numbers overall.

At EU level : The arrival of unaccompanied minors is a permanent feature of migration and the issue continues to be high on the EU's agenda in the context of the Action Plan on Unaccompanied Minors(2010-2014)<sup>72</sup>, providing a common approach to key challenges such as data collection, family tracing of unaccompanied children and cooperation with third countries. The situation of children is of particular concern and in its 24<sup>th</sup> article, the Charter of fundamental rights guarantees that in all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration. 2012 witnessed a considerable increase in the number of minors applying for international protection in the EU. The reasons behind the arrival of unaccompanied children

<sup>72</sup> COM(2010) 213 final

continue to be diverse and inter-related, and significant numbers of unaccompanied minors do not apply for asylum.<sup>73</sup>

The mid-term Report on the implementation of this Action Plan on Unaccompanied Minors was adopted on 28 September 2012<sup>74</sup>, accompanied by a Commission Staff Working Document<sup>75</sup>, providing a detailed description of actions taken in the implementation of the Action Plan by national administrations, EU agencies and Commission Services and various other stakeholders, including civil society.

In the framework of the Action Plan, the Commission created an Expert group on unaccompanied minors in the migratory process in 2011. The reports of the expert group meetings held in 2011, on guardianship and on family tracing in March 2012, were made publicly available (Registry of Expert Groups)<sup>76</sup>.

Integrating specific needs of (unaccompanied) minors and recognising their vulnerable position in asylum situations in an adequate manner remained one of the most important points for the Commission during negotiations of the remaining parts of the Common European Asylum System instruments in 2012. The new Asylum Directives (see section 4.1) will provide for more favourable provisions on reception and care of this sensitive migrant category.

EASO hosted four expert meetings in 2012 on age assessment with a view to issuing guidance on the topic. EASO, in cooperation with the Commission, also proceeded with preparations for a similar initiative on family tracing in 2013, which would eventually result in guidelines on family tracing.

A Danish Presidency conference entitled “Unaccompanied Minors Arriving in Europe – Recent Developments and Practical Tools” took place in June 2012. At national level, several Member States (BE, CY, HU, PL, SI, NO) reported on legislative developments, providing greater assistance and protection to unaccompanied minors (UAMs). For example, Belgium developed a new Protocol Agreement which foresees a better monitoring system and further also includes guidelines for identification and age assessment. Other Member States introduced new provisions relating to age determination (SI), legal representatives (CY), and guardianship (PL and NO).

With regard to future legislative developments, Finland is currently reviewing its legislation on detention, including detention of minors, as well as developing alternatives for detention and Hungary reported that an age assessment protocol is currently under preparation.

Several Member States (CZ, IT, NL, UK) referred to policy developments. The Czech Republic applies a new concept of protection and care for unaccompanied minors, which sets out new rules for dealing with, and outlines the system of care and integration for, this group in the Member State. In Italy, the National Action Plan on Unaccompanied Minors, adopted in October 2012, foresees for the development of an online information system in order to enhance accessibility of relevant information to stakeholders involved in providing assistance to UAMs. The United Kingdom adopted a new strategy on missing children (and adults) which enables local authorities to put better arrangements in place to prevent children going missing.

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<sup>73</sup> COM(2012) 554 final

<sup>74</sup> COM(2012) 554 final

<sup>75</sup> SWD(2012)281 final

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<http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetail&groupID=2402&Lang=EN>

Furthermore, several Member States (AT, BE, ES, FI, IT, MT, PT, RO, SE, SI, SK, UK, NO) were involved in projects concerning UAMs. For example, Austria, in cooperation with UNHCR, implemented a quality assurance project aiming at assisting authorities in processing asylum procedures from unaccompanied minors. Belgium, in cooperation with IOM, implemented a pilot project on enhanced reintegration assistance for unaccompanied minors voluntarily returning to Morocco (in cooperation with IOM) and Guinea (Caritas). Italy has funded some 440 grant projects aimed at integrating UAMs into national society and where possible, the labour market. Greece has referred to a range of activities to support its work in age determination and the legal processes for unaccompanied minors. Spain, which experiences notable inflows of UAMs at its borders of Ceuta and Melilla, allocated 3.1 million euro to the authorities in these municipalities for assistance to UAMs. In the context of the EU Action Plan on Unaccompanied Minors, Sweden, Netherlands, United Kingdom and Norway continued to implement an EU-funded project which aims for the establishment of a European platform for unaccompanied minors that enables safe return to their countries of origin. Bulgaria and Greece have referred to their participation in EASO expert working meetings on unaccompanied minors. On developments in relation to other vulnerable groups, some Member States (BE, IE, IT) referred to legislative and policy developments. Belgium, for example, signed the Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), and in Ireland, the Irish Naturalisation and Immigration Service (INIS) published guidelines for applying for an independent status for legally-resident third country national victims of domestic abuse whose immigration status is derived and/or dependent on that of the perpetrator of domestic violence. In Slovak Republic, the government supported a range of initiatives to raise awareness about migration and asylum and in particular, with regard to work with vulnerable groups, mainly via projects financed from EU funds

## 6. ACTIONS ADDRESSING TRAFFICKING IN HUMAN BEINGS

Table 9 provides key statistics on trafficking in human beings provided by the EMN. Only fifteen Member States have been able to provide this data. The highest numbers of third-country nationals receiving a residence permit as victims of human trafficking in human beings were reported by Italy (392) and United Kingdom (200), Belgium (35) and Norway (33). Other Member States reported issuing very low numbers of such permits; in all other cases where information was available, this was fewer than 25. With regards to arrested traffickers twelve Member States provided data. France reported the highest number, 3 620 from 1 January to 30 September 2012. Data on convicted traffickers is available for nine Member States only. The highest numbers of convictions are reported by Romania (427) and Greece (49).

At EU level : It is recalled that trafficking in human beings is specifically prohibited under article 5 of the EU Charter of Fundamental Rights. During the reporting period key and dynamic developments were noted for consolidating the EU legal and policy framework for addressing trafficking in human beings. In June 2012, the Commission launched the integrated "EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016"<sup>77</sup>, which puts victims at its heart. The EU Strategy supports and complements the implementation of EU legislation on trafficking (Directive 2011/36/EU), which needed to be transposition into national legislation by April 2013<sup>78</sup>, and as such forms the new and integrated guiding framework. It aspires to be concrete and practical, and drawing on input from a wide range of stakeholders – it identifies the following five priorities:

1. Strengthening the identification, protection and assistance to victims, with special emphasis on children;
2. Stepping up the prevention of the crime, including by reducing demand;
3. Increasing prosecution and convictions of traffickers;
4. Enhancing the coordination and coherence within the EU, with international organisations, and with third countries, and
5. Increasing knowledge of, and effective response to, emerging trends in trafficking in human beings.

The measures included in the EU Strategy are the result of extensive consultations with experts, governments, civil society and international organisations, social partners and academics. They reflect their main concerns, as well as the views of victims, and will complement existing efforts. The overall responsibility for monitoring the implementation of the EU Strategy lies with the Commission and more specifically the Office of the EU Anti-Trafficking Coordinator.

The EU Strategy has received positive feedback from diverse stakeholders. In October 2012, the Council adopted Conclusions on the new EU Strategy welcoming the latter and reaffirming the political will and readiness of Member States to operationalise their policy

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<sup>77</sup> COM(2012) 286 final

<sup>78</sup> Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA. OJ 15.04.2011, L 101.



commitments. The European Parliament, the European Economic and Social Committee and the Committee of the Regions have welcomed the Communication.

Additionally, the European Commission in cooperation with the Cyprus Presidency of the Council of the European Union organised a high level conference to mark the Sixth EU Anti-Trafficking Day in Brussels on 18 October 2012<sup>79</sup>. The conference 'Working together towards the eradication of trafficking in human beings: The Way Forward' focused on the EU Strategy and served as a forum for exchange of views among representatives from EU Member States, academia and civil society on shaping future actions to strengthen cooperation, victim protection and assistance, prevention and prosecution in the field of trafficking in human beings.

Of particular interest to the external dimension of trafficking in human beings and migration, is the adoption of the second and final report on the implementation of the Action-Oriented Paper (AOP) on strengthening the EU external dimension on action against trafficking in human beings; Towards Global EU Action against Trafficking in Human Beings"<sup>80</sup>. The second report acknowledges that concerted effort should be paid for implementing the EU Strategy as the new guiding framework also for the external dimension and underlines that the EU Strategy foresees increased cooperation with third countries of origin, transit and destination on addressing trafficking in human beings, an approach in line with the Council Conclusions on the Global Approach to Migration and Mobility.<sup>81</sup> In this respect, trafficking in human beings is a permanent topic in all migration and mobility dialogues conducted between the EU and its partners, both at regional and bilateral level as well as in in Mobility Partnerships concluded by the EU with third countries.

This second report, in conjunction with the EU Strategy, adopted a list of countries and regions for further strengthening and streamlining cooperation and partnership for addressing trafficking in human beings, based on the available statistics, as well as within the geographical and operational priorities identified in the GAMM<sup>82</sup>. The said list of priority countries and regions will be updated at regular intervals.

Additionally, the European Commission continues to provide funding for projects addressing the external dimension of trafficking in human beings and continues to cooperate with international and regional organizations in this respect.

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<sup>79</sup> <http://ec.europa.eu/anti-trafficking/entity.action?id=45a556ea-85af-45ad-a814-689a4e72709e>

<sup>80</sup> Adopted by the Council on 30 November 2009 (6865/10 CRIMORG 38 JAIEX 22 RELEX163 JAI 168). See : <http://register.consilium.europa.eu/pdf/en/12/st13/st13661-re03.en12.pdf>

<sup>81</sup> 9417/12 ASIM 50 RELEX 396 DEVGEN 116.

<sup>82</sup> Specific countries in alphabetical order: Albania, Brazil, China, Dominican Republic, Morocco, Nigeria, Russian Federation, Turkey, Ukraine and Vietnam; (sources of most identified traffickers and victims in the EU);

Priority regions shall include: candidate and potential candidate countries from the Western Balkans, countries covered by the European Neighbourhood Policy, both Eastern Partnership and Southern Mediterranean countries. Cooperation with these regions on trafficking in human beings has already been established and regularly monitored. In particular, trafficking in human beings is being addressed specifically under negotiation Chapter 24 of the EU *acquis*, as well and in the context of the visa liberalisation dialogues with Western Balkans Countries and Turkey(not yet started);

Other regions and countries of particular importance for cooperation on trafficking in human beings based on the statistical data and information referred above: the CELAC countries (Community of Latin America and Caribbean States) (in particular Paraguay and Colombia), the Silk Route region (in particular India), South East Asian countries (in particular Thailand, Laos, Cambodia and the Philippines) and Western Africa (in particular Sierra Leone).

The EU Anti-Trafficking Website was further developed, and regularly updated in 2012 with information provided to contribute to great transparency and openness. The website aspires at being a one-stop-shop for any interested party in the EU legal and policy framework, containing additionally national information pages, as well as a data base of all EC funded projects.

Finally, the Office of the EU Anti-Trafficking Coordinator has throughout 2012 maintained an open channel of communication with EMN, and committed in providing any possible assistance and support.

Based on the commitment of all relevant actors, focus is now placed on implementation of the relevant legal and policy framework until 2016.

### **6.1. Measures to identify, protect and assist victims of trafficking**

At national level, following the adoption of Directive 2011/36/EU in 2011, all Member States (AT, BE, BG, CY, CZ, DE, EE, FI, FR, IE, IT, LT, LV, MT, NL, PL, PT, RO, SE, SI, SK, UK) and Norway reported that they had introduced new measures to identify, protect and assist victims of trafficking in human beings in 2012. These have focussed in particular on actions to build capacity to identify and address the issues, and to raise awareness.

In relation to legislative changes, in Cyprus, the Amending Law against Trafficking in Human Beings came into force in March 2012, and in Estonia, trafficking in human beings was criminalized as a separate provision in the Penal Code. In Hungary, the criminal offence of human trafficking was harmonized with the requirements of Directive 2011/36/EU, and Hungary has taken steps to adopt new Victim Support legislation in line with the Directive which will provide the legislative basis for the National Referral Mechanism. In Netherlands, new measures were introduced to tackle trafficking in human beings more forcefully, with new policy approaches and increased penalties for perpetrators of trafficking elaborated in Chapter B9/12 of the Aliens Act Implementation Guidelines.

Two Member States, Austria and Czech Republic launched new national Action Plans for the period 2012-2014/5. In Austria, the new Action Plan includes measures on national coordination, prevention, protection of victims, prosecution and international cooperation, and Czech Republic has adopted an "holistic and multidisciplinary approach" to tackle trafficking in human beings, involving a wide range of stakeholders. Ireland and Norway undertook a review of their national Action Plan; Ireland will launch a new Action Plan in 2013. In Spain, the Framework Protocol 'Marco' (introduced October 2011) was implemented, aimed at increasing cooperation between different national actors in order to identify, protect and assist victims. The Spanish Government Delegation against Gender Violence meets at least once every six months to assess the effectiveness of the protocol.

A number of Member States (BE, CY, FI, IE, MT, NL, PL, PT, SK, UK) described developments to build capacity and raise awareness of the issue of trafficking in human beings. New training initiatives introduced included training on identification of victims of trafficking in human beings (BE, MT), for staff in reception centres for asylum seekers with a special focus on minor victims (BE); for the referral of victims (MT); for liaison officers provided by the Police (FI); for social welfare officers, focussing on providing support to victims to alleviate trauma and behavioural problems (CY); and for consular staff (ES). Spain notes that the training, alongside implementation of measures to detect fraud through the VIS in consular posts in North Africa has resulted in increased detection of potential victims of

trafficking. In Ireland, training updates were delivered to Legal Aid Board staff providing legal aid and advice to potential and suspected victims of trafficking in human beings (IE), for the police services (CY, FI) via the national academy (CY). Malta prepared draft National Human Trafficking Indicators which were submitted to the Monitoring Committee for approval following the necessary consultations.

New training and guidance materials were also introduced to assist in the fight against trafficking in human beings (BE, BG, CY, IE, UK). These included a brochure for staff in relevant ministerial departments (Justice, Health, Migration) as well as the Interdepartmental Unit for the Coordination of the fight against trafficking in human beings (BE); common guidelines and procedures for identifying victims of trafficking in human beings (in collaboration with other Member States), a manual based on international good practice to help police officers to identify victims, developed by the anti-trafficking office of the police (CY); and an operational guide to assist police officers to understand the differences between trafficking in human beings and smuggling (CY). In Ireland, Anti-Human Trafficking Guidelines have been made available to all frontline staff, setting out a definition of human trafficking, indicators of human trafficking and what to do in the event of concerns. Two further specialised Guides were also developed in the reference period, the Guide to the Procedures in Place for Supporting and Protecting Victims of Human Trafficking and Services for Victims of Child Trafficking, available also via an on-line portal. Estonia updated its guidelines on the referral and support of victims. Awareness raising products developed included a multilingual leaflet and website for trafficked persons to inform trafficked persons about their rights as victims at an early stage (NL); a website with information on the various aspects of trafficking in human beings, including how to identify trafficking and protect victims (PT); and an International Film Festival on Human Trafficking within the framework of the 6<sup>th</sup> European Anti-Trafficking Day (PL), to provide information and raise awareness of the issues of potential victims and witnesses, as well as decision-makers and professionals dealing with victims and perpetrators. In Italy, an anti-trafficking telephone number was activated, free of charge to users. Greece also introduced a human trafficking resource line, as part of a package of awareness-raising activities.

Member States launched new projects in 2012 to assist in the fight against trafficking in human beings. These included projects to assist in the voluntary return and reintegration of minors and young adults with emphasis on the prevention of (re-) trafficking (AT), and to work with neighbouring countries to prevent and combat all forms of trafficking in human beings (AT); a project to review the problems and potential deficiencies in national legislation concerning assistance to victims of trafficking in human beings, and to recommend proposals for change (FI); and a scoping review on the practical care arrangements for trafficked children (UK), aimed at identifying good practice and areas for improvement.

In terms of future activities, Austria, for example, plans to implement concrete operational actions in cooperation with the 'Forum Salzburg' partners and the Western Balkan countries which are representing countries of departure for traffickers and smugglers of human beings. Belgium will further extend its suite of guidance materials, to include the development of a brochure to inform guardians of UAMs on the problem of trafficking in human beings and Czech Republic will evaluate its projects and programmes of support and protection to victims of trafficking in human beings under its new Action Plan.

## 6.2. Measures to prevent trafficking in human beings, and to increase the prosecution of traffickers

At national level, the majority of Member States (AT, BE, BG, CY, CZ, EE, FI, FR, HU, IE, IT, LT, LV, MT, NL, PL, PT, RO, SK, SI, SE, UK) and Norway introduced in 2012 new measures to enhance the prevention of trafficking in human beings.

Legislative changes were reported in several Member States to introduce measures to prevent trafficking in human beings, within the framework of the transposition of Directive 2011/36/EU. Lithuania, for example, also ratified the 2005 Council of Europe Convention on Action against Trafficking in Human Beings, and approved a new National Crime Prevention and Control Programme 2013-2015, which has as one of its priority areas of activity, prevention and control of trafficking in human beings. In Romania, the substantial elements of the Directive led to the development of a new National Strategy against Trafficking in Human Beings 2012-2016, developed within the framework of a wide consultation process, involving all relevant central authorities and civil society organizations. The strategy was approved by Government in December 2012. Many (Member) States (AT, PT, SI, UK, NO) have referred also to actions to prevent trafficking in human beings in their national Action Plans. In Malta a new *Prostitution and Trafficking in Human Beings Unit* was set up within the Police Vice Squad, which had intensified efforts in this sphere and has resulted in increasing numbers of inspections at premises potentially vulnerable to human trafficking. Although this has not always led to the prosecution of human trafficking cases, it has contributed to the detection and prosecution of other offences.

An important tool in preventing trafficking in human beings has been raising awareness of the issues, and (Member) States have introduced a range of new activities (AT, BE, BG, CY, EE, HU, LU, LV, NL, RO, SI, SK, UK). These include public awareness-raising actions amongst national audiences, including young people (BG, EL, HU, RO), other vulnerable groups (RO), exhibitions (AT, SK), national public events on human trafficking (AT, CY, SK), including on the occasion of the EU-Anti-Trafficking Day on 18<sup>th</sup> October 2012 (AT, IE) and information seminars (CY, IE, LV, SE, SK), for example targeting teachers (CY) and stakeholder groups (IE, SE). In relation to printed media, information booklets, leaflets and brochures (BE, CY, EL, IE, LV, NL, SK) and newsletters (IE) have been developed. Educational films (NL, SK) targeting young people and raising awareness about risks (NL); broadcast media (SK); and the dissemination of information via websites (FI, IE, SI) have also been undertaken. Greece has specifically target young people through awareness-raising in schools, universities, sports centres and other public places; in Hungary, through the Sziget Fesztivál, a major cultural event in Europe for young people. Sweden launched an international Action Day in order to prevent trafficking in human beings, and mapped the structure of Nigerian networks involved in this criminality.

As well as general campaigns, some Member States have introduced more targeted measures in relation to human trafficking for labour exploitation, for example by selecting ‘high risk’ occupational groups (AT, BE, BG, RO, SI, SK), and applicants for work visas in embassies (BE). Hungary plans a new awareness raising campaign targeting males between the ages of 25 and 40 who may be at risk of becoming victims of human trafficking for labour exploitation. In Bulgaria, one initiative has been to facilitate private-public partnerships and to involve businesses and employers as key actors in the reduction of human trafficking, both for the purpose of sexual and labour exploitation.

Many Member States also undertook training initiatives to assist in the prevention of trafficking in human beings, for example, with specific target groups: prosecutors and judges (BG, CZ, ES, IE, SK), staff in consular offices (CZ, ES, SK), the police (BG, EL, ES, FI, IE,

SK), immigration and liaison officers (FI), ethnic and minorities liaison officers (IE); social workers (BG) border guards (PL, SK) and public sector stakeholders (BG, IE), using a 'train the trainer' model developed with the IOM (IE). Bulgaria has also undertaken specific training with recruitment agencies, working with labour offices. Czech Republic introduced training which targets specific prevention issues, including Nigerian organised crime with a focus on trafficking in human beings and labour exploitation.

Information sharing and capacity building activities have been implemented with the aim of increasing prosecution rates. In Cyprus, seminars were held for judges emphasising the importance of expert witnesses during court procedures, and a similar seminar was delivered to the Counsels of the Republic. In Latvia, a seminar focusing on investigation of the cases of trafficking in human beings, prosecution and conviction of criminals has been developed within the framework of regional cooperation with the Nordic countries, Baltic States and Russian Federation. Training of law enforcement authorities was organised also at international level in Czech Republic and Ireland, and an e-learning product on human trafficking for prosecutors has been planned by the United Kingdom for implementation in 2013. Two Member States have set up new contact points within their law enforcement agencies to ultimately increase prosecution rates. In Portugal, this has been to facilitate information exchange, and in the United Kingdom, to establish a police network of single points of contact in each police force so that all forces have one identified officer responsible for issues relating to human trafficking. In Bulgaria, eight local committees for combatting trafficking in human beings were established in areas of greatest risk.

### **6.3. Coordination and cooperation among key actors**

At national level, AT, BE, BG, CY, CZ, ES, FI, IE, IT, LT, LU, LV, MT, NL, PL, PT, SE, SI, SK, UK, NO all undertook specific actions to enhance the coordination and cooperation amongst key actors to address trafficking in human beings, in recognition of the multifaceted nature of the issue and its impact within a wide range of state and non-state organisations.

In relation to the sharing knowledge and better understanding trends, several Member States have reported on new or on-going actions. Many have established interdepartmental co-ordinations units (BE, CY, CZ, IE, IT, LT, LV, NL, PL, PT, UK, NO) which are taking responsibility for co-ordinating actions, generally within the framework of an action plan. A new Stakeholders' Taskforce was established in Malta which enhances coordination and cooperation among key actors, including the Police, Ministry of Home Affairs and NGOs. In Cyprus, the Amending Law against Trafficking in Human Beings (March 2012) has made specific provision to increase the cooperation between government organisations and NGOs, and to allow experts and other bodies to participate in such a co-ordinating group, along with provisions for training and support. Italy's Inter-ministerial Commission for the support of victims of trafficking in human beings chaired by the Department for Equal Opportunities, adopted new guidelines for the introduction of a national and transnational referral system. In Norway, the national co-ordination Unit from 2011 has a permanent mandate and aims to develop research-based knowledge about trafficking (and in particular about child victims of trafficking). In United Kingdom, a new Joint Strategic Group (JSG) with NGO partners is being set up to take forward actions identified in the first report of the Inter-Departmental Ministerial Group (IDMG) on human trafficking to help to assess trends in trafficking, improve coordination of anti-trafficking activities and to improve knowledge and awareness of the police and other front-line professionals. A further mechanism has been the introduction of threat reduction boards to tackle serious and organised crime, including

trafficking in human beings, with the purposes of identifying and monitoring key threats and co-ordinating the operational threat reductive activity across partner agencies..

As an international issue, many Member States (AT, BE, CZ, DE, FR, IE, PT, UK) are undertaking cooperation actions, including with third countries where victims of trafficking in human beings and their traffickers may originate or transit. Such third countries include Ukraine (CZ), Argentina, Ecuador, Columbia, Kosovo, Tadzhiistan, and Turkmenistan (LV). Cyprus, Netherlands and Poland are undertaking a joint project 'Putting Rantsev into Practice: strengthening multidisciplinary operational cooperation to fight trafficking in human beings' following the ECHR ruling<sup>83</sup>, and the three Member States will also organise an EU Conference on the multidisciplinary approach to trafficking in human beings in 2013.

A number of joint projects have also been established bringing together several Member States with third countries. Examples include the nine Baltic Sea Region countries of the ADSTRINGO project established to addresses trafficking for labour exploitation (led by Lithuania). Other projects to address trafficking in human beings also operate in the region, bringing together the Nordic and Baltic countries also with the Russian Federation. The joint project “Enhancing Multi-stakeholder Cooperation to Combat Human Trafficking in Countries of Origin and Countries of Destination” has been implemented in 2012, uniting Austria, Belgium, France, and United Kingdom with Switzerland, and Nigeria (as a country of origin) co-ordinated by IOM. The Community of Portuguese Language Speaking Countries has established a new ‘Working Committee Against Human Traffic’ which will take charge of collecting information on the measures in force at the national level, in order to assess legislation needs and propose a joint strategy and action plan to fight trafficking in human beings, which will be approved in 2013. Belgium, France Hungary, Italy and United Kingdom are collaborating in an EIF funded EU initiative to share information and support research on how the internet and social networks are (mis)used to attract victims.

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<sup>83</sup> [Summary Rantsev v. Cyprus and Russia, Application no. 25965/04](#)

## **7. EXTERNAL DIMENSION OF EU MIGRATION POLICY**

### **7.1. The Global Approach to Migration and Mobility<sup>84</sup>**

At EU level: Migration and asylum policy continue to be a central priority in the EU's external relations. The Global Approach to Migration and Mobility (GAMM)<sup>85</sup>, which is the overarching strategic framework of the EU external migration and asylum policy, provides for a strengthened and comprehensive EU dialogue and cooperation with countries of origin and transit on all four operational priorities of the GAMM, i.e.

- i) better organising legal migration and fostering well-managed mobility;
- ii) preventing and combating illegal migration and eradicating trafficking in human beings;
- iii) maximising the development impact of migration and mobility;
- iv) promoting international protection and enhancing the external dimension of asylum.

‘The Global Approach to Migration and Mobility (the GAMM) has been further implemented, consolidated and its extended geographically in 2012.

In addition to the existing Mobility Partnerships with the Republic of Moldova, Cape Verde, Georgia and Armenia, negotiations with Morocco and Tunisia on new Mobility Partnerships, including facilitation of mobility and better managed legal migration, have been conducted. EU has also initiated exploratory talks with Azerbaijan on a Mobility Partnership.

Furthermore, a structured dialogue on migration, mobility and security has been launched with Jordan, which possibly can also lead to establishing a Mobility Partnership. Similar dialogues will follow with other countries in the Southern Mediterranean region, when the political situation so permits. Another framework of cooperation, the 'Common Agendas for Migration and Mobility' are being considered with other priority countries, outside the EU neighbourhood.

EU has been continuously engaged in a number of regional and sub-regional dialogue and cooperation processes in 2012, covering all mutually relevant issues and themes in the area of migration and mobility. In alignment with the GAMM Council Conclusions of 29 May 2012 priority is given to the Africa-EU Partnership on Migration, Mobility and Employment and the Rabat Process in the South, to the Prague Process and the Eastern Partnership panel on Migration and Asylum in the East, as well as to the EU-LAC Migration Dialogue and the dialogue with the countries along the "Silk-route" within the framework of the Budapest Process.

Preparations also begun on the first biennial report on the implementation of GAMM, foreseen to be published in June 2013, which will take stock of progress made and contribute to the further strengthening of the implementation of GAMM.

### **7.2. Immigration Liaison Officers**

At EU level : The amendment of Council Regulation (EC) No 377/2004<sup>86</sup> on the creation of an immigration liaison officers (ILO) network was adopted on 5 April 2011 (Regulation (EU)

<sup>84</sup> [COM\(2011\) 743 final](#) of 18.11.2011

<sup>85</sup> [COM\(2011\) 743 final](#) of 18.11.2011

<sup>86</sup> OJ L 64, 2.3.2004, p. 1

No 493/2011<sup>87</sup>). This amendment facilitates the integration of Frontex into the ILO networks. Reporting from Member States' immigration liaison officers to Frontex takes place through Member States' central offices. In 2012, cooperation between the Agency and ILO's posted abroad has been further developed. Frontex was invited to ILO meetings organized by Member States in different third countries, such as Russia, Turkey and Ukraine. In turn, ILOs posted in the Western Balkans, West and North Africa (Algeria, Benin, Burkina Faso, Cape Verde, Egypt, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Mauritania, Morocco, Niger, Nigeria, Senegal, Sierra Leone and Togo) were invited to the regional analytical meetings of Frontex.

The Frontex Agency furthermore attended the annual Dead Sea Conference in Amman, Jordan. The Conference brought together liaison officers posted in the region by EU Member States and other countries concerned by irregular immigration. It focused on exchange of experiences between them, in connection with curbing irregular immigration and detecting false documents.

In accordance with Article 6(3) of the Regulation(EC) No 377/2004, the Commission has assessed the Member States' reports on the activities of ILO networks presented in the course of 2012 and produced this summary<sup>88</sup>. Two reports were presented by Hungary and Poland, holding the Presidencies of the Council in 2011. Hungary has submitted reports on the ILO networks functioning in Egypt and Turkey, whereas Poland on the one in Ukraine.

According to the Commission's assessment of developments at national level, 8 Member States (AT, FR, DE, HU, CZ, IT, ES and UK) have had ILO's in Egypt in the reporting period. Some of them have formed also part of a local coordination network called Cairo Immigration Liaison Team in which other, non-EU countries (CAN, RSA, USA) participate too. It appears that cooperation in the framework of the latter was more intense. 13 Member States posted ILO's in Turkey (AT, BE, BG, DK – representing all Nordic States- DE, FR, EL, ES, HU, IT, NL, SE, UK).

In both third countries, cooperation took place through a wide variety of activities. Meetings of ILO's were held regularly with participation and/or assistance of Frontex and the EU Delegations. The meetings were often followed up by separate meetings with the host countries' authorities. Exchange of information and practical experiences related to irregular immigration among ILO's seems to be a standard practice. One of the key roles of ILO's is to contribute to the prevention of irregular immigration. In that context, joint specialized training on document fraud and other information sessions were organised, involving often the consular staff of Member States, representatives of the relevant local/national authorities of the host states, as well as of carriers. ILO's have actively participated also in similar events organized by the host country, sharing their expertise and raising awareness with regard to EU and Member States' policies on migration.

Both country reports appreciated the cooperation with ILO's posted in the given third country by other, non-EU countries. They also emphasized the need to pursue cooperation with the competent authorities in the host country and confirmed that acting as a network with coordinated approach, ILO's could be more effective (whilst not questioning the need and the usefulness of bilateral interactions by any Member State's ILO.)

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<sup>87</sup> OJ L 141, 27.5.2011, p.13.

<sup>88</sup> The completed report shall be treated as “RESTREINT UE” document and the relevant provisions of the Council Decision of 19 March 2001 adopting the Council’s security regulations shall be observed. (cf. Commission Decision of 29/IX/2005 C(2005) 1508 final)



According to the report prepared by the Polish Presidency, 11 Member States (AT, CZ, DE, EL, HU, LV, PL, PT, RO, SK, SE) have had ILO's in Ukraine. Cooperation among them appeared to be less developed as only regular (quarterly) meetings and exchange of information and practical experiences were mentioned. Representatives of the host country's authorities, the EU Border Assistance Mission to Moldova and Ukraine (EUBAM) and of the International Organization for Migration (IOM) were also participating in the meetings .

No other cooperation (i.e. joint training, common approach with regard to collecting and reporting strategically relevant information, coordinating position vis-à-vis carriers, setting up contacts with similar networks in the host and in the neighboring countries) was pursued.

Art. 4(1) of the ILO Regulation stipulates that within the framework of the network, ILO's shall contribute to the report on their common activities, however only 3(including the Presidency's own) did so of the 11 ILO's posted in Ukraine.

Although these reports reflect different degree of cooperation among ILO's in the host countries concerned, they all provided fairly detailed information on the situation in those countries in matters relating to irregular immigration.

Having assessed carefully the above mentioned reports and taking into account the provisions of the ILO Regulation, as well as the feedback received from Frontex, there is scope for Member States to enhance practical/operational cooperation among their ILO's posted in the same host third country involving the local EU Delegations and Frontex. The information gathered by the ILO's should feed into the Agency's risk analyses. ILOs' expertise should be better used for coordinating initiatives aimed at capacity building of or developing operational cooperation with the host countries' authorities being offered and financed by Member States or the European Union.

The possibility and added value of a regional approach, implying closer cooperation between the ILO networks established in neighboring third countries, should be carefully assessed.

Synergies between the EU ILO networks and cooperation with liaison officers of non-EU countries posted in the same host country/region are needed, whilst ensuring the proper implementation of the ILO Regulation.

The possibility of joint deployment of ILO's who look for the interest of more Member States, should be better explored and used. Such joint deployment has been identified as specific priority and could benefit from EU support under the relevant existing or future financial instruments.

The Danish and Cypriot Presidencies of 2012 are due to report on the ILO networks in Turkey and Albania respectively, but their reports are not yet available.

As regards future reports to be done by the forthcoming EU Presidencies, the Commission reiterates that according to the amended provisions of Art. 6(1) of the ILO Regulation, such reports shall be drawn up on the activities of immigration liaison officers networks in specific regions and/or countries of particular interest to the European Union, as well as on the situation in those regions and/or countries, in matters relating to irregular immigration, taking into consideration all the relevant aspects, including human rights. The selection shall be based on objective migratory indicators, such as statistics on irregular immigration, risk analyses and other relevant information/reports prepared by Frontex and by the European Asylum Support Office, and shall take into consideration the overall EU external relations policy. The completed report shall be submitted to the European Parliament, the Council and the Commission.

### 7.3. Mainstreaming of migration in development policies

At EU level, the European Commission continued providing significant support to third countries for strengthening all aspects of migration governance under both its geographic and thematic external cooperation instruments. Under the EU's Thematic Programme for Migration and Asylum, the 2011-2012 call for proposals was finalised, resulting in the selection of 49 new projects for a total value of EUR 74 million. Though the projects covered all areas of migration governance, in terms of thematic priorities, initiatives to foster the link between migration and development received the highest attention by the stakeholders. Geographically, the EU Neighbourhood, Sub-Saharan Africa and Middle East regions received priority.

The Commission undertook further efforts to strengthen the mainstreaming of migration into development policies in other sectors. For example, a 3.3 million EUR project with the OECD was launched to develop evidence-based knowledge on the interrelations between public policies, migration and development and to provide targeted assistance to a number of partner countries with mainstreaming migration into their development policies.

At national level, several Member States (BE, CZ, DE, EL, IE, IT, LU, LV, PL, RO, SI, SK and SE) and Norway reported on efforts to effectively mainstream migration in development policies.

Specific actions included research (BE, DE, IE), for example, in Germany, focusing on business responsibility and migration, migration and rural development, and successful business models by migrants, and participation in international and high-level conferences on migration and development (BE, DE, EL, AT, SE, NO). In Belgium, for example, the Belgian Development Cooperation organised a high-level national conference entitled “Policy Coherence for Development” which focused on the interdependence of development and other sectorial policies including migration. Most Member States participated in the Global Forum on Migration and Development.

BE, IE, IT, LV and SK reported on efforts to strengthen national inter-institutional cooperation and enhance institutional capacity in the field of migration and development. In Belgium, for example, draft legislation on development cooperation, which incorporates reinforcing policy coherence for development, was approved by the House of Representatives in December 2012, and in the Slovak Republic, in the framework of the mid-term strategy of Official Development Aid 2009–13, the National Programme 2012 has placed a focus on project proposals will take into consideration the commitment to increase coherence between migration and development policies. This topic is one of the cross-sectional priorities considered in the selection of all development cooperation projects by the government.

Several Member States (CZ, DE, IT, PL, SI) also reported on their participation in a range of solidarity projects, including those combining capacity building and policy making aspects (CZ), for example, a pilot project “Migration and development” within the EC targeted Initiative on implementation of the Prague Process Action Plan, which deals with issues of circular migration; economic development and the role of diasporas, in countries such as Kosovo and Serbia (DE); a project creating social and economic alternatives to the irregular migration of minors from North Africa (IT) and a development programme initiated in 2012 aiming to improve the living conditions and in turn, minimise the massive influx of international protection seekers southern Serbia (LU). In some situations, Member States have worked together, for example, the project “Supporting the State Migration Service for

Strengthening of Migration Management in Armenia” is a twinning project implemented by Sweden and Poland.

#### 7.4. Migrants' Remittances

At EU level: Remittances remain a significant source of private income to many families in third countries and in 2011 they amounted to €28.5 billion, a 3% increase from 2010.<sup>89</sup> Whilst the Commission and Member States have undertaken a number of remittance related initiatives over recent years and improvements have been made, a recent Commission-funded study<sup>90</sup> found that a significant amount of work remains to be done if the commitments made by the EU over the last five years remittances are to be met.

At national level, a number of Member States (CY, CZ, DE, ES, IT, LU, NL, SE, UK) and Norway reported on measures with respect to remittances. These ranged from price comparison online portals for remittances (DE, IT, NL) and Norway; research; legislative and policy measures as well as involvement in project initiatives and technical cooperation activities. Spain reported on its participation in the sub-group on remittances of the G20.

In DE, IT, NL and NO online portals for price comparisons of remittances are seen to lead to rising competition among providers for remittances, and hence to faster, cheaper and safer services. In Germany, the remittances price comparison website [www.geldtransfair.de](http://www.geldtransfair.de) is being updated in order to heighten transparency on the market for remittances. In Italy, the Ministry of Foreign Affairs provides an online service to compare the cost of sending remittances ([www.manda.isoldiacasa.it](http://www.manda.isoldiacasa.it)). Netherlands has also taken actions to improve the transparency of the Dutch market for remittances, in particular by supporting the web-site [www.geldnaarhuis.nl](http://www.geldnaarhuis.nl).

In terms of research activities, in Czech Republic, the first outcomes of academic research into the remittances of Ukrainian immigrants were made public; in Germany, the FReDI Handbook (Financial Literacy for Remittances and Diaspora Investment – a Handbook on Methods for Project Design) has been developed in cooperation with the “European Microfinance Platform” NGO; and in Sweden, a study has been conducted to understand how migrants contribute to the development in their countries of origin.

In relation to legislative measures and policy commitments, Italy adopted Law 44/2012 which abolished taxation on the financial transfers made to non-EU countries by foreigners with no national insurance (NI) or National Institute for Social Pensions (INPS) number. The Ministry of Interior in the Czech Republic has launched interagency discussion in order to formulate future policy solutions in how to make services related to remittances transfers more transparent and the environment more competitive. In Norway, regulations for the operation of money transfer agencies have been liberalised, which has led to a proliferation of agencies established in Oslo, offering migrants’ significantly more choice.

A number of other initiatives were reported, including a technical cooperation to increase financial literacy in Uzbekistan for remittance recipients in Germany. Luxembourg has supported a project focusing on mobilizing migrants’ savings in order to finance micro financial institutions in Cape Verde. United Kingdom has participated in the Technology and Business Innovation Programme initiative with CGAP, an independent policy and research centre dedicated to advancing financial access for the world's poor on the Technology and

<sup>89</sup> Source: Eurostat Press Release 176/2012 of 11 December 2012.

<sup>90</sup> *EU Remittances for Developing Countries, Remaining Barriers, Challenges and Recommendations* available from [http://ec.europa.eu/europeaid/what/migration-asylum/documents/eu\\_remittances\\_for\\_developing\\_countries\\_final\\_19-11-2012.pdf](http://ec.europa.eu/europeaid/what/migration-asylum/documents/eu_remittances_for_developing_countries_final_19-11-2012.pdf).

Business Innovation Programme in partnership (with the Bill & Melinda Gates Foundation and the Master Card Foundation). The purpose of this initiative is to explore the use of branchless banking in order to improve the speed and security of international remittance transfers and reduce their costs through the application of new technologies.

## **7.5. Working with diasporas**

At EU level, EU Thematic Programme for Migration and Asylum is supporting the setting up of the “European-wide African Diaspora Platform” with the aim of promoting the contribution of the African diaspora as key actor for development (implemented by the African Policy Diaspora Centre in the Netherlands).

At national level, with regard to EU development initiatives, the Netherlands has reported on the involvement of diaspora groups in the Joint Africa-EU Strategic Partnership. The Dutch Ministry of Foreign Affairs approved a project proposal from the African Diaspora Policy Centre (ADPC) aimed at capacity-building of newly-formed diaspora-oriented ministries in Africa.

Several Member States (BE, EE, EL, IT, SK, SE, UK) and Norway reported on specific activities in the form of project initiations or financial support for diaspora groups to enhance development in their country of origin as well as cooperation and dialogue with diaspora organisations, in a range of countries.

Belgium, for example, signed a Memorandum of Understanding to contribute funds to a two-year pilot project (MEDMA 2) “Mobilisation of Moroccans residing in Belgium for the Development of Morocco”, which aims to provide potential investors with technical, financial and administrative information to access existing mechanisms to facilitate their investment and contribute to the socio-economic development of Morocco. Belgium and Italy continue to support the Migration for Development in Africa (MIDA); Italy will support the MIDA programme targeting Sub-Saharan African diaspora groups living in Italy, and has actively involved diaspora groups in the planning of interventions and investments in their countries of origin. Italy has also launched a ‘diaspora bonds’ initiative, whereby bonds are issued by countries of origin for migrants living abroad to finance national development projects. In Sweden, a project was initiated to facilitate the involvement of the organised Somali diaspora in the development cooperation with Somalia, and The Norwegian Development Agency (NORAD) has sought to integrate the work of diaspora groups with the work of traditional development organisations and in 2012 has prioritised projects which partner with diaspora organisations.

In relation to capacity building of diaspora organisations, Belgium supports two health-related programmes from migrant associations working with the diaspora community of the Democratic Republic of Congo. In 2012, Estonia provided financial support to different project activities of national minorities’ associations. Greece has implemented two actions to support diaspora organisation. In addition, Immigrant Integration Councils (SEM), which include representatives of immigrant organisations, were set up in the municipalities that had not yet formed these bodies (EL). In Germany, a new programme has been initiated whereby migrants can apply for advisory support and funding for specific project ideas, and Germany also promotes migrants’ private economic commitment in their countries of origin with the programme “Migrants as entrepreneurs”. In the United Kingdom, a new government funded initiative has been dedicated to enhancing the contribution of diaspora groups to Africa’s development and fostering greater dialogue and engagement between UK-based Africans and

policy makers. Two existing programmes have continued to provide funding for diaspora organisations during 2012.

With regard to cooperation and dialogue with diaspora organisations, representatives of the Ministry of Interior in Czech Republic and the Vietnamese diaspora met several times in 2012 to discuss direct support of the 2<sup>nd</sup> generation of Vietnamese in the Czech Republic, and in the Slovak Republic, cooperation with migrants' communities and civic associations takes place through a formal mechanism of the Inter-Ministerial Commission for Migration and Integration of Foreigners.

In relation to engaging national diaspora, EL and LT reported on on-going activities to establish relations with nationals living abroad. In Greece, the draft law on the "Organization of World Council of Hellenes Abroad" (SAE) came to public consultation, which defines the future role for the organisation. Furthermore, a working group in the Minister of Interior is drafting a law on vote rights of expatriates. A conference "Moving Forward" was also organised which focused on national diaspora's contribution to overcome the current crisis. Lithuania adopted the implementation plan of the "Global Lithuania" strategy which proposes concrete measure for engaging Lithuanians living abroad to participate in state life.

#### **7.6. Efforts to mitigate 'brain drain'**

At national level, many Member States (BE, DE, ES, IE, IT, LU, SI, SK, SE, UK) reported on on-going actions to prevent brain drain from countries of origin. These included projects to encourage diasporas to make use of their qualifications and skills to mainstream =development of their countries of origin (BE, LU, SI); a project for returning professionals offering advice on return and career planning (DE); setting up an online platform to facilitate the mutual exchange of researchers (IT) and proposals for legislative changes to facilitate circular migration (SE).

Ireland, Spain and the United Kingdom focused efforts on preventing brain drain specifically in the health sector. Ireland has cooperated with the Global Health Workforce Alliance, which was instrumental in adopting the Code of Conduct for International Recruitment of Health Workers. The Ministry of Foreign Affairs and Cooperation in Spain held meetings with the Ministry of Health, Social Services and Equality and the regional governments to implement an ethical recruitment strategy in the healthcare sector, especially with regard to the recruitment of health workers from Latin America and Eastern Europe. Spain also signed up to all provisions of the Code of Practice on international recruitment of health personnel approved by the World Health Assembly. The UK formalised a Code of Practice for the International Recruitment of Healthcare Professionals which is concerned with the protection of developing countries and seeks to prevent active recruitment from developing countries unless there is an explicit bilateral agreement to support recruitment activities.

## 8. IRREGULAR MIGRATION

Table 6a and 6 b provide an overview of the indicators used to measure irregular migration, namely refusals of entry, apprehensions and returns. On refusals, Spain was by far the largest with 199 830 followed by PL (29 705).

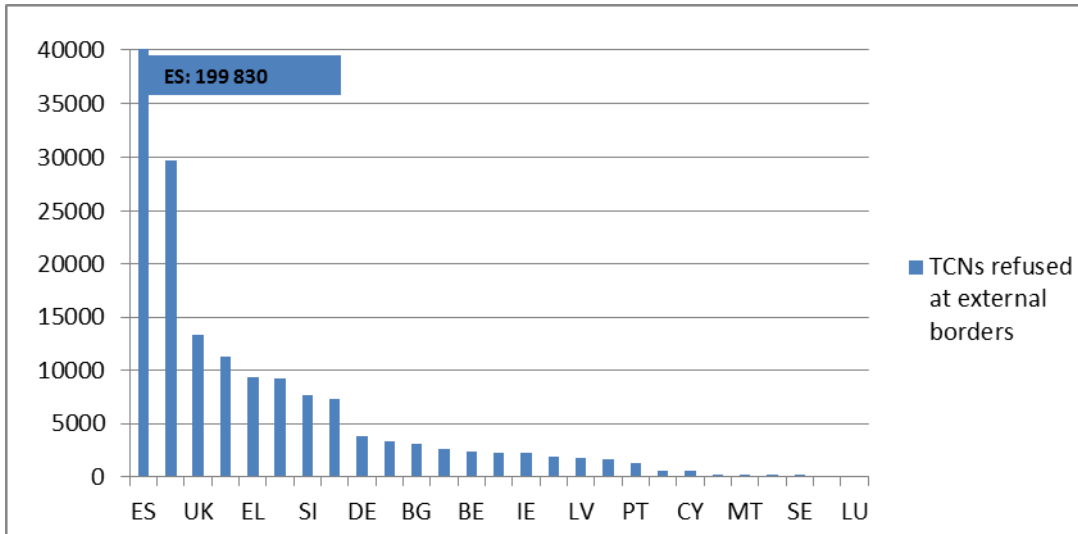


Figure 6a: Third-country nationals refused entry at external borders (2012) – source: Eurostat

Most apprehensions occurred in Greece (72 420), followed by Germany (64 815), Spain (52 485), France (49 760) and the United Kingdom (49 315), whilst for returns to a third country these were mainly from the United Kingdom (49 515), France (22 760), Spain (18 865) and Greece (16 650).

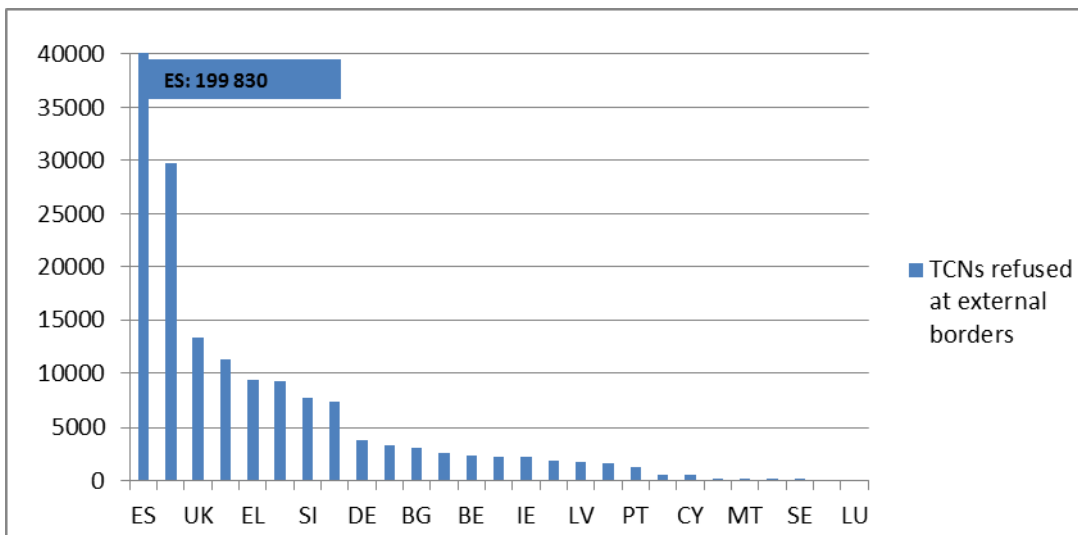


Figure 6a: Third-country nationals refused entry at external borders (2012) – source: Eurostat

This Section reports activities in the Member States that have contributed to combating irregular migration, both in relation to changes in labour market policy and the six Strategic Priority Areas outlined in the Strategic Response to EU Action on Migratory Pressures<sup>91</sup>.

<sup>91</sup> 8714/1/12 REV 1 <http://register.consilium.europa.eu/pdf/en/12/st08/st08714-re01.en12.pdf>

## 8.1. Employer Sanctions

At EU level, The deadline for transposition of the Employer Sanctions Directive 2009/52/EC<sup>92</sup> by Member States into national legislation was 20 July 2011, and by April 2013 only Belgium and Sweden had not yet notified complete transposition. Commission has launched infringement procedures for non-communication.

A study was launched in 2012 to assess the conformity of the transposition into Member States' national legislation. In a next phase the Commission will do a detailed evaluation of the transposition of the Directive into national legislation based and, if necessary, launch EU pilots and infringement procedures.

The Employer Sanction Directive also requires Member States to ensure that effective and adequate inspections are carried out on their territory to control employment of illegally staying third-country nationals. Such inspections shall be based primarily on a risk assessment to be drawn up by the competent authorities in the Member States. Member States are required to communicate to the Commission the inspections, both in absolute numbers and as a percentage of the employers for each sector, carried out in the previous year as well as their results. The Commission invites Member States concerned to submit such reports, to enable the Commission to reflect these in the implementation report due in 2014.

At national level, a number of Member states reported changes in their legislation, policies and practices to implement measures against employers of illegally staying third country nationals in the framework of the transposition of Directive 2009/52/EC<sup>93</sup>.

In Italy, Decree n. 109/2012 introduced more severe sanctions against employers giving work to foreign citizens who do not hold regular permits to stay, and in Poland, the Act (Dz. U. of 2012, item 769) on the effects of employing illegally staying migrants introduced new tasks for both labour inspectors (i.e. controls on employer obligations and prosecution for infringements) and the Chief Labour Inspectorate (reporting obligations). To support this process, the Ministry of Labour and Social Policy developed information material (including leaflets and brochures) for employers, which was directly related to the entry into force of the new Act. In Greece by Law 4052 / 2012 adopted a series of measures and sanctions against employers of third-country nationals illegally staying in the territory of the country. These can be: a) fines b) exclusion from public benefits or aid and EU funds c) temporary or permanent revocation of business licenses or of specific parts of the production process and d) criminal penalties depending on the severity of each case. The Labour Inspectorate of Ministry of Labour, Social Security and Welfare, in collaboration with other agencies such as the Police, is the competent authority for implementation of this law.

## 8.2. Strategic Priority I : Strengthening cooperation with third countries of transit and origin on migration management<sup>94</sup>

### 8.2.1. *Ensure implementation of all EU readmission agreements to their full effect*

At EU level: Efforts continued to put into practice the recommendations made in the Commission's evaluation of the EU Readmission Agreements<sup>95</sup> taking account also of the

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<sup>92</sup> OJ L 168, 30.6.2009, p.31.

<sup>93</sup> Directive 2009/52/EC provides for minimum standards on sanctions and measures against employers of illegally staying third-country nationals

<sup>94</sup> This section is structured according to the strategic priorities of the "Road map on EU Action on Migratory Pressures – A Strategic Response" adopted by the Council on 28.4.2012, Council document 8714/1/12 REV 1. See: <http://register.consilium.europa.eu/pdf/en/12/st08/st08714-re01.en12.pdf>.

Council Conclusions of 9-10 June 2011 on European Union strategy on readmission, in particular to strengthen guarantees of fundamental rights protection in newly negotiated EU readmission agreements with third countries, and to introduce a pilot project in selected third countries introducing a post-return monitoring mechanism, preparations for which are at an advanced stage.

Efforts also continued with regard to monitoring of the implementation of 13 EU Readmission Agreements in force in regular contacts with the Member States and through the organisation of various Joint Readmission Committees with the third countries in question. Particular efforts were devoted to the agreements with third countries from which irregular migration flows to the EU are strong e.g. Pakistan.

Readmission negotiations were finalised at the level of negotiators with the initialling of Readmission Agreements with Cape Verde in April 2012, with Turkey in June 2012 and with Armenia in October 2012. Negotiations with Azerbaijan have progressed at a steady pace.

While completing outstanding negotiating directives received from the Council, the Commission has insisted that exploration of possibilities for new negotiating directives concentrates on countries of origin of irregular migration and takes account of broader EU relations including consideration of available incentives, in line with the the abovementioned Commission Communication and Council Conclusions.

The Commission contributed to the adoption of a set of Recommendations by expert meetings covering inter alia readmission aiming at enhancing the implementation of the relevant provisions of Article 13 (Migration) of the Cotonou agreement, endorsed at the ACP Ministerial Meeting in Vanuatu in June 2012.

At national level, in 2012, several Member States (AT, BE, BG, CZ, DE, EE, ES, EL, FI, FR, HU, LT, LU, LV, NL, PL, PT, RO, SI) and NO applied implementing protocols concluded under the EU readmission agreements with third countries. Belgium, Netherlands and Luxembourg operate within the framework of the Benelux when negotiating those protocols. This year, the Benelux countries focused mainly on the implementation of protocols linked to the readmission agreements with the Western Balkan countries. Romania reported that the implementation of the readmission agreement with Serbia resulted in a decrease in the number of irregular border crossing and asylum applications across its border with Serbia. Ireland began the process of opting into some of the 13 EU readmission agreements during 2012, in particular those with: Albania, Bosnia and Herzegovina, Georgia, Macao, former Yugoslav Republic of Macedonia, Republic of Moldova, Montenegro, Pakistan, Russian Federation, Serbia and Sri Lanka.

During 2012, the negotiation and use of implementing protocols under the **EU readmission agreements**, Member States reported the following progress :

Albania	<ul style="list-style-type: none"> <li>• Bulgaria signed an implementing protocol</li> <li>• implementing protocol signed also by the Czech Republic</li> </ul>
Bosnia and Herzegovina	<ul style="list-style-type: none"> <li>• Austria signed a readmission agreement which also entered into force</li> <li>• implementing protocol concluded with Hungary</li> <li>• with France, the Benelux, Latvia, Lithuania and Spain – progress aiming to sign the implementing protocol</li> <li>• implementing protocol signed by the Czech Republic</li> </ul>

<sup>95</sup> COM(2011)76 final



Cape Verde	<ul style="list-style-type: none"> <li>• Bulgaria and Benelux announced plans to engage into the negotiations on implementing protocol once the EU readmission agreement enters into force</li> </ul>
former Yugoslav Republic of Macedonia	<ul style="list-style-type: none"> <li>• implementing protocols with Bulgaria entered into force</li> <li>• negotiations of implementing protocols with Latvia and Lithuania</li> <li>• implementing protocols were concluded with Benelux</li> </ul>
Georgia	<ul style="list-style-type: none"> <li>• implementing protocol with Bulgaria entered into force</li> <li>• negotiations for implementing protocols with Benelux, the Czech Republic, Estonia, Lithuania, Portugal</li> <li>• implementing protocols with Estonia and Hungary entered into force</li> </ul>
Republic of Moldova	<ul style="list-style-type: none"> <li>• negotiations of implementing protocols with Benelux, and Portugal</li> </ul>
Montenegro	<ul style="list-style-type: none"> <li>• implementing protocols signed with the Benelux</li> <li>• implementing protocols with the Czech Republic and Germany, entered into force</li> </ul>
Pakistan :	<ul style="list-style-type: none"> <li>• Bulgaria announced plans to engage into the negotiations on implementing protocol,</li> <li>• Austria and Greece have also proposed such negotiations to Pakistan</li> </ul>
The Russian Federation,	<ul style="list-style-type: none"> <li>• Bulgaria concluded implementing protocols</li> <li>• implementing protocols concluded by Belgium, the Czech Republic, Lithuania, Sweden and Slovenia</li> <li>• <u>technical negotiations</u> of an implementing protocol progressed by Portugal and the ratification procedure necessary for entry into force of an implementation protocol was followed by Finland<sup>96</sup></li> <li>• Latvia very successfully implemented the implementing protocol with Russia, also by organizing regular meetings and discussing important issues.</li> </ul>
Serbia	<ul style="list-style-type: none"> <li>• implementing protocol signed with Poland</li> <li>• implementing protocol with Romania entered into force</li> <li>• implementing protocol signed with the Czech Republic in negotiations carried out for implementing protocols with the Benelux, Latvia and Portugal.</li> </ul>
Turkey	<ul style="list-style-type: none"> <li>• Bulgaria announced plans to engage into the negotiations on implementing protocol once the Agreement enters into force</li> </ul>
Ukraine	<ul style="list-style-type: none"> <li>• negotiations for implementing protocols with Benelux and Poland</li> </ul>

Table II: Progress readmission agreements with third-countries in 2012. Source: EMN

As regards bilateral cooperation between individual Member States and third countries, Finland focused on improving the efficiency of police operations related to the enforcement of removal decisions of Ethiopian citizens. Slovak Republic hosted several meetings of border attorneys within the framework of different bilateral readmission agreements. Italy re-launched its bilateral cooperation with Algeria, Egypt, Libya and Tunisia which was interrupted during the political crisis in the Southern Mediterranean. Lithuania engaged in negotiations on an agreement with Thailand. The agreement between Austria and Nigeria

<sup>96</sup> Cooperation protocol ratified early 2013 by Finland.

entered into force. Benelux engaged in negotiations on an agreement with Kazakhstan. The agreement between the Czech Republic and Kosovo entered into force while Estonia engaged in negotiations on a similar agreement with Kosovo.

### 8.2.2. *Enhance the capacity of countries of origin and transit to manage mixed migration flows*

At national level, Italy initiated bilateral dialogue with representatives of the Tunisian and Libyan governments to discuss how to strengthen the level of cooperation achieved on immigration issues, both in relation to mixed (regular and irregular) migration flows.

Member States also implemented actions to support asylum and migration systems in a wide range of countries of first asylum: Turkey (AT, UK, NO), Burundi (BE), Nigeria (IE), Kenya (UK), Libya (IT), Tunisia (IT), Ghana (NL), Moldova (NL, SK), Bosnia and Herzegovina (NL), Azerbaijan (LV, NL, RO) and East Timor (PT). The support comprised financial assistance, training/capacity-building and information exchange. In response to the outflows of refugees from Syria to neighbouring countries in 2012, Austria donated €2.93 million to Turkey to support refugee camps at the Turkish-Syrian border and United Kingdom and Norway jointly funded the IOM to implement an Assisted Voluntary Return project in Turkey. Hungary participates in a twinning project with Kosovo to manage return and reintegration.

Several Member States (BE, IE, IT, NL, PT, RO and SK) provided experts to train asylum and migration authorities in third-countries. Training was provided to protection officers and asylum judges in Burundi (BE) and migration authority staff in a range of countries (IE, IT, NL, PT, RO, SK), including Azerbaijan, Armenia, Moldova and Georgia (RO), Nigeria (IE) and East-Timor (PT). Others implemented actions within the framework of EU level cooperation, such as TAIEX (Technical Assistance and Information Exchange) and MIEUX (Migration EU Expertise) (NL, PT, RO).

### 8.2.3. *Prevention of irregular migration from (a) the Southern Mediterranean countries*

At national level Portugal and United Kingdom undertook significant activities aimed at preventing irregular migration flows focusing on the Southern Mediterranean countries. Portugal provided training to MEDA<sup>97</sup> partners (Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, Palestinian Authorities and Tunisia), as well on border control themes, including irregular migration, document security and biometrics (Libya and Syria). United Kingdom supported Greece by funding an AVR programme for irregular migrants implemented by IOM. In October, United Kingdom further agreed to fund the provision of an intelligence-gathering tool at the Greece Turkey land border and to provide assistance to Greece in screening potential asylum seekers and identifying victims of trafficking.

Italy's strategy in North Africa was twofold: (i) to train migration authorities (in Algeria) to improve their capacity to manage mixed migration flows; and (ii) to inform potential migrants (in Egypt) about legal migration routes and on the risks and living conditions of unaccompanied minors during migration. In addition, Czech Republic and Finland amongst others reported on their deployment of national experts to participate in European joint actions at the Mediterranean borders. Malta has stepped up its patrol regime, and undertaken actions to improve cooperation between the Armed Forces of Malta (AFM) and the Maltese Police. Malta has also embarked on a programme of engagement in Libya which has seen the Armed

<sup>97</sup> [http://ec.europa.eu/europeaid/how/evaluation/evaluation\\_reports/2009/1264\\_docs\\_en.htm](http://ec.europa.eu/europeaid/how/evaluation/evaluation_reports/2009/1264_docs_en.htm)

Forces provide training to their Libyan counterparts in areas such as Maritime Law, Search and Rescue, and Law Enforcement. This training has been delivered both by means of Mobile Training Teams deployed to Libya, during ship visits to the port of Tripoli and at the AFM's Maritime Safety and Security Training Centre (MSSTC) in Malta. Malta is also strongly supporting engagement efforts at EU-Level by contributing experts to the process leading to the launch of a full Common Security and Defence Policy (CSDP) Mission in Libya. Spain implemented joint patrols with Morocco and cooperated with coast guards in Algeria.

#### 8.2.4. *Prevention of irregular migration from (b) the Eastern Partners*

At national level, several Member States (BE, EE, FR, FI, HU, IT, PL, PT, RO, SK) implemented targeted actions on prevention of irregular migration from the Eastern Partnership countries. Belgium and Italy focused on informing third-country nationals from these countries of the dangers of migrating through smugglers/fraudulent networks. Slovak Republic and Moldovan authorities planned joint actions to combat organised crime connected with smuggling and irregular migration. Romania delivered an initiative to counter document fraud working through consular staff in Moldova. Hungary, Portugal and Finland specifically mentioned that they make use of Immigration Liaison Officers (ILOs) in Moldova (HU), Belorussia and Ukraine (FI) and Russia and Ukraine (PT) for preventing irregular migration. Estonia concluded bilateral agreements with Border Guard Authorities of the Eastern Partners Russian Federation, Georgia, Moldova, Ukraine, Azerbaijan and Belarus, particularly in relation to sharing of information and intelligence to combat irregular migration and cross-border crime. France focused on combating irregular immigration networks through training missions in Bulgaria, Albania and Belorussia; combating document fraud, in particular in Romania and in Azerbaijan; promoting the European project SCIBM (South Caucasus Integrated Border Management) with missions organised in Armenia, Georgia and Azerbaijan.

#### 8.2.5. *Prevention of irregular migration from (c) the Western Balkans*

At national level, six Member States (AT, BE, BG, CZ, HU, IT, RO, SI, SK), five of which (AT, BG, CZ, IT, RO) are situated close to the Western Balkans, took measures to prevent irregular migration from the region. Following an increased in the trafficking of stolen vehicles from Czech Republic through the Hungarian-Serbian land border, Czech Republic – in response to a Frontex request - deployed two experts for stolen vehicles at the Slovenian-Croatian border. As part of a defined “5-point package of measures”, Hungary and Austria, with Serbia, set up joint investigation teams that detained more than 500 irregular migrants and some 21 smugglers between January and March 2012. Slovak Republic cooperates with Austria, Czech Republic and Hungary, in the field of irregular migration via the ‘Balkan’ route, through a number of projects and meetings. Romania assisted in the reinforcement of the asylum centre in Timisoara on the Romanian/ Serbian border in response to the high number of applications submitted by migrants who illegally cross the border and apply for asylum.

In the framework of the Salzburg Forum (SF)<sup>98</sup>, Ministers of the SF countries (AT, BG, CZ, Croatia, HU, PL, RO, SI, SK), the Western Balkan countries and Moldova agreed to set up a regional contact list of all relevant authorities, in order to improve practical cooperation and exchange of information to prevent and combat irregular immigration. Austria also hosted

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<sup>98</sup> The Salzburg Forum (SF) is a Central European security partnership which aims to coordinating collaboration within the EU, intensifying regional cooperation and to enhance cooperation with the Western Balkan countries. Member States include Austria, Bulgaria, Croatia, Czech Republic, Hungary, Poland, Romania, Slovak Republic and Slovenia.

inter-ministerial meetings on human smuggling and irregular migration, one in the context of the SF security partnership to agree upon the strategic operational framework for July 2012 to December 2013, and two with Hungary and Serbia to draw conclusions on the measures implemented under the “5-point package of measures” as defined in 2011. Bulgaria hosted a workshop attended by representatives of the Border Police at the international airports of the Member States of the Regional Initiative “Migration, Asylum, Refugees” (MARRI), including Albania, Bosnia and Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia, Serbia and Montenegro, plus representatives from Frontex and the Swiss Federal Office for Migration and Police Cooperation Convention for Southeast Europe. Bulgaria, Romania and Moldova were included as members of the Association of the Police Chiefs of South East Europe (SEPCEA). The seminar took place within the project “Joint comprehensive approach in the development of cooperation between MARRI and SEPCEA”, and aimed to improve the capacity of national authorities responsible for border management, in particular in the field of air borders, within the wider project aim to achieve better regional cooperation and improve the mechanisms for information sharing among border police at the international air checkpoints of the Member States of MARRI and SEPCEA, to combat irregular migration, criminality and terrorism.

Italy trained Albanian migration authorities with a view to preventing irregular migration flows (see above) and have used visa liberalization strategically to encourage legal as opposed to irregular migration. Belgium implemented awareness-raising campaigns in Armenia with regard to the risks and consequences of irregular immigration. Slovenia is actively involved in Western Balkan Risk Analysis Network under the auspices of Frontex.

#### *8.2.6. Prevention of irregular migration from (d) the Western Mediterranean and the African Atlantic coast*

At national level, Member States used multiple tools to prevent irregular migration from this region including information campaigns (BE, FR, IT), capacity-building (IT, PT), technical support and installation of equipment (PT) and readmission agreements (AT).

Belgium launched information campaigns in Guinea and Morocco with a focus on return in the former and on reintegration support for sub-Saharan migrants who returned voluntarily in the latter, and in Cameroon, with a focus on tackling inflows of bogus asylum seekers and abuse of the student route into Europe. France provided training sessions focusing on irregular migration networks and document fraud to the countries of the Western Mediterranean: countries of the African Atlantic Coast were offered repeated training sessions in document fraud (a project aimed at bolstering civil aviation security in Africa (ASACA)) and in combating illegal immigration at the airports Portugal set up technical equipment for improving border-control (e.g. pre-boarding screening, training on fraud and security) in Bissau and in S. Tome and Príncipe Airports. Within the framework of MIEUX, PT implemented capacity-building missions in the Ivory Coast. PT also made use of ILOs deployed in Angola, Senegal, Cape-Verde and Guinea-Bissau in 2012. In Austria, a readmission agreement with Nigeria entered into force and another readmission agreement was negotiated with Gambia; both concerned information exchange, technical cooperation, establishing identity, and the terms and conditions of return. Spain set up a project to implement training of border and coast guards in surveillance, provision of surveillance equipment, and support through joint patrols to five countries of the West Sahel region (Gambia, Mauritania, Senegal, Mali and Niger).

### **8.3. Strategic Priority II: Enhanced border management at the external borders**

At EU level : After several years of practical application, the need for a number of practical and technical amendments to the Schengen Borders Code (SBC) had emerged. On 10 March 2011, the Commission adopted a proposal COM 2011(118) containing several technical changes to the SBC. A first reading agreement was reached at trilogue level on 4 December 2012. The agreed text contains amendments that improve clarity of the existing text of the SBC as well as amendments responding to practical problems that have arisen. Travellers and competent authorities will clearly benefit from its adoption, in particular from a simplified and harmonised new calculation method for short-term stays. The amendment also contains a clear legal frame for shared border crossing points at which Member State border guards and third-country border guards carry out entry and exit checks one after another in accordance with their own legislation and pursuant to a bilateral agreement. Even though the proposal was not linked to the "Schengen package", formal adoption of the proposal is currently still blocked by EP, following the EPs 14 June 2012 decision to block co-operation with Council on 5 JHA files (related to debate on the "Schengen package").

#### *8.3.1. Preventing and combating irregular immigration by ensuring strong and efficient border control agreements with third countries*

At national level, in order to prevent and combat irregular migration, various agreements between Member State border guards and those of third-countries were signed. For example, Belgium and Slovak Republic adopted / developed Action Plans with Serbia and Ukraine respectively. Specifically, border guard cooperation agreements were planned between Portugal and Moldova, and Portugal and Russian Federation; signed between Latvia and Belarus, Armenia, Tadjikistan, Ukraine, and Uzbekistan; and entered into force between Lithuania and the Russian Federation on the activities of State Border Representatives. Norway's agreement on local border traffic with the Russian Federation entered into force. Portugal also signed agreements with Cape-Verde and Brazil, and made plans to sign agreements with Angola, Mozambique, Guinea-Bissau and Sao Tome and Principe, aimed at providing technical support to improve the efficiency of border-control systems in the third-countries involved. Italy has signed specific agreements on police cooperation with approximately forty countries, mainly from the African continent. Spain renews its agreement with Mauritania regarding training, equipment and capacity-building on an annual basis. Bulgaria and Serbia through an agreement in December 2012 has opened and operationalized a Joint Bulgarian-Serbian contact center for police and customs cooperation. Romania also established an agreement with Moldova to implement a common contact centre.

In Estonia, bilateral Cooperation Agreements were signed with six third countries, Russian Federation, Georgia, Belarus, Moldova, Azerbaijan and Ukraine, plus one trilateral Cooperation Protocol amongst the border guard institutions of Estonia, Finland and Russian Federation. All the agreements regulate operational information exchange on both irregular migration and cross-border crime, and create a basis for good practice visits and the exchange of experts. Hungary also concluded a bilateral Cooperation Agreement with Ukraine on border control, which has entered into force in July 2012; a further such agreement with Serbia on border control, will enter into force in January 2013.

Austria hosted the 10th Central Asia Border Security Initiative (CABSI) Conference, which focused on strengthened cooperation in border management measures in Central Asian States. Participants included Ministers of the Interior from the EU, Central Asia, and Afghanistan as well as international partners, such as USA and Russian Federation. Chief border attorneys in Slovak Republic held meetings with equivalents in Ukraine, in order to continue cooperation

and coordination of joint efforts in ensuring security at the Slovak-Ukrainian state borders. Italy also held meetings with officials from Tunisia and with Libya (as mentioned above) to talk about a range of migration issues including border control. In Netherlands, the migration authorities (IND) and ILOs provided training courses in third countries as part of the EU MIEUX framework in Ghana, Moldova, Bosnia and Herzegovina, Azerbaijan, and Romania.

Future activities include the development of a trilateral Agreement on establishing a contact centre for police and customs cooperation between Bulgaria, Greece and Turkey, and for joint border patrols on the Bulgarian-Turkish border that will update a pre-existing agreement between Bulgaria and Turkey, signed in 1967.

### 8.3.2. *Border control including Frontex operations*

At EU level, a revision of the Frontex Regulation (Regulation (EU) No 1168/2011)<sup>99</sup> was adopted on 22.11.2011, and the revised Regulation entered into force in December 2011. The Frontex agency is now better prepared to face the challenges at the external borders of the Union together with Member States. Frontex may for instance acquire or lease its own technical equipment such as vessels or helicopters for the coordination of border control activities. Frontex will also be deploying European Border Guard Teams. These teams will consist of national border guards assigned or seconded by Member States. Frontex will be able to strengthen its cooperation with third countries and will have the possibility to provide them with technical assistance.

The full respect of fundamental rights and obligations under various international law instruments received specific attention. For instance a Fundamental Rights Officer has been created within the Agency (the Fundamental Rights Officer took up her duties on 16 December 2012) to assist in matters having implications for fundamental rights and a Consultative Forum on Fundamental Rights has been set up with an inaugural meeting in October 2012 with the participation of relevant international organisations and NGOs.

The first Frontex specialised branch entitled "Frontex Operational Office" became operational on 1 October 2010 as a pilot project. 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; 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). This pilot project has been extended until the end of 2013.

On 13 December 2011, Regulation (EU) No 1342/2011 of the European Parliament and of the Council, amending the Local Border Traffic Regulation (EC) No 1931/2006 as regards the inclusion of the Kaliningrad oblast and certain Polish administrative districts in the eligible border area had been adopted. It enables easier border crossing for people in the Kaliningrad area as well as in a specific border area on the Polish side. The bilateral agreement between Poland and Russia which makes this local border regime operational entered into force in July 2012.

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<sup>99</sup> Regulation (EU) No 1168/2011 of 22 November 2011

### 8.3.2.1. a) New border control developments

At EU level: The Commission Communication 'Smart Borders – options and the way ahead' (COM(2011)680) set out the main options for moving forward in this area. Preparatory work continued during 2012 including consultation with stakeholders on key points such the use of biometrics and access for law enforcement purposes in the Entry/Exit system. On that basis, the Commission on 28<sup>th</sup> February 2013 adopted "the Smart Border package", consisting of an Entry/Exit system<sup>100</sup> and of a Registered Traveller Programme<sup>101</sup>.

In close coordination with Frontex and the Member States, the Commission continued to develop the European Border Surveillance System (EUROSUR), which shall become operational as of 1 October 2013.

On 12.12.2011, the Commission had adopted a proposal for a Regulation establishing the European Border Surveillance System (EUROSUR) (COM(2011) 873) which will streamline cooperation and enable systematic information exchange between Member States as well as with the Frontex agency on border surveillance. In 2012 this proposal was been examined by the European Parliament and the Council following the ordinary legislative procedure and is expected to be adopted in the first half of 2013.

18 Member States located at the eastern and southern external borders had, by the end of 2012, established their national coordination centres for border surveillance and Frontex has connected these centres to the EUROSUR communication network on a pilot basis.

At national level, several Member States (BE, EL, FI, IT, LV, MT, RO, SI, UK) purchased or installed new technological equipment for border controls in 2012.

Belgium, Latvia Finland and Malta installed new equipment in the framework of implementing the Visa Information System (VIS), for example, fingerprints readers. Border guards in Lithuania and Slovak Republic developed surveillance equipment: Lithuania purchased 16 sets of portable sensors to be deployed at green borders and updated integrated sea border surveillance system; Slovak Republic modernised its surveillance equipment at the border with Ukraine. Greece invested significantly in new equipment for use in passport control, surveillance and communications, as did Spain using money from the External Borders Fund. Bulgaria implemented additional border control practices for the extraction and comparison of biometric data to verify the authenticity of visas issued to persons crossing the border control points.

Bulgaria, Netherlands and Norway initiated the implementation of the European External Border Surveillance System (EUROSUR), and Romania and Slovak Republic continued their piloting and testing of the operation of the system. Bulgaria commissioned a National Communications System and radiation portal monitors were implemented at Sofia Airport to detect and prevent illicit trafficking of nuclear and other radioactive materials and two mobile detection systems designed for the needs of the maritime border. For combating illegal migration through border checkpoints, Bulgaria has already installed mobile x-ray scanners to detect hidden persons.

Hungary procured 80 desktop and 64 mobile document and fingerprint readers, plus three specially equipped mobile controlling vehicles to support border control. The installation of eight mast-mounted thermal camera systems was carried out, with EUROSUR. Portugal began planning for the roll out of EUROSUR which will enter into service in 2013. While

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<sup>100</sup> COM(2013) 95

<sup>101</sup> COM(2013)97

United Kingdom will not implement EUROSUR, since it is not part of the Schengen Area, it will be able to enter into bilateral or multilateral agreements with neighbouring Member States for the purposes of exchange of information and cooperation through the relevant EUROSUR designated National Co-ordination Centres in each Member State.

Sweden carried out an ex-ante evaluation of the consequences of joining EUROSUR to guide the government's decision-making. Latvia established a National Coordination Centre responsible for implementing EUROSUR in the Member State. Estonia's border surveillance system is under constant development taking into account the situational picture, new technologies and resources available. Since 2010 the border sections at greatest risk have been strengthened by 23 new mobile surveillance complexes. This will continue in 2013, with additional strengthening of the Estonian-Russian border through the acquisition of additional mobile complexes (representing an investment of some 400 000 euros).

Hungary further developed its professional systems supporting the implementation of SIS II and data transfer routes were established at 16 border crossing points to support the implementation of both SIS and VIS. Germany completed data migrations regarding "wanted persons" and "stolen property" categories in SIS II. In France, protocols were introduced to ensure border police customs officials' compliance with Schengen. Netherlands continued to develop processes to make the EU VIS information available for criminal investigation purposes. Malta has installed both hardware and software in preparation for the implementation of SIS II, which will 'go live' in 2013.

Following the launch of the operations centre of land borders in Greece in 2011, this was strengthened in 2012 and serves as the international coordination centre of the Joint Operation POSEIDON. Further local operational centres were established in 2012.

#### 8.3.2.2. b) Coordination of different types of border checks

At national level, Poland and United Kingdom hosted major sporting events which attracted large numbers of EU and non-EU visitors to the country and through the borders. Both Member States appointed specific teams to coordinate the management of the borders (e.g. to plan and organise the border controls). Poland established "EURO lanes", "green corridors" and "green borders" for persons having "nothing to declare", and seconded guard officers from training centres to border posts to increase staffing levels. United Kingdom established a dedicated Border Force Olympic Command capability for the period of the Olympic and Paralympics Games. In excess of 3 500 trained staff were deployed at 89 national geographic locations and Juxtaposed Controls, together with five Immigration Group Hubs. The co-location of key stakeholders and sources of information at a single facility ensured the security of the border with minimum disruption to arriving and departing passengers.

In Italy and Latvia (as mentioned above) National Coordination Centres were opened; in Italy the Centre will coordinate border police activities involved in fighting irregular migration and managing information on irregular migration activities by sea.

Several Member States (AT, BG, CZ, DE, EE, ES, FI, HU, LV, NL, PT) and Norway either updated, implemented or made plans to develop automated border control (ABC) for EU / EEA / Swiss nationals. In Netherlands, passengers were surveyed on their experience of the self-service passport control gates and nearly 90% claim they will use the gates again in the future. Norway developed the national infrastructure to allow for ABC gates to be implemented at some external borders. In Latvia, the possible introduction of ABC gates is under discussion with support from Frontex Task Forces. Estonia and Hungary both plan to introduce ABC gates at their airports in 2013; in Spain the ABC system is under development as part of a wider project on integrated "Smart Borders".



United Kingdom is conducting a joint pilot programme with the United States to open the US Trusted Traveller programme, Global Entry, to a limited number of UK passport holders. The pilot programme commenced in May 2011 with UK participants now successfully enrolled and using the Global Entry system to expedite their clearance upon arrival in the US. This programme will be evaluated during 2013 in order to inform a decision on whether to transfer the pilot into a permanent arrangement. Slovenia is planning the introduction of “one-stop border checks” at the common border with Croatia.

#### 8.3.2.3. c) Control of the external land, sea and air borders

At EU level : The rules governing sea border operations coordinated by Frontex are established in Council Decision 2010/252/EU which includes also a set of guidelines on search and rescue situations which arise within the context of these border surveillance operations. This decision was adopted on 26 April 2010 as an implementing measure. Soon after its adoption, the European Parliament brought an action before the Court of Justice of the European Union against the Council requesting the annulment of the decision on the basis that it exceeded the implementing powers conferred on the Commission by virtue of Article 12(5) of the Schengen Borders Code.

The decision was subsequently annulled by the Court in Case C-355/10 on 5 September 2012. The Court considered that in the context of the EU’s institutional system provisions relating to interception measures, rescue and disembarkation are essential elements to external maritime surveillance and should be adopted in accordance with the ordinary legislative procedure and not as an implementing measure. Nevertheless, the Court recognised the importance of this decision to the external maritime borders of Member States and it decided to maintain its effects until it is replaced by new rules. In line with this judgment, the Commission intends to present a new legislative proposal in 2013 to replace this decision.

At national level, Member States undertook a variety of activities to improve the effectiveness of controls at external borders, including reviewing and evaluating current performance, strengthening resourcing, training staff, and introducing national action plans.

In order to improve its border control performance, Austria initiated some activities including the development of a national plan for Integrated Border Management (IBM), revision of the national legal framework for border control, and commissioning evaluations of staffing and technical equipment and on the optimisation of risk assessment. In Finland the Border Guard Department of the Ministry of the Interior assessed the effects of growing border traffic and recommended the up-skilling of human resources as well as the introduction of a new checking process and equipment (such as mobile devices). Italy increased its resources at the border in 2012 and United Kingdom launched the ‘UK Border Force’ (UKBF), under the operational command of its Home Office, which included establishing a new Operating Mandate, full checks on passengers, an increased frontline workforce and launching Phase One of the National Operations and Command Centre (NOCC) programme. Border Guard personnel from Belgium participated in staff exchanges / knowledge transfer with third countries: ILO missions were sent to Bangkok and Rwanda and Bulgaria, Ukraine and Norway sent "second line inspectors" to work at Brussels airport.

A number of Member States (AT, BE, BG, CZ, EE, IE, HU, LT, LV, MT, PL, PT, RO, SI, SK) reported on specific professional and language training given to border personnel in 2012, including training given by Frontex (BE, BG, IE, RO, SK). In Ireland, a pilot project to “civilianise” certain port of entry functions at Dublin Airport continued in 2012, with training provided. Previously, all such functions were undertaken by Immigration Officers as members

of An Garda Síochána (Irish Police). As of year-end, proposals were being finalised to extend this new model of border control to all of Dublin Airport and possibly to other ports of entry.

Amongst other training events during the year, Latvia's State Border Guard also participated in the international training "TRIANGLE", enhancing information exchange among border protection institutions of Sweden, Finland, Estonia, and Latvia (at a regional level) to combat irregular migration and other cross-border crimes, and the sea operation "Operation Baltic Tracking". The United Kingdom Embassy in Athens hosted a joint Turkey/Greece border police forgery training programme given by RALON Athens and MDO Ankara in Athens in January 2013.

#### 8.3.2.4. d) Support with regard to border control (e) Strengthening of security and preventing irregular migration at the external border

At EU level: As regards Training of Border Guards, the amendment of the Frontex Regulation contains an explicit requirement for all border guards taking part in operations to have been trained in fundamental rights, to ensure full respect of fundamental rights and in particular the principle of *non-refoulement*. Furthermore the Regulation includes a new possibility for the Agency to implement with the Member States an 'Erasmus'-style exchange programme for border guards. This programme will be further developed during the year 2013. There were 10 Teachers' Mobility Exercises organized within the Common Core Curriculum project in 2012 with the total number of 25 participants.

In the framework of the implementation of the new Regulation Frontex is increasing the efforts to guarantee that all guest officers part of the European Border Guard Teams have received the appropriate training to fulfil their duties. Regular trainings are organised by Frontex for the members of the European Border Guard Teams thereby contributing greatly to the common understanding of tasks and the development of a European organisational culture of the border guard services within the European Union.

In the framework of the Schengen evaluation, training was provided to Schengen evaluation experts as well as to leading experts by Frontex.

At national level: In relation to border controls, Cyprus, Czech Republic, Bulgaria, Greece and Italy reported that they had received support from Frontex (and other (Member) States) in 2012. Cyprus and Czech Republic received support from Frontex Focal Points at the Air Border, Bulgaria at the land border and Greece at the air and land borders; Spain also received Focal Point support. Frontex Focal Points are permanent platforms that provide professional assistance, exchange experience and on-site training.<sup>102</sup> Italy benefited from joint maritime patrols (HERMES) to control irregular immigration from Tunisia and Libya. Joint operations in Greece in 2012 included the launching of POSEIDON land and marine operations in specific areas of Greece, notably involving the deployment of officers and equipment from across the Member States. Spain also hosted three Frontex operations: MINERVA, HERA and INDALO.

In addition almost all Member States (AT, BE, BG, CY, CZ, EE, EL, ES, FR, HU, IT, LT, LV, MT, NL, PL, PT, RO, SE, SI, SK, FI, UK) and Norway participated in Frontex operations during the year. Estonia for example, has contributed a number of experts on screening, border surveillance and surveillance equipment, as well as first and second line officers and advanced level document officers. Latvia provided support at the land border with Serbia and Hungary. To strengthen security, Czech Republic now fully operates an

<sup>102</sup> <http://www.frontex.europa.eu/operations/archive-of-accomplished-operations/41>

automated Advanced Passenger Information (API) system “OBZOR”. Additional airlines agreed to participate in Austria’s pilot API scheme. In Ireland, a trial API system was established. In Netherlands, a legislative bill which would extend the number of API data sets to be collected was drafted (this is expected to enter into force in January 2013). API systems are also under development in Slovenia and Sweden. In Finland, a pilot project on automated exit checks for third-country nationals was launched and piloted on Japanese citizens with biometric passports. Bulgaria established a working group to prepare a national interface providing advanced passenger information (API) from air carriers.

#### **8.4. Strategic Priority III : Preventing irregular migration via the Greek-Turkish Border**

##### *8.4.1. Ensuring effective border controls are in place at the Greek-Turkish border*

At national level: In relation to specific actions to prevent irregular migration via the Greek-Turkish border, most Member States (AT, BE, BG, CZ, EE, EL, ES, FI, FR, HU, IT, LV, MT, NL, PL, PT, RO, SE, SI, SK, UK) and Norway participated in Frontex operations Attica and/or Poseidon in 2012. The type of assistance provided varied from secondment of personnel, for example, civil servants (AT, NL), technical experts (BE, BG, ES, FR, LV, UK), screening experts (ES, SE, SI), police officers and/or border guards (CZ, ES, FI, HU, IT, LV, NL, PT, RO, SE, SI, SK, UK, NO); vehicles (AT, EE, HU, LV, NL, PT, SI, SK); dogs (ES); and technical equipment, such as thermal imaging cameras (BG, HU, NL, PT, SI).

An artificial barrier (fence) some 12km in length has been constructed at the border between Greece and Turkey, which is now nearing completion and will be operationalized in 2013. The aim of the barrier is to contribute to the fight against irregular migration.

##### *8.4.2. Combating irregular immigration transiting Turkey to EU*

At national level, Greece intensified its cooperation with the Turkish competent authorities at the border at Evros, and Greek police are planning to organise training for Turkish police officers on nationality identification to improve identification and facilitate the return process. Bulgaria is also planning further collaboration between its own police and customs officials and those in Turkey and also Greece. The first phase of an integrated system for monitoring the Bulgarian-Turkish border in the section between Kapitan Andreevo to Lesovo (58 km) was implemented by Bulgaria, which guarantees effective border surveillance in those areas experiencing the strongest migration pressure.

Within the framework of the Technical Assistance and Information Exchange Office (TAIEX), Poland organised study visits to Poland for Turkish Coast Guard and Police. Similarly, Slovenia hosted a study visit for representatives from the Turkish Ministry of Interior on mixed, joint, and synchronised patrols at land borders. Lithuania sent an expert to participate in the "Focal points" operations in Turkey, checking the documents of the persons crossing the border in the first line of control.

United Kingdom provided training on professional standards for staff at the Turkish removals centres, including in Edirne (on the Greek border) and on forged document training project to border gate officers in Turkey, which will continue into 2013. The aim of the latter project is to reduce chances of irregular migrants using forged documents to arrive and leave from Turkey. United Kingdom also provided translator guidance for Turkish National Police Officers dealing with alleged Burmese nationals in order to help them identify true nationalities. United Kingdom and Norway also co-financed an IOM project to support

voluntary return (see Section I.3 above) - from April to the end of 2012 it delivered 450 voluntary departures.

## **8.5. Strategic Priority IV: Better tackling of abuse of legal migration channels**

### *8.5.1. Prevent an increase in unfounded asylum applications as a direct consequence of introducing visa free regimes in third countries and decrease the number of overstayers in the Schengen area*

At national level, several Member States (BE, ES, SE, SI, UK) monitor the effects of visa free regimes – in Belgium and Slovenia this is focussed specifically on data (e.g. first and multiple asylum requests) of Balkan country nationals. In 2012, Hungary introduced thorough border checks on citizens from visa free countries.

Sweden reported increases in the influx of asylum applicants from Albania, Bosnia and Herzegovina and Serbia. United Kingdom has experienced an increase in the numbers of arrivals who attempt to abuse immigration controls, by presenting counterfeit or stolen EU issued documents (most notably ID cards), seemingly by individuals or as part of organised gangs. European documentation is attractive to third country nationals seeking illegal entry to the EU, and in response, Member States have called for an agreed action to address the physical security of these documents and the security of their issuance procedures. Action on document abuse can further strengthen a combined EU response to abuse of legal routes. In relation to the impacts of Western Balkans visa liberalisation, the UK Border Force has continued to work closely with EU partners (France and Belgium) deploying the latest detection technology to detect those seeking to evade border checks in ports in Belgium and juxtaposed ports in Northern France en route to the United Kingdom. In Italy there has not been an increase in requests for international protection by nationals of countries that have signed agreements with the EU to facilitate the issuance of visas.

### *8.5.2. Combating and preventing irregular migration caused by visa liberalisation*

At national level, In order to ensure the swift return of persons from visa-free third countries abusing legal migration channels, Belgium added the Balkans to the list of “safe countries of origin” unlikely to produce refugees and opened up new bus routes between Brussels and Balkan countries to accelerate returns to the region. Hungary’s readmission agreements have been effective in implementing the readmission of people from visa-free third countries. In Netherlands, since 2004, the programme ‘Return and Reintegration Regulation’ has offered financial contribution to support permanent return and reintegration. To limit the numbers of migrants entering solely to benefit from this regulation, all persons who do not require a visa to enter the Netherlands are now no longer eligible for financial contributions or assistance in kind upon return. A further measure was taken in 2012 to also exclude citizens of the Russian Federation making a claim under the Dublin Regulation from the regulation. Similar measures were applied in 2010 and 2011 to exclude citizens from Belarus, Georgia and the former Yugoslav Republic of Macedonia.

United Kingdom and Norway made use of accelerated procedures to process asylum applications of nationals from certain countries or regions within countries identified as presenting no real risk of persecution to persons entitled to reside there. In 2012, Belgium organised information campaigns in cooperation with the authorities of countries of origin in order to dissuade people from making unfounded asylum claims in the Member State. Sweden reported that the introduction and use of re-entry bans following implementation of

the EU Return Directive, has resulted in many applicants deciding to withdraw their applications and return home voluntarily.

## **8.6. Strategic Priority V: Safeguarding and protecting free movement by prevention of abuse by third-country nationals**

### *8.6.1. Improve the understanding of abuse of free movement rights by third country nationals and organised crime aiming at facilitating irregular immigration*

At national level, the majority of Member States (AT, BE, BG, CY, CZ, FI, HU, IE, IT, PL, PT, SK, UK) implemented activities to gather, analyse and share information on fraud and abuse of free movement notably by means of family reunification (BE, ES, NL, PT); irregular migration (CZ, IT, LV, NL), organised crime (LV), social security (ES) and the establishment or purchase of fictitious enterprises to gain entry (LT).

Several Member States (CZ, HU, SK, UK) reported on cooperation activities to share and exchange information. The Czech Republic, for example, has established bilateral agreements on police information exchange with Slovak Republic, Germany and also in 2012, with Poland. Czech Republic and Slovak Republic have created a joint investigation team between their respective Public Prosecutors Offices. Experts in Hungary have cooperated with experts from United Kingdom in exchanging information on revealing and tackling abuses connected to free movement. Ireland and United Kingdom collaborate by sharing of data related to both visa and (failed) asylum seeker data. Portugal and Spain have exchanged information through various joint cooperation centres located along the Portugal / Spain border.

Member States (BE, CY, CZ, RO, SK ) have reported on their participation in Frontex Risk Analysis Networks in relation to information sharing activities on the abuse of freedom of movement, particularly through the sharing of Daily and Monthly Statistics Reports (DSR / MSR).

In the specific context of tackling marriages of convenience involving third-country family members of EU citizens, in the course of 2012, Member States continued to exchange the information at their disposal about trends and emerging trends of abuse and good practices for their detection in the context of the expert group on free movement (FREEMO Expert Group). The list of national contact points established in the context of the FREEMO expert group was updated and extended to cover both operational and policy contact points. This list enables national authorities to exchange bilaterally information at operational level on individual cases.

Member States have also reported fruitful cooperation with EUROPOL (IE, LV, PL, PT, SK), both in general, and in relation to specific issues, for example, organised crime groups that have abused the freedom of free movement with an aim to increase irregular migration (LV). The Netherlands has seconded a staff officer to Europol's headquarters on a permanent basis to support its actions to address facilitated irregular immigration through abuse by third-country nationals of EU rules on free movement. Portugal has highlighted formal actions of cooperation through the setting up of a Joint Investigation Team (JIT), which involved France and the United Kingdom for purposes of investigation of a transnational network of organizers of marriages of convenience. The Netherlands also carried out a successful JIT operation in cooperation with Europol and the United Kingdom.

### 8.6.2. *Prevent the fraudulent acquisition and use of free movement rights by third-country nationals*

At national level, many Member States (BE, CY, EE, HU, IT, LT, LV, NL, PT, SI, SK, UK) and Norway reported new measures to implement enhanced security standards for EU documentation on legal stay. Latvia and Lithuania transposed the provisions of Regulation No. 444/2009 on standards for security features and biometrics in passports and travel documents issued by Member States. A new criminal offence “Abuse by establishing family relationship” was introduced into the Criminal Code of Hungary (Act C of 2012) which will enter into force on 1st July 2013, whereby anyone above the age of eighteen, who, for financial gain, establishes a family relationship or provides an official paternity statement explicitly for acquiring residence status, will be subject to penalties of two years’ imprisonment. United Kingdom considered policy proposals and possible legislation to implement enhanced security standards for EU documentation on legal stay and to enhance the security of issuance processes; its National Document Fraud Unit assessed other Member States’ residence permits to help inform the debate on their acceptability. Norway introduced new standardised Schengen residence cards containing biometric data in May, replacing the previous system of stickers in passports.

Some Member states have introduced new approaches to improve their monitoring tools. In Poland, for example, ‘alerts’ have been introduced, these are short notices prepared by experts and specialists that present individual cases of document falsification, including photographs and short descriptions of features that distinguish falsified from model documents. In Czech Republic and Portugal, new training for staff has been introduced in the detection of false documentation and the promotion of document security. In Portugal, this has focused on e-documents, including the Residence Card for EU citizens [permanent], EU Residence Card for family members, and Diplomatic Identification Card. Bulgaria is centralising its activities for combating document fraud by establishing a National Centre for combating counterfeit and forged documents – specialised equipment was purchased in 2012.

### **8.7. Strategic Priority VI: Enhancing migration management, including cooperation on return practices**

Table 6a in the Statistical Annex provides a provisional overview of the number of third-country nationals ordered to leave and returned. The highest number of forced return measures were implemented by Spain (15 117), Greece (11 586), and France (10 305). The numbers of third-country nationals returned through an assisted voluntary return programme were highest in Germany (7 636), Greece (6 324), Belgium (4 164) and France (3 250).

At EU level: Cooperation in the field of return of irregularly staying third-country nationals has intensified in the course of 2012. The role of Frontex has been strengthened and was supported with sufficient allocations under the annual budget of the Agency. The latter has amounted to MEUR 9.993 (including the amount allocated in the context of the reinforcement of the Agency's budget triggered by the heavy migratory pressure in the Mediterranean.) This amount has enabled Frontex to assist Member States implementing necessary measures, including joint return operations, in accordance with the applicable Union law on return.

Frontex co-ordinated in 2012 in total 39 joint return flights with a total number of 2110 returnees. Twenty Member States (AT, BE, BG, DE, EL, ES, FI, FR, HU, IE, IT, LU, MT, NL, PL, RO, SE, UK) and two Schengen associated countries (CH, NO) participated in these flights. Countries of return were Armenia, Colombia, Ecuador, Georgia, Ghana, Gambia, Kosovo, Nigeria, Pakistan, Serbia, Ukraine and Uzbekistan. Out of the 39 joint operations, in

18 at least one of the participating Member States provided for monitoring in accordance with their national legislation. 38 joint return operations were co-financed by Frontex.

To encourage voluntary return, Member States were encouraged to make use of the means provided by the European Return Fund<sup>103</sup> and to provide for innovative measures encouraging voluntary return. Those measures are eligible for co-funding of up to 75% under 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 how the Member States programme the EU assistance available from the Return Fund. Under the national Annual Programmes, more than half of the total funds programmed (excluding technical assistance) one or another way related to voluntary return. The ratio of voluntary return (as opposed to forced return) of all effective returns carried out in 2011 was 41,5 %. Similar figures are expected for 2012.

#### *8.7.1. Ensuring that all Member States have efficient migration management systems in place in order to be prepared for fluctuating migration pressures*

At national level, Italy and Latvia introduced strategies at governmental level for coping with sudden migration flows. In Italy, this followed from the movement of over 62 000 people in 2011, and some 12 500 other migrants in 2012 (to 28<sup>th</sup> November 2012), from North Africa following the political crisis. A technical inter-ministerial working group was established within the Ministry of Interior to improve the *governance* of these exceptional migration flows, and approved a package of measures designed to address the emergency by 31 December 2012.

In the United Kingdom this was specifically in relation to the conflict in Syria: exceptional arrangements were introduced for Syrian nationals already in the United Kingdom to enable them to extend their visa or switch into a different visa category; however, no provisions were introduced for Syrians who were outside of the United Kingdom. These arrangements are due to be reviewed in March 2013. Building on its crisis management strategy launched in 2011, Bulgaria carried out the preparation of temporary accommodation for migrants at the Bulgarian-Turkish border.

Hungary and Serbia adopted an Action Plan on cooperation for combating irregular migration at the Hungarian-Serbian border for 2012. Moreover, in Hungary, the relevant authorities started a common operation called NIMROD in 2012 to address the increased migration flows. In Luxembourg, to tackle the constant flow of migrants since the end of 2010, mainly from Serbia, the former Yugoslav Republic of Macedonia, Bosnia and Herzegovina and Kosovo, the workforce of the Refugee and Return Agencies of the Directorate of Immigration was increased on 2012, and temporary agents were taken on and trained by EASO in order to guarantee the effective processing of international protection files.

#### *8.7.2. Maximising the potential of a common EU approach in the field of return, both voluntary and forced in compliance with existing EU acquis*

At EU level: Common return standards. The deadline for the implementation of the Return Directive (2008/115/EC) expired on 24 December 2010. By the end of 2012, all States bound by this Directive except Iceland had notified full transposition to the Commission.

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<sup>103</sup> [http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders/return-fund/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders/return-fund/index_en.htm)

A study was carried out in 2011-2012 in order to evaluate the correct transposition of the Return Directive into national legislation. Based on the findings of this study, the Commission has launched in summer 2012 an organised programme of work on the transposition of the Return Directive, in the course of which the Commission is confronting Member States with the findings of the transposition study and discusses/verifies in technical bilateral contacts both the merits of the identified shortcomings as well as possible solutions. As a result of this process Member States are requested to correct all identified non-conformities within a concrete timeframe. By the end of 2012, the Commission had sent its reassessment of the national reports (with a number of additional questions and requests for clarification) to 17 Member States. Based on this reassessment, bilateral meetings with Member States took place in Brussels. The experience with these bilateral meetings was very positive: on most open issues solutions could be found, either by providing supplementary clarification or by envisaging changes to national legislation.

The Commission is aware that Member State are frequently confronted with significant numbers of third country nationals who cannot be returned in practice, albeit a return decision has been taken. The Commission has carried out in 2012 a comparative study on the situation and treatment of this category of "non-removable returnees". The results of this study, which were presented in January 2013 show that a number of Member States foresee channels and conditions through which persons with a postponed return/removal order may enter a regularisation procedure, provided they fulfil certain conditions, such as a minimum length of stay, co-operation and absence of public order concerns. A study assessing the practical impact of the Return Directive in Member States was launched in autumn 2012 – it will serve as input for the upcoming first Return Directive application report due for December 2013.

In 2012 the CJEU delivered one judgement on the Return Directive in case C-430/11 (Sagor) in which it further clarified the extent to which national law provisions criminalising irregular stay are compatible with the Return Directive, basing itself on the case law already established in cases C 61-11 (El Dridi) and C 329-11 (Achoughbabian).

At national level, Member States cooperated in a number of ways to develop a common EU approach for swift, sustainable and effective return. Czech Republic held meetings with the Polish Border Guard to share best practice on so-called "Annex 39" voluntary returns (these are specific types of return by land) with the Polish Border Guard. Portugal, Slovenia and Sweden reported that they had participated in forums to exchange good practice on return. The Contact Committee of the Return Directive, attended by PT amongst other Member States represents a forum for discussion and benchmarking on return practice, with the ultimate goal of harmonising the interpretation and application of EU legislation on return. UK reported that 'debrief sessions' after joint operations provided opportunities to consider feedback and discuss best practice for future operations.

Member States strengthened cooperation on return at different levels. At national level, relevant ministries and implementing organisations (e.g. IOM) in Latvia, national ministries, regional authorities, aviation authorities and the Council for Refugees, amongst others also met to organise practice on return. Czech Republic established the "Return Centre" in 2012 as a common platform for strategic management of voluntary returns, as well as implementation and coordination of voluntary return process activities like the return counselling, dissemination of information on voluntary return programme and the organizing and performance of voluntary returns. The Return Centre will act as a coordination hub for all governmental agencies (e.g. Ministry of the Interior, Directorate of Alien Police Service (DAPS) and the Asylum Facility Administration) involved in return and will be administered



by IOM. In Italy, a network of public and private organisations (RIRVA), was launched in order to test, in cooperation with the Ministry of Interior, the functioning and strengthening of the national referral system connected to AVR, also in line with recently approved guidelines for the implementation of voluntary and assisted return programmes.

Austria, Finland, Ireland, Lithuania, and Slovak Republic plus 10 other Member States participated in the “Voluntary Return European Network” (VREN) which is funded by the Return Fund. Lithuania participated in trainings return operations organised by Frontex in Malta and Netherlands. Belgium, Netherlands and Romania participated in EURINT project, which has the aim of improving the process of identification and establishing nationality in return. In October, Netherlands and Belgium presented a joint proposal to the GDISC Return Conference in Budapest, and separately to Frontex, to start a follow-up project on the basis of the EURINT experiences, in which more countries participate in a network. Netherlands, Sweden, United Kingdom and Norway also participated in the ERPUM project which is aimed at ensuring adequate reception for unaccompanied minors returned to Afghanistan and Iraq. Belgium, Germany, France and Sweden continued to participate in the Netherlands-led European Reintegration Instrument (ERI), financed by the EU Return Fund, to facilitate permanent reintegration after independent or forced return.

Bulgaria, Czech Republic, Germany, France, Greece, Italy, Luxembourg, Poland, Spain, United Kingdom and Norway amongst others participated in Frontex Joint Return Operations. Spain reports that its participation in Frontex and other joint return operations has increased in recent years. France, Ireland, Lithuania, Poland United Kingdom and Norway participated in joint return operations that were not led by Frontex. Two officials of the Latvian State Border Guard participated as observers in the joint return operation to Kosovo with an aim to obtain experience and best practice in forced return, escorting and handing over of returnees to the representatives of competent institutions after arriving at the country of return.

Many (Member) States continued implementing existing Assisted Voluntary Return (AVR) programmes. For example, in Austria, the IOM implemented seven country-specific AVR and Reintegration (AVRR) programmes (five of which were with Return Fund co-financing); the AVRR programme in Moldova had an emphasis on the prevention of (re-) trafficking of minors and youth. In Finland the “Developing Assisted Voluntary Return Programme in Finland” (DAVRiF) project which aims to develop systematic and equal assisted voluntary return services and practices and will continue in 2013 within the framework of the “Voluntary Return and Return Assistance from Finland” project to ensure the continuity of voluntary return activities.

The State Border Guard in Latvia signed cooperation agreements with IOM on the implementation of voluntary return projects, and in Slovak Republic, such projects have been implemented each year with IOM under a cooperation agreement signed in 1996. Austria cooperated with Belgium, France and the Netherlands to implement a project (MAGNET) on Job Placement Assistance for third-country nationals returning voluntarily to the Kurdistan Region of Iraq. Portugal added value to its AVR processes by developing various practical guides for returnees, including a brochure on how to set up small businesses in the country of return, and also provided information to those returning to Brazil on partnerships set up by the IOM in to facilitate business development there. Estonia carried out a project on raising the competence of officials involved in return procedures of third country nationals, focusing on cultural differences, psychological behaviour and best practices in return. The project included training and learning based on best practices from other Member States, as well as two study-visits to Hungary and Austria.

The cooperation on return of migrants in Estonia, Latvia and Lithuania to support effectiveness of Return Operations by land was further developed in 2012 by the creation of the Operational Information Exchange Network on Voluntary Return amongst the migration and Border Guard authorities of the three countries. The network ensures the fast exchange of information on return operations by land in the Baltic region.

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

### 9.1. Exchange of information at EU level

At EU level : In August a report on the development of the European Migration Network was adopted<sup>104</sup>. Four years after its formal creation, the report takes stock of the progress made and considers how the network should evolve, including in the context of the next multiannual financial framework beyond 2013. EMN outputs in 2012 include national annual policy reports on immigration and asylum, which contributed to the Commission's Third Annual Report on Immigration and Asylum, as well as studies on a range of topics, including Irregular Migration, Visa Policy, Immigration of International Students, Misuse of the right to family reunification and Identity determination in asylum and return procedures. A study on intra-EU mobility is also being prepared in the framework of the EMN Work Programme 2012. To facilitate the exchanges and support policy a glossary of relevant terminology "Asylum and Migration Glossary 2.0 – A tool for better comparability produced by the EMN" was issued in 2012 in English, French, German, Italian, Portuguese and Spanish language versions. An Arabic language version was also being prepared.

As set out in section 3.1 above, the Commission continued the development of the 'EU Immigration Portal' in 2012,<sup>105</sup> with a Spanish language version launched early January 2013, and an Arabic language version in development.

In June 2012, the European Commission initiated a formal collaboration with the Migration Policy Centre at the European University Institute, which conducts policy relevant research on global migration issues.

At national level : Essentially all Member States (AT, BG, CZ, DE, EE, EL, FR, IE, IT, LU, LV, LT, MT, NL, PL, PT, SK, FI, SE, UK) and Norway reported on actions to provide and exchange information to support policy development at EU level. Many Member States referred to the European Migration Network as a method of sharing and dissemination information. CZ, IT, LT and SI emphasised the added-value of the EMN Ad-Hoc Queries as a way of obtaining information in a relatively short period. Several Member States also reported their use of other EU entities, platforms and networks, such as Frontex Risk Analysis Network (FRAN) (CZ, IE, SK), General Directors' Immigration Services Conference (GDISC) (CZ, ES, IE, SK, UK, NO), International Centre for Migration Policy Development (ICMPD) (CZ, EE), ICG (CZ, NO), Eurostat (CZ, ES, IE), NCPIs (EL, IT, FI, UK, SK) and the Voluntary Return European Network (VREN) (LT, SK). Greece, Netherlands and Portugal highlighted the importance of the MIM in their work.

Other mechanisms highlighted as effective for information exchange to assist in policy development, included the European Integration Forum (FI), in particular, the technical seminars related to the development of EU indicators as well as expert conferences; the work of expert groups (ES, NL), for example, on family reunification. Several Member States highlighted the importance of their participation in EASO meetings (EL, LT, PL, SK). Norway highlighted its participation in the European Platform of Reception Agencies (EPRA), a network for sharing and exchanging information about state practice in the field of reception centres.

In Greece, two actions were implemented under the Integration Fund that promotes the exchange of information at European level in 2012: 1) creating a network of cooperation at

<sup>104</sup> COM(2012)427 final of 1.8.2010, accompanied by SWD(2012)240 final.

<sup>105</sup> <http://ec.europa.eu/immigration>

local level between EU Member States and 2) creating a collaborative network of representatives of migrant associations at European level.

Bulgaria was active in promoting the Working Group for the Black Sea Region and hosted a meeting to exchange information about both legal and irregular migration in the region, inviting for the first time, delegates from Afghanistan, Pakistan and Uzbekistan to attend.

All Member States except for France, Greece and Ireland, participated in operation Balder which surveyed migratory flows in the EU/Schengen area.

## **9.2. Exchange of information at regional and national levels**

At national level: A number of Member States (CZ, EE, EL, FI, FR, IT, LT, LV, LU, NL, PL, RO, SE, SK, UK) and Norway have referred to the importance of information exchanges, at regional level, bilaterally with other Member States, and at the national level.

With regard to regional cooperation, Member States have utilised existing channels of cooperation including the Nordic Joint Advisory Group on Refugee Policy (NSHF) which addresses issues common to all Nordic Countries (FI), the network of contact points addressing issues of transit irregular migration established under the Salzburg Forum (CZ, HU), the Development of Operational Cooperation for Return in the Baltic States (EE) and the Baltic Sea Region Border Control Cooperation (SE). Romania has reported on its cooperation with countries in the Black Sea Region via the Black Sea Cooperation Forum, which addressing operational cases, exchanges data and information, and supports common and concrete actions on preventing and countering cross border crime in the Black Sea Region).

After taking over the presidency of the Salzburg Forum on 1 July 2012, Hungary has set up a regional contact list among the relevant authorities, in order to improve the practical cooperation and exchange of information to prevent and combat illegal migration. In Poland, the Polish Border Guard undertook cooperation activities with Ukraine, Belarus, Russia, Czech Republic, Slovakia and Lithuania within the framework of the Border Delegate System, which is an important channel of the exchange of information between border services of neighbouring countries. Member States have also referred to regional collaborations facilitated by IOM, for example, IOM's Special Coordination Office for the Mediterranean (IT) and regional conferences, for example, to discuss issues such as voluntary return and ensuring transit across the territory of states in the Schengen Area (EE, LT, PL).

In relation to information exchange on a bilateral basis, Ireland reported that sharing immigration data with the UK continued and cooperation with the UK on initiatives such as a Common Travel Area visa will be prioritised in 2013. Italy reported on bilateral high-level meetings on migration issues with Finland and Malta. Estonia has reported on a number of bilateral and multilateral cooperation initiatives with other Baltic Member States involving third countries (Russia, Belarus, Ukraine, Moldova) in the area of border surveillance. All Member States and Norway have engaged in information exchange and dissemination with national stakeholders through their EMN NCP national networks and disseminated (translated) studies and other information through their national websites and through publications, such as national newsletters and the EMN Bulletin. Some examples included events to facilitate the exchange of information and good practices amongst relevant actors, to address issues such as the implementation of the Common European Asylum System (FR), and on topics addressed through EMN studies, for example, international students (AT, EE, IT, SE, SK, UK) and training for migration services on marriages of convenience (LT). Greece published a call for proposals for actions related to the training of the parties involved

in the Immigrant Integration Councils. United Kingdom continued its support for the Strategic Migration Partnership, a network of 12 regions across the United Kingdom which looks at specific migration-related issues that might directly affect the regions.

## 10. 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 for the year 2012 and, the data were provided by the European Migration Network (EMN) from their respective national agencies.

**Table 1 First residence permits, by reason, 2012, provisional data**

	Total	Family reasons	Education reasons	Remunerated activities	Other reasons
BE	NA	NA	NA	NA	NA
BG	6 467	2 311	1 394	333	2 429
CZ	NA	NA	NA	NA	NA
DK	-	-	-	-	-
DE(a)	10 544	2 216	4 216	2 843	1 269
EE	2487	1140	424	680	315
IE	NA	NA	NA	NA	NA
EL	10 447	7 400	802	889	1 356
ES	NA	NA	NA	NA	NA
FR	193 799	82 155	57 289	16 140	38 215
IT	246 740	119 745	30 631	66 742	29 662
CY	6 928	314	864	4 600	1 150
LV	4 579	2 025	528	597	1429
LT	4 338	888	296	3 091	63
LU	4 359	1 018	388	661	2 323
HU	18 112	2 246	5 536	6 376	3 954
MT	NA	NA	NA	NA	NA
NL	NA	NA	NA	NA	NA
AT	NA	NA	NA	NA	NA
PL	20 218	2 933	2 519	6 823	7 943
PT	27 467	13 446	7 500	5 612	909
RO	NA	NA	NA	NA	NA
SI	11 690	3 759	1 067	6 772	92
SK	4 506	1 223	617	1 914	752
FI (a)	17 157	5 788	5 519	5 062	788
SE	85 589	41 156	7 092	19 936	17 405
UK	NA	NA	NA	NA	NA
NO	28 037	10 839	4 529	7 627	5 042

Source : European Migration Network National Contact Points., Eurostat for FR and NO. NB. Fully comparable data for 2012 for all countries will become available from Eurostat in July 2013.

Notes:

1. "NA" means data are not available at the time this report was published.
2. "-" means no report received from EMN NCP
3. (a) means data does not cover the full year. The following periods are covered in the respective countries:  
 DE: 1<sup>st</sup> January to 30<sup>th</sup> June 2012  
 FI: January to December 2012 but figures are provisional  
 PT: 1st January to 27th November 2012
4. LV: statistics in this table are provisional.

**Table 2 Unemployment rate of third-country nationals, compared to total unemployment rate by Member State, Annual rate, 2012**

Member State	Total unemployment rate	Third country nationals' unemployment rate
BE	7.6	30.7
BG	12.4	:
CZ	7.0 (a)	5.1(b)
DK	7.7	18.7
DE	5.6	12.9
EE	10.4	18.6
IE	15.0	17.6
EL	24.5	35.3
ES	25.2	38.6
FR	9.9	24.9
IT	10.8	14.5
CY	12.1	8.0
LV	15.2	22.9
LT	13.5	:
LU	5.2	15.1
HU	11.0	:
MT	6.5	:
NL	5.3	15.0
AT	4.4	10.7
PL	10.2 (a)	:
PT	16.4	39.0
RO	7.3	:
SI	9.0	15.7 (b)
SK	14.0 (a)	:
FI	7.8	21.8
SE	8.1	30.6
UK	8.0	11.3
EU-27	10.6	21.3

Source : Eurostat. Labour Force Survey. 2012.

Notes:

1. ":" : " Data not published due to lack of reliability because of small sample size.

2. (a) Break in time series

3. (b) Low reliability

4. For Norway, data to August 2012 was Total unemployment rate : 2.0%, Unemployment rate third country nationals : 9.7%.

**Table 3a Number of visas issued, by type 2012**

	<b>Total visa</b>	<b>Schengen visa</b>	<b>National visa</b>
BE	226.929	202.865	24.064
BG	818 775	0	818 775
CZ	NA	NA	NA
DK	-	-	-
DE	1 523 743	1 386 946	136 797
EE	119 702	118 911	791
IE	132 425	Not applicable	132 425
EL	1 020 895	1 009 961	10 934
ES	NA	NA	NA
FR	1 771 290	1 641 995	129 295
IT	1 870 382 (4a)	1 634 656	198 104
CY	NA	NA	NA
LV	188 083	178 668	9 416
LT	302 900	299 160	3 740
LU	18 104	11 833	6 271
HU	309 156	303 185	5 971
MT	NA	NA	NA
NL	354 094	328 559	25 535
AT	NA	NA	NA
PL	1 344 112	1 067 039	277 073
PT	152 295	136 842	15 453
RO	159 866	NA	159 866
SI	1 259	1 259	
SK	75 836	74 661	1 175
FI	1 376 425	1 376 425	NA
SE	220 165	191 236	3 537
UK	2 229 357 (5a)	NA	NA
NO	118 572	118 414	158

Source : EMN

Notes:

1. "NA" means statistics were 'not available' at the time this report was published.
2. "" means no report received from NCP
  - DE : January to September 2012
  - EL: until 18 December 2012
  - IE: comprising 88 345 entry and 44 080 re-entry visas.
  - NL: only 2 out of 3 authorities responsible. Data for Seaport police missing
  - PT: provisional data
  - FR: statistics from January until 30 September 2012
4. IT(a) includes 37 622 limited territorial validity visas
5. UK(a): statistics include dependents, visitors and those in transit



**Table 3b Schengen C visas applied for at Schengen consulates around the world in 2011 and 2012**

	<b>2011</b>	<b>2012</b>
<b>AT</b>	283,540	304,798
<b>BE</b>	242,857	233,490
<b>CH</b>	428,189	464,512
<b>CZ</b>	581,931	603,484
<b>DE</b>	1,707,197	1,844,704
<b>DK</b>	94,310	100,402
<b>EE</b>	144,567	75,360
<b>EL</b>	768,246	1,001,341
<b>ES</b>	1,518,641	1,836,868
<b>FI</b>	1,259,643	1,392,048
<b>FR</b>	2,130,471	2,321,534
<b>HU</b>	288,415	322,646
<b>IS</b>	636	1,088
<b>IT</b>	1,516,237	1,706,536
<b>LT</b>	345,765	416,851
<b>LU</b>	9,051	10,555
<b>LV</b>	163,309	182,496
<b>MT</b>	33,858	53,777
<b>NL</b>	428,206	440,056
<b>NO</b>	151,071	130,933
<b>PL</b>	912,988	1,091,395
<b>PT</b>	142,754	148,489
<b>SE</b>	220,567	215,763
<b>SI</b>	39,735	42,127
<b>SK</b>	71,313	75,720
<b>Total Schengen</b>	<b>13,483,497</b>	<b>15,116,973</b>

*Source: DG HOME compilation of MS data*

**Table 4 Asylum applicants in 2012**

	Applicants		Citizenships of main groups of asylum applicants**								
	2012	Per million inh.	First group	#	%	Second group	#	%	Third group	#	%
EU 27	<b>331 975*</b>	<b>660*</b>	<b>Afghanistan</b>	<b>26 250</b>	<b>8</b>	<b>Syria</b>	<b>23 510</b>	<b>7</b>	<b>Russia</b>	<b>23 360</b>	<b>7</b>
BE	28 105	2 535	Afghanistan	3 290	12	Russia	2 655	9	Guinea	2 190	8
BG	1 385	190	Syria	450	32	Iraq	325	23	Stateless	155	11
CZ	740	70	Ukraine	175	24	Syria	70	9	Belarus	55	7
DK	6 045	1 085	Somalia	910	15	Syria	875	15	Afghanistan	565	9
DE	77 540	945	Serbia	12 810	17	Syria	7 930	10	Afghanistan	7 840	10
EE	75	55	Georgia	35	45	Russia	10	10	Armenia	5	6
IE	955	210	Nigeria	160	17	Pakistan	105	11	Dem. Rep. of the Congo	60	6
EL	9 575	850	Pakistan	2 340	24	Bangladesh	1 005	11	Georgia	895	9
ES	2 565	55	Syria	255	10	Nigeria	205	8	Algeria	200	8
FR	60 560	925	Russia	5 930	10	Dem. Rep. of the Congo	5 500	9	Sri Lanka	3 825	6
IT	15 715	260	Pakistan	2 365	15	Nigeria	1 515	10	Afghanistan	1 365	9
CY	1 635	1 895	Syria	565	34	Vietnam	200	12	Bangladesh	190	12
LV	205	100	Georgia	105	51	Dem. Rep. of the Congo	25	12	Syria	20	9
LT	645	215	Georgia	310	48	Afghanistan	100	15	Russia	95	15
LU	2 050	3 905	Serbia	385	19	Albania	305	15	Montenegro	290	14
HU	2 155	215	Afghanistan	880	41	Pakistan	325	15	Kosovo	225	10
MT	2 080	4 980	Somalia	1 250	60	Eritrea	435	21	Syria	150	7
NL	:	:	:	:	:	:	:	:	:	:	:
AT	17 425	2 065	Afghanistan	4 015	23	Russia	3 110	18	Pakistan	1 825	10
PL	10 750	280	Russia	6 085	57	Georgia	3 235	30	Armenia	415	4
PT	295	30	Guinea	65	22	Nigeria	30	10	Syria	20	7
RO	2 510	120	Algeria	600	24	Morocco	355	14	Pakistan	335	13
SI	305	150	Afghanistan	65	21	Syria	30	11	Turkey	25	9
SK	730	135	Somalia	225	31	Afghanistan	90	12	Georgia	55	8
FI	3 095	575	Iraq	830	27	Russia	225	7	Afghanistan	210	7
SE	43 865	4 625	Syria	7 920	18	Somalia	5 695	13	Afghanistan	4 760	11
UK	28 175	445	Pakistan	4 880	17	Iran	3 250	12	Sri Lanka	2 160	8
IC	105	330	Nigeria	15	14	Iran	15	13	Afghanistan	10	7
NO	9 685	1 940	Somalia	2 180	23	Eritrea	1 185	12	Afghanistan	985	10
CH	28 445	3 575	Eritrea	4 410	16	Nigeria	2 745	10	Tunisia	2 240	8

Source : Eurostat. Newsrelease 48/2013 – 22 March 2013

Notes :

\* Eurostat estimate including the Netherlands  
\*\* EU27 top three citizenships excluding data for the Netherlands

**Table 5 Asylum Applicants - First Instance Decisions by Outcome, in 2012**

	Total decisions	Positive decisions	Of which :			
			Refugee status	Subsidiary protection	Humanitarian reasons	Rejections
<b>EU27*</b>	<b>268 495</b>	<b>71 580</b>	<b>37 245</b>	<b>27 920</b>	<b>6 415</b>	<b>196 920</b>
<b>BE</b>	24 525	5 555	3 985	1 565	-	18 970
<b>BG</b>	640	170	20	150	-	470
<b>CZ</b>	720	175	50	125	5	545
<b>DK</b>	3 715	1 695	1 035	545	120	2 020
<b>GE</b>	58 645	17 140	8 765	6 975	1 400	41 510
<b>EE</b>	65	20	10	5	10	45
<b>IE</b>	935	95	65	25	-	840
<b>EL</b>	11 195	95	30	45	20	11 095
<b>ES</b>	2 600	525	230	285	10	2 070
<b>FR</b>	59 800	8 655	7 120	1 535	-	51 145
<b>IT</b>	22 160	8 260	1 915	4 410	1 935	13 900
<b>CY</b>	1 335	105	80	10	15	1 230
<b>LV</b>	145	25	5	20	-	120
<b>LT</b>	390	55	15	40	-	335
<b>LU</b>	1 650	40	35	5	-	1 610
<b>HU</b>	1 100	350	70	240	40	750
<b>MT</b>	1 590	1 435	35	1 235	160	155
<b>NL</b>	:	:	:	:	:	:
<b>AT</b>	15 895	4 455	2 680	1 775	-	11 440
<b>PL</b>	2 435	475	85	140	250	1 960
<b>PT</b>	230	100	15	85	-	130
<b>RO</b>	1 625	230	145	85	0	1 390
<b>SI</b>	220	35	20	15	-	185
<b>SK</b>	440	190	10	100	80	250
<b>FI</b>	3 090	1 555	545	775	240	1 535
<b>SE</b>	31 520	12 400	3 745	7 595	1 060	19 120
<b>UK</b>	21 845	7 735	6 535	130	1 070	14 110
<b>IC</b>	50	10	5	**	**	40
<b>NO</b>	7 160	4 600	3 675	1 185	280	5 430
<b>CH</b>	16 650	4 280	2 455	505	1 315	12 370

Source : Eurostat. Newsrelease 48/2013 – 22 March 2013

Notes :

\* Eurostat estimate including the Netherlands

\*\* EU27 top three citizenships excluding data for the Netherlands

: Data not available

**Table 6a Third-country nationals ordered to leave and returned**

	Eurostat data		EMN data		
	TCN-s ordered to leave	TCN-s returned following an order to leave	Returned as part of forced return measures	Returned voluntarily	Among those returned voluntarily, returned through an Assisted Voluntary Return Programme
BE	51 220	7 840	2151	5470	4508
BG	2 050	835	837(a)	76	51
CZ	2 375	430	NA	NA	NA
DK	NA	NA	-	-	-
DE	20 000	13 855	12 069	13 995	7 636
EE	580	480	116	87	29
IE	2 065	745	302 (5a)	449	359
EL	84 705	16 650	11 586	10 531	6 324
ES	60 880	18 865	15 117	NA	2 930
FR	77 600	22 760	10 305	3 250	3 250
IT	29 345	7 365	5 943	1 424	0
CY	NA	NA	3 192	1 135	49
LV	2 070	2 065	51	2 019	89
LT	1 910	1 825	160	1 000	50
LU	1 945	1 010	NA	NA	NA
HU	7 450	5 440	1 011	NA	393
MT	2 255	570	266	39	39
NL	NA	NA	NA	NA	NA
AT	8 160	4 695	NA	NA	NA
PL	7 995	6 845	512	6 147	764
PT	8 565	1 330	1 234	870	562
RO	3 015	2 890	703	2 186	113
SI	2 055	1 090	80		
SK	490	320	273	72	54
FI	4 300	3 070	NA	NA	NA
SE	19 905	16 140	2 893	12 988	614
UK	49 315	49 515	30 302	15 692	3 519
NO	NA	NA	1 397	NA	1 750

*Notes:*

1. "NA" means statistics were not available at the time this report was published.

2. "-" means no report received from NCP

3. Eurostat and NCP data have a different methodology behind. Therefore, these data should be analysed separate. Eurostat data are available online: [http://epp.eurostat.ec.europa.eu/portal/page/portal/statistics/search\\_database](http://epp.eurostat.ec.europa.eu/portal/page/portal/statistics/search_database)

4. Eurostat data cover January-December 2012 excepting LU (LU data cover March-

5. EMN NCP Data cover:

- BE: January-December 2012
- DE: Total number of deportations and removals within the meaning of the national Residence Act (Aufenthaltsgesetz)
- EE: 1<sup>st</sup> January 2012 to 30<sup>th</sup> November 2012
- HU: 1<sup>st</sup> January 2012 to 31<sup>st</sup> October 2012
- LT: 1<sup>st</sup> January 2012 to 30<sup>th</sup> September 2012
- PT: 1<sup>st</sup> January 2012 to 30<sup>th</sup> November 2012
- FR and IT: 1<sup>st</sup> January 2012 to 30<sup>th</sup> September 2012

6a BG: statistics include 103 persons from Syria who were returned by their own wish to a safe third country rather than the country of origin, following UNHCR recommendations

7. a. Refers to deportation orders effected. B. Refers to IOM returns only..

**Table 6b Third-country nationals refused at external borders and Third country nationals found to be illegally present 2012**

	TCNs refused at external borders	TCNs found to be illegally present
BE	2 390	15 085
BG	3 070	2 050
CZ	190	3 315
DK	95	630
DE	3 820	64 815
EE	1 915	905
IE	2 205	2 035
EL	9 415	72 420
ES	199 830	52 485
FR	11 310	49 760
IT	7 350	29 345
CY	545	7 840
LV	1 820	205
LT	2 215	2 080
LU	5	350
HU	9 240	NA
MT	200	2 255
NL	2 560	NA
AT	245	23 135
PL	29 705	8 140
PT	1 240	9 110
RO	3 340	2 145
SI	7 665	1 555
SK	595	1 395
FI	1 640	3 620
SE	155	23 205
UK	13 300	49 315
NO	NA	NA

Source: Eurostat

**Table 7 The number of third-country nationals relocated and resettled 2012**

	TCNs relocated*	TCNs resettled**
BE	0	0
BG	NA	0
CZ	NA	25
DK	-	470
DE	0	305
EE	0	0
IE	10	50
EL	0	0
ES	0	80
FR	NA	100
IT	0	0
CY	0	0
LV	0	0
LT	4	0
LU	0	0
HU	0	0
MT	NA	0
NL	NA	NA
AT	0	0
PL	0	0
PT	6 (a)	15
RO	NA	0
SI	NA	0
SK	0	0
FI	NA	730
SE	0	1 680
UK	NA	1 040
NO	31	1 231(a)

Source :

\* EMN

\*\* Eurostat (except NO)

Notes:

1. "NA" means statistics were not available at the time this report was published.
2. "-" means no report received from NCP
3. (a) PT: subsidiary protection
4. (a) NO: includes 31 persons relocated from Malta
5. PL: 50 relocations were planned in 2012, however the first third country nationals were not relocated until January 2013 (6 persons)

**Table 8 Unaccompanied minors 2012**

	<b>Unaccompanied minors (total or not specified)</b>	<b>Unaccompanied minors <u>not</u> applying for asylum</b>	<b>Unaccompanied minor asylum applicants*</b>
BE	2 081	1.104	1 530
BG	64	0	60
CZ	NA	NA	5
DK	-	-	355
DE	1 790	NA	2 095
EE	13	11	0
IE	NA	68	25
EL	1 953	NA	75
ES	NA	2 319	15
FR	NA	NA	490
IT	NA*	7 575	970
CY	20	NA	25
LV	1	NA	0
LT	59	56	5
LU	16	NA	15
HU	94	NA	185
MT	86	0	86
NL	NA	NA	NA
AT	1 631	NA	1 375
PL	244	NA	245
PT	8	NA	10
RO	NA	NA	135
SI	30	11	50
SK	146	NA	30
FI	155	NA	165
SE	3 578	NA	3 580
UK	1 168	NA	1 170
NO	986	NA	105

Source :

Data on unaccompanied minors total and not applying for asylum : EMN

\*Data on Unaccompanied minor asylum applicant for 2012: Eurostat (except for MT) (NB.Rounded to nearest 5)

Notes:

1. "NA" means data are not available at the time this report was published.

2. "-" means no report received from NCP

3. Data cover:

- EE: 11 unaccompanied minors are allegedly minors, corresponding expertise is in progress
- DE : January to October 2012
- EL: Total is from 1<sup>st</sup> January 2012 until 31<sup>st</sup> May 2012; Unaccompanied minors applying for asylum: 1<sup>st</sup> January 2012 to 31<sup>st</sup> October 2012
- FR: 1<sup>st</sup> January to 30<sup>th</sup> September 2012
- HU: 1<sup>st</sup> January to 31<sup>st</sup> October 2012
- IT\*: the figure for unaccompanied minors not applying for asylum refers to the stocks; the figure for unaccompanied minors applying for international protection refers to flow data regarding applications received during the course of the year. They derive from different administrative sources and are not comparable.



4. On unaccompanied minors not applying for asylum

- BE: Note: This concerns the number of apprehensions of UAMs. It is possible that the same person was apprehended several times using a different identity.
- IE: 1<sup>st</sup> January to 30<sup>th</sup> November 2012.

IT: 1<sup>st</sup> January to 30<sup>th</sup> September 2012. On unaccompanied minor asylum applicant:

BE\*: 1530 persons applied for asylum during 2012 and declared themselves as an unaccompanied minor. After age testing, the number decreased to 977

- IE: 1<sup>st</sup> January 2012 to 31<sup>st</sup> December 2012

**Table 9 Data on trafficking in human beings**

	TCNs receiving a residence permit as victims of human trafficking	Arrested traffickers	Convicted traffickers
BE	35	NA	NA
BG	1	101	112
CZ	NA	NA	NA
DK	-	-	-
DE	NA	NA	NA
EE	NA	NA	NA
IE	NA	NA	NA
EL	7	171	49
ES	NA	160	NA
FR	25	3 620	NA
IT	392	380	0
CY	NA	NA	NA
LV	NA	17	18
LT	NA	NA	NA
LU	NA	4	2
HU	NA	NA	NA
MT	0	2	1 (a)
NL	NA	NA	NA
AT	NA	NA	NA
PL	16	23	1
PT	NA	NA	NA
RO	0	NA	427
SI	2	NA	NA
SK	NA	16	7 (b)
FI	NA	12	5
SE	25	16	5
UK	200	NA	NA
NO	33	NA	NA

*Notes:*

1. "NA" means statistics were not available at the time this report was published.

2. "-" means no report received from NCP

3. Data cover:

BE: January to December 2012

ES – First semester only

IE: statistics only available between 2009 and 2012: these include 21 reflection periods / temporary residence permits issued; 11 convicted traffickers. Statistics for arrested traffickers are not available

IT: 392 (humanitarian reasons Art. 18 D.L. 286/98) + 74 (exploitation in the workplace Art. 18 D.L. 286/98)

PL: data until April

FR and UK: data available from 1<sup>st</sup> January 2012 30<sup>th</sup> September 2012

SE 1<sup>st</sup> January to 30<sup>th</sup> September 2012.

UK This encompasses refugee leave, humanitarian protection, and discretionary leave due to personal circumstances or co-operation with police investigations.

4. (a) MT: sentence subject to appeal

4. (b) SK: 7 cases remain pending

## 11. ABBREVIATIONS USED

ABC System	Automated Border Crossing System (UK)
ACP	Africa, the Caribbean and the Pacific
ACT	Authority of Working Conditions (PT)
ADA	Austrian Development Agency (AT)
AFM	Armed Forces of Malta (MT)
API	Advanced Passenger Information (CZ)
AVR	Assisted Voluntary Return
AVRR	Assisted Voluntary Return and Reintegration
BBAP PFP	Border Police Service and Aliens Police Service (SK)
BIO	Belgian Investment Company for Developing Countries (BE)
BMP Project	“Building of Migration Partnership” Project
BSTC	Border Security Training Centre (NL)
CABSI	Central Asia Border Security Initiative
CCV	Common Visa Centre
CDE	Centre for Development of Enterprise (BE)
CEAS	Common European Asylum System
CEOP	Child Exploitation and Online Protection (UK)
CGAP	Independent policy and research centre
CGI	Common Ground Initiative
CIA	Common Integration Agenda
CIRAM	Common Integrated Risk Analysis Model (PL)
CIREFI	Centre for Information, Discussion and Exchange on the Crossing of Frontiers and Immigration
CTA	Common Travel Area
DAPS	Ministry of the Interior, Directorate of Alien Police Service (CZ)
DFID	Department for International development (UK)
DGDC	Directorate General for Development Cooperation
DSR	Daily Statistics Reports (SK)
EAC	European Asylum Curriculum
EASO	European Asylum Support Office
ECHR	European Court of Human Rights
ECOWAS	Economic Community Of West African States
eGate	Automated border control system ‘Easy GO’ (CZ)
EIF	European Fund for the Integration of third-country nationals
EMN	European Migration Network
EMN NCP	European Migration Network National Contact Point
ENARO	European Network of Asylum Reception Organisations
ERF	European Refugee Fund or European Return Fund
ERPUM	European Returns Platform for Unaccompanied Minors
ESF	European Social Fund
EURASIL	European Union Network for Asylum Practitioners
EUREMA	EU Relocation Malta
EUROSUR	European External Border Surveillance System
FOO	Frontex Operational Office
FRA	The EU Agency for Fundamental Rights
FRAN	Frontex Risk Analysis Network
FREEMO	Family reunification and on the free movement of persons

FRONTEX	European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union
GASIM	Joint Centre for Illegal Migration Analysis and Policy (DE)
GDISC	General Directors' Immigration Services Conference
IBIS	Irish Border Information System (IE)
IBM	Integrated Border Management (AT)
ICMC	International Catholic Migration Commission
ICMPD	International Centre for Migration Policy Development
ICONet	Web-based Information and Coordination Network for Member States' Migration Management Services
ICPN	International Child Protection Network
iFADO	EU False and Authentic Documents online tool
IFAD	International Fund for Agricultural Development
IGC	Intergovernmental Consultations on Migration, Asylum and Refugees
ILOs	Immigration Liaison Officers
IMDi	Directorate of Integration and Diversity (NO)
IND	Migration Authority (NL)
INIS	The Irish Naturalisation and Immigration Service
INPS	National Institute for Social Pensions (IT)
IOM	International Organization for Migration
JIT	Joint Investigation Team (Frontex)
JSG	NGO Joint Strategic Group (UK)
JUPO	Finnish Ontology for Public Administration Services (FI)
KIM	Contact Committee for Immigrants and the Authorities (NO)
MAC	Migration Advisory Committee (UK)
MELITA	Maltese project within Frontex to assist in repatriation initiatives (MT)
MIDA	Migration for Development in Africa
MIDWEB	Migration for Development in the Western Balkans
MIEUX	Migration EU Expertise
MIM	Mutual Information Mechanism
MSR	Monthly Statistics Reports (SK)
MTM i-MAP	Interactive Map on Migration
MTV	Mobile Security Monitoring
NAATP	Romanian National Agency against Trafficking in Persons
NAPTIP	Nigerian National Agency for Prohibition of Trafficking in Persons
NCC	National Coordination Centre (NO)
NCIS	National Crime Investigation Service (NO)
NDFU	National Document Fraud Unit (UK)
NFI	Netherlands Forensic Institute (NL)
NIRVA	Italian Networking for the Assisted Voluntary Return (IT)
NQF	National Qualifications Framework
NSHF	Nordic Cooperation in Migration and Asylum
NVIS	National Visa Systems
OECD	Organisation for Economic Co-operation and Development
OPMI	Office for the Promotion of Migrant Integration (IE)
PBS	Points Based System (UK)
PNR	Passengers Name Record
PRADO	Public Register of Authentic Documents Online
PRIO	Norwegian Peace Research Institute (NO)
RAPID	Automatic Recognition System for Passengers Identified by Documents (PT)

RDW	Government Road Transport Agency (NL)
RF	European Return Fund
RESTART II	IOM Assisted Voluntary Return project in Malta
RPPs	Regional Protection Programmes
RT	Registered Travellers
SAT	Swift Action Teams (i.e. pilot project proposed by NL)
SCIBM Project	Support to Integrated Border Management System in the South Caucasus (LV)
SEF	Borders and Migration Service (PT)
SIS	Schengen Information System
SOCA	Serious Organised Crime Agency (UK)
TAIEX	Technical Assistance and Information Exchange
TCNs	Third-Country Nationals
UNHCR	United Nations High Commissioner for Refugees
ONODC	United Nations Office on Drugs and Crime
UAM	Unaccompanied minor
UDI	NO's Directorate of Immigration (NO)
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNIFEM	United Nations Entity for Gender Equality and the Empowerment of Women
UKBF	UK Border Force
VAC	Canadian Visa Application Centres
VARRE	Voluntary Assisted Return and Reintegration in Estonia (EE)
VGM	Innovation of Border Management (NL)
VREN	Voluntary Return European Network