European Commission

Understanding Migration in the European Union

Insights from the European Migration Network 2008-2018

EMN 10 Year Anniversary Report

10 YEARS EMN European Migration Network

FOREWORD

The last three years have been unprecedented in Europe when it comes to asylum and migration: not just in terms of the high numbers of arrivals and the unseen challenges that come with that, but also in terms of the huge response that we have made, collectively as a Union – legally, operationally and financially. The European Migration Network (EMN) has been one of the tools that has helped us in this response. It has become increasingly operational and connected to the EU's political priorities, helping us to find effective solutions on the ground.

The many comparative studies and ad-hoc queries on legal migration and integration, irregular migration and return, and asylum and international protection, developed by the EMN over the past 10 years have contributed significantly to the policy-making process at the EU level, for example, to our proposal to reform our common asylum system and to issue recommendations on effective and humane return and readmission policies to support the Member States. The EMN has been an incredibly invaluable instrument for policy makers to make evidence-based, objective and effective policies in Europe on asylum and migration.

I wish to congratulate the European Migration Network on its 10 year anniversary. With migration becoming an increasingly inherent feature of our times, we look forward to the next decade of its work in supporting us to develop effective policies in the future!

Dimitris Avramopoulos
Commissioner for Migration, Home Affairs and Citizenship,
European Commission

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INTRODUCTION

To mark the 10 year anniversary of the European Migration Network, this Anniversary Report takes stock of and presents key trends in asylum and migration flows and policy development over the last 10 years. The Report opens by highlighting how immigration has become an issue of increasing importance to publics across the EU over time, and how sentiments towards immigration from outside the EU have changed as the result of the war in Syria and other crises in the region, emphasising the importance of good migration management to ensure public confidence. The Report then explores how key European migration and asylum policies have evolved over the 10 year period, adapting to the recent migration crisis, whilst managing the long term needs of both host populations and migrants. The Report highlights the main contributions that the EMN has made in this context.

The information base for this analysis is drawn from 10 successive EMN Annual Reports on Asylum and Migration and Status Reports, EMN Studies and ad-hoc queries collecting information on a wide range of asylum and migration topics, EMN Informs, briefing papers and other documents developed by the EMN during the 10 year period (2008-2018). Importantly, the Report shows how the EMN consistently meets the evolving needs of its audiences over time, to provide them with timely, high quality, impartial and comparative information that is not available elsewhere.

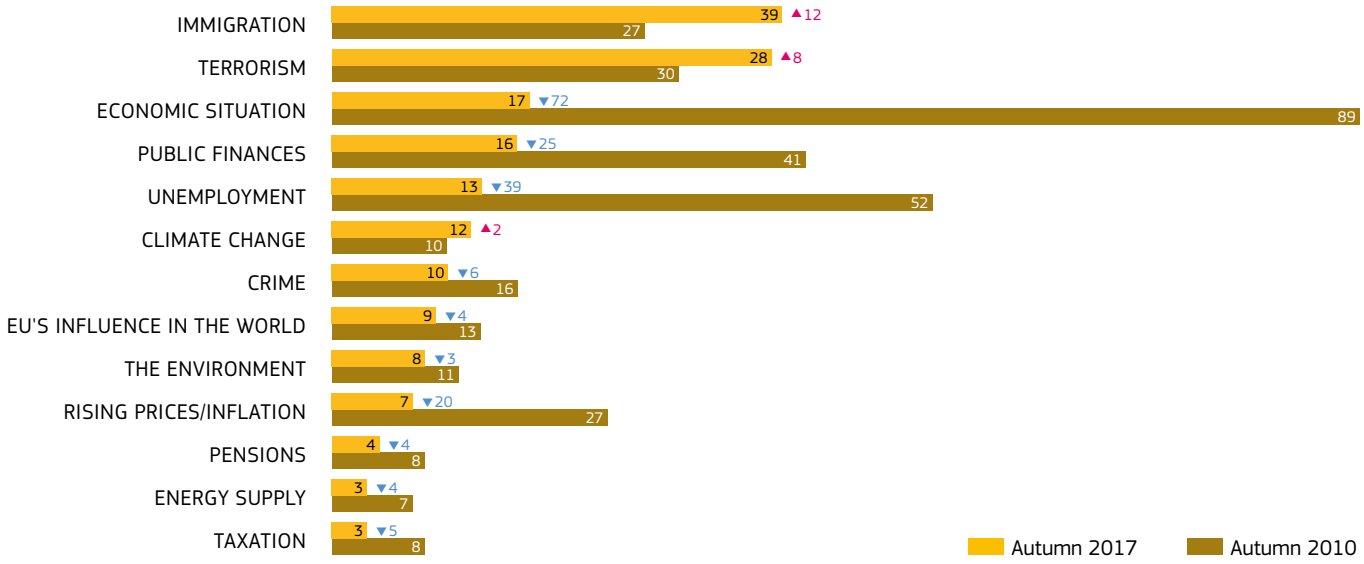
10 YEARS EMN
European Migration Network

PUBLIC OPINION ON IMMIGRATION – WHAT HAS CHANGED IN 10 YEARS?

By late 2017, European publics considered immigration to be the most important issue facing the EU.

Immigration has become an issue of increasing importance to European publics over the last 10 years. Prior to the 2015/2016 mass influx of migrants and refugees, and in the wake of the 2008/9 recession, priority issues for the public (as measured by Eurobarometer) centred on the economic situation, unemployment and the state of the Member States' public finances. By 2017, however, the public prioritised two issues almost equally above all others: immigration and terrorism. By the autumn of that year, one issue was thought to be more important than all others: immigration.

Eurobarometer survey responses to the question: 'What do you think are the two most important issues facing the EU at the moment?' (% – EU)



Source: QA8 of Standard Eurobarometer 74 (Nov 2010) and QA5 of Standard Eurobarometer 88 (Nov 2017)

The immigration of people from outside the EU appears to evoke feelings in European populations which are, to varying degrees, predominantly negative.

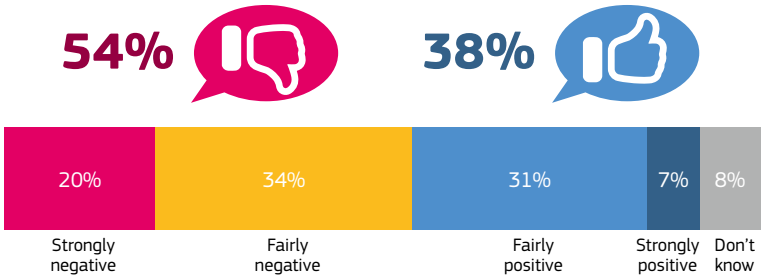
The data show that the European public recognises immigration as a high priority issue, but what do we know about how the public feels about immigration of people from outside the EU? In 2014, 57% of respondents expressed feelings that were either fairly (36%) or strongly (21%) negative when surveyed by Eurobarometer in 2014. By late 2017, the percentage of respondents expressing fairly or strongly negative feelings had fallen to 54%, with those expressing strongly negative feeling falling slightly to 20%.

Feelings that 'immigration of people from outside the EU' evokes for EU citizens (% - EU)

2017

Feelings that 'immigration of people from outside the EU' evokes for EU citizens

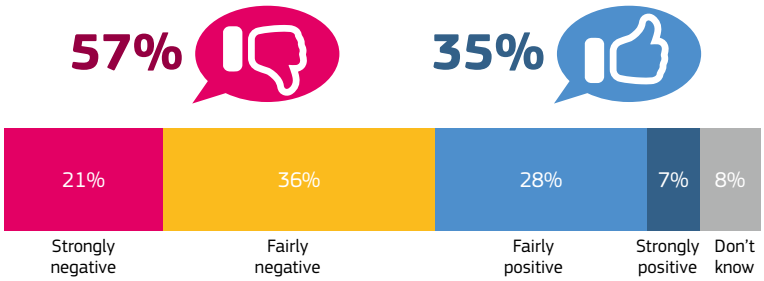
Source: QB4.2 of the Standard Eurobarometer 88 (Nov 2017)



2014

Feelings that 'immigration of people from outside the EU' evokes for EU citizens

Source: QA11.2 of the Standard Eurobarometer 82 (Nov 2014)

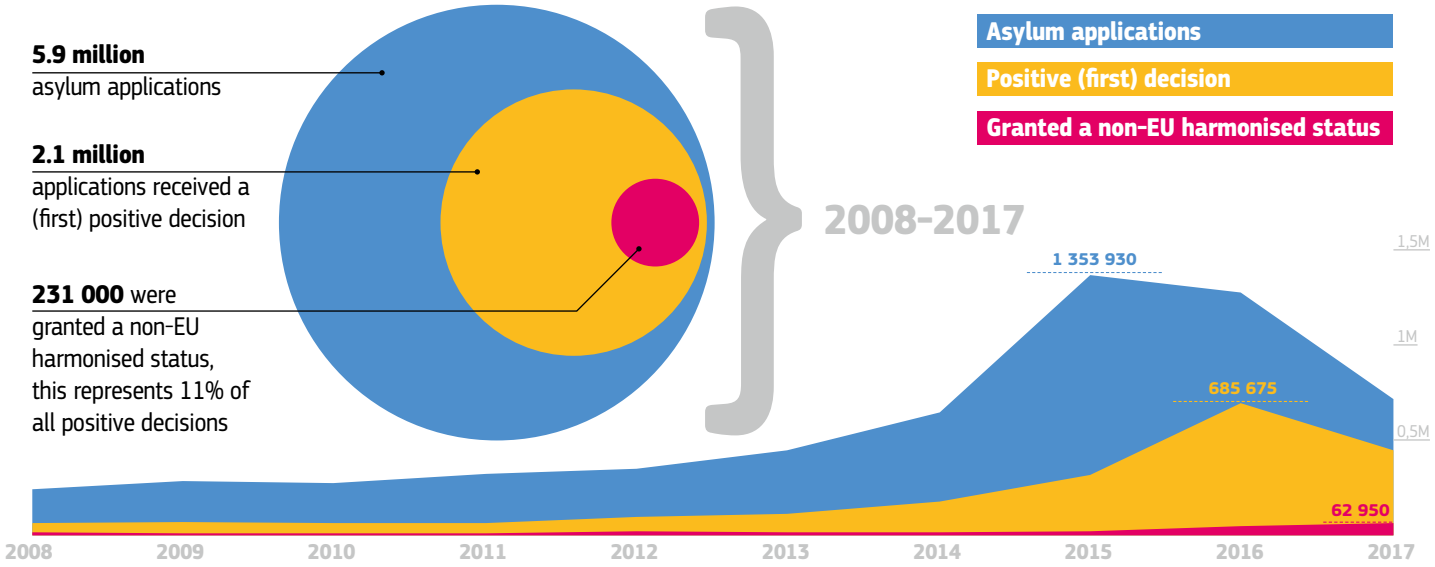


Taking a longer-term view, the European Social Survey[1] asked whether a country is made a better or worse place to live in as a result of migration in 2002 and in 2014. The results showed surprising stability in attitudes among EU publics towards immigration in the period. On one hand, the increased influx of migrants may have increased competition for jobs and housing, etc., leading to more negative public attitudes. On the other hand, the increasing size of the migrant population means that people are likely to have had increasing contact with migrants and their children. Previous research has found that contact tends to promote more positive attitudes. Important differences in attitudes to different types of migrants are seen, with particularly negative attitudes expressed by respondents towards migrants from poorer countries outside Europe, Muslim migrants and Roma.

The results underline the complexity of the public response to migration across the EU and the risks associated with poorly managed migration policies.

1 Attitudes towards immigration and their antecedents: Topline results from Round 7 of the European Social Survey.

International protection – most statuses granted are harmonised by EU law but a small share are national statuses



Source: Eurostat (EU and Norway)

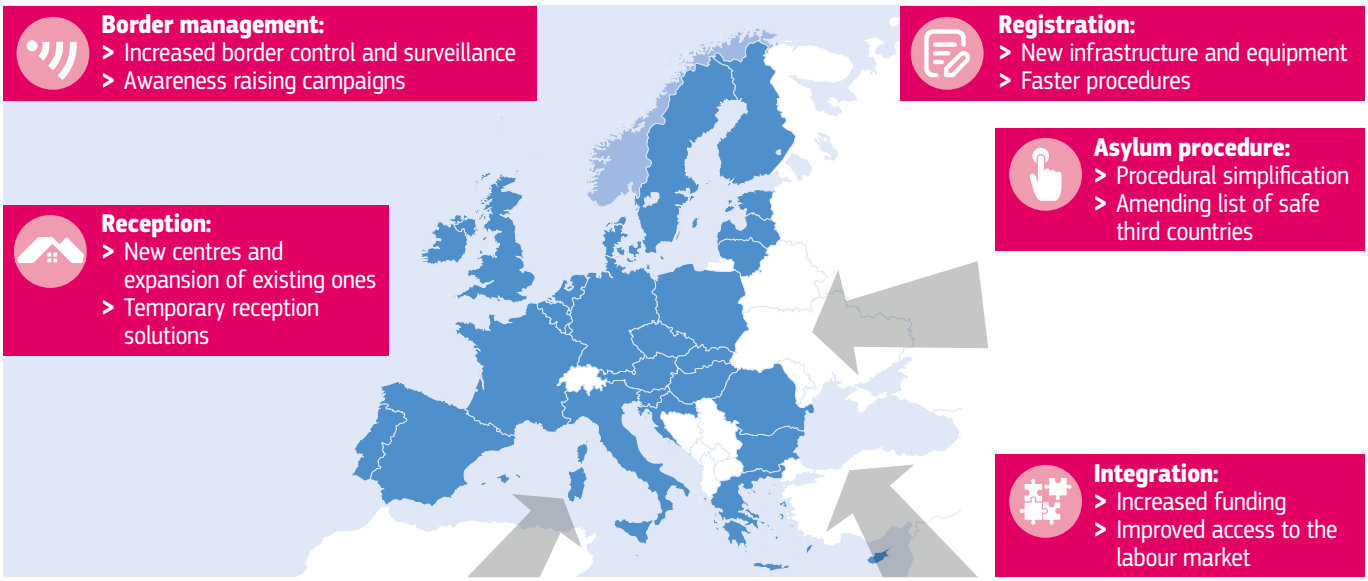
Member States granted the highest number of non-EU harmonised statuses:

- Italy **91 735**
- Germany **77 180**
- Netherlands **18 250**
- United Kingdom **15 235**

The grounds on which statuses were most often granted, according to the EMN study, were:

- (Risk) of persecution and other safety threats
- High influx
- Tolerated stay / suspension of removal
- Humanitarian, exceptional, compassionate, pressing, etc. reasons
- Medical reasons
- Unaccompanied minors
- Statelessness

Dealing with the changing influx of asylum seekers – Key measures taken by Member States



EVOLVING TRENDS IN ASYLUM AND MIGRATION POLICIES

International protection in the EU

Between 2008 and today, the number of asylum applications has dramatically increased, peaking at just over 1.3 million first-time applicants in 2015 from approximately 240 000 in 2008 in the EU and Norway. Most of the increase was due to the war in Syria, but several other conflicts had already been contributing to the rising trend since 2008. The rate of positive (first) decisions followed a similar increasing trend as the number of applications, from nearly 61 000 in 2008 to its peak of nearly 686 000 in 2016. Most of the positive decisions concern the granting of Geneva Convention refugee status or subsidiary protection, based on the EU common standards set in the Qualification Directive (2011/95/EU). However, what these headline figures do not show, is that on average 11% of these positive decisions, corresponding to a total of 231 000 decisions between 2008 and 2017, were humanitarian statuses, i.e. national authorisations to stay, not covered by the Common European Asylum System.

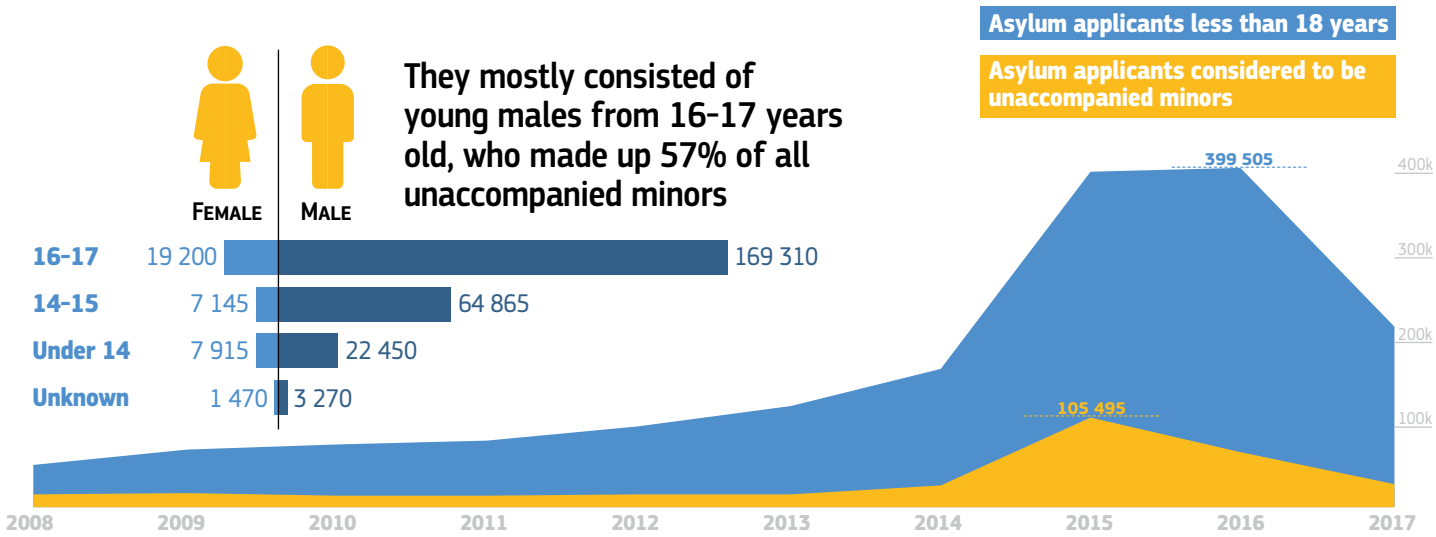
End 2010, the EMN published a study on "The different national practices concerning granting of non-EU harmonised protection statuses", which found that in addition to the Geneva Convention refugee status and the EU subsidiary protection status, a myriad of other national statuses existed across the EU, some leaning very closely towards the EU international protection statuses, others more centred on the principle of non-refoulement and the European Convention on Human Rights and finally, a group of statuses mostly granted outside the asylum procedure. Although many were legacy statuses from before the EU acquis, they did in some cases cover situations and grounds which were not (at the time) addressed by the EU acquis. The EMN study highlighted the fact that the many different statuses identified might be offering lower standards of protection to third-country nationals compared to those required by the EU acquis as a point of concern. The study also found that there was scope for the EU to review whether some could be 'incorporated' in the EU acquis.

The since 2010 steadily increasing numbers of applications, followed by the mass influx in 2015 and 2016, have had an enormous impact on many Member States, in terms of having to register newcomers, process claims, provide applicants with accommodation and services, ensure that those who are allowed to stay can successfully settle in their new society, etc. In addition, some governments found themselves battling against an increasingly negative public perception about the continued flows of people seeking refuge in their respective countries.

The EMN, on multiple occasions, examined how Member States coped with sudden pressures and, equally, sudden drops in the numbers of new arrivals. In 2014, it published a study on "The organisation of reception facilities for asylum seekers in the different Member States", examining in particular how they managed fluctuations in numbers in terms of rapidly increasing and downsizing their reception capacities and related services. It highlighted a need for greater coordination and control mechanisms to ensure that the quality of reception was, in all situations and contexts, in line with the standards as set in the Reception Directive (2013/33/EU). Good practices identified in Member States included having a clear strategy in place to prepare, mitigate and respond to pressure (e.g. 16 Member States had 'emergency plans' in case of a high influx in place at the time of the study); as well as managing reception as a chain, with the entire process (from inflow, reception, asylum procedures, outflow, return/integration) being seen as a continuum. The EMN will publish another study in 2018, which outlines the different measures (e.g. asylum procedures, border control, reception conditions, etc.) Member States have introduced in response to the recent influx of asylum seekers. The study also outlines the various measures and proposals introduced at EU-level during the period 2014-2016.

During the crisis in 2015, the EU called for greater solidarity between the Member States, given the disproportionate numbers arriving in particular in Greece and Italy, by setting up a relocation scheme, the success of which has however been diminished by a slow start-up and a lack of participation of some Member States. The EU has also tabled a proposal for an overhaul of the Common European Asylum System, putting forward amendments to some of its key instruments such as the Dublin Regulation, the Qualification Directive and the Asylum Procedures Directives (which are proposed to become Regulations), aimed at establishing a fairer and more sustainable system to determine which Member State is responsible for asylum seekers and to achieving greater convergence in the EU asylum system. Several funding streams have for more than two decades provided support to the reception and integration of beneficiaries of international protection, including the European Refugee Fund, in place since the late nineties, followed by the Asylum, Migration and Integration Fund (AMIF) since 2014.

Unaccompanied minors made up 5% of all asylum seekers and 19% of all asylum seeking persons under 18



Source: Eurostat (EU and Norway)

Member States with the highest number of unaccompanied minors seeking asylum between 2008 and 2017:

Germany **82 400**

Sweden **61 300**

Italy **26 435**

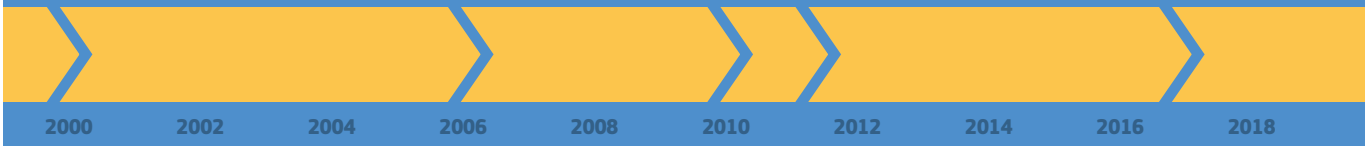
Member States with the highest share of unaccompanied minors on the total asylum seeking population in their country, between 2008 and 2017, were:

Slovenia **19%**

Sweden **12%**

Norway **10%**

EU support to unaccompanied minors



Protection of unaccompanied minors – key issues identified in EMN studies

POLICIES:

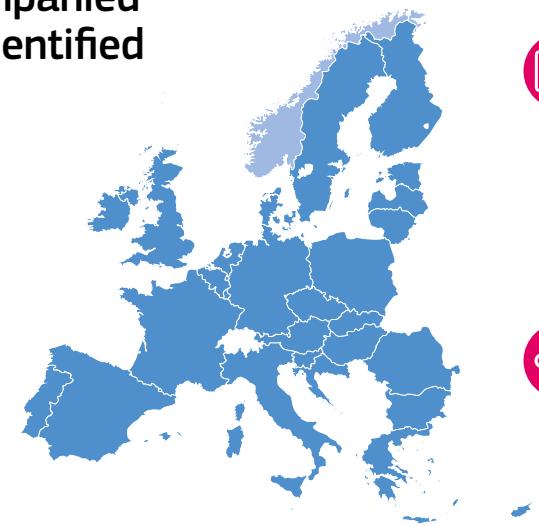
> Increased tailoring of policies and specific action plans

> Dedicated funding streams

RECEPTION AND CARE:

> Need for adapted facilities and capacity

> Good guardianship arrangements are key



PROCEDURES AND RIGHTS:

> Variations in treatment of unaccompanied minors across Member States

> Non-asylum seeking unaccompanied minors do not always benefit from the same level of protection

OTHER:

> Differences across the EU in transitional arrangements when minors turn 18

> Return of minors is challenging

EVOLVING TRENDS IN ASYLUM AND MIGRATION POLICIES

Children on the move: unaccompanied minors

Between 2008 and 2017, more than 317 000 children under 18 years came to the Europe Union and Norway unaccompanied, i.e. without parents or other responsible persons, to seek asylum. At least another 40 000[1] came or were brought unaccompanied for other reasons, remaining outside asylum systems. During travel, and even after arrival in a Member State, these children remain extremely vulnerable, at risk of falling into the hands of abusive adults, including smugglers, traffickers and other persons seeking to exploit them for their own gain.

Over the last 10 years, the EMN has consistently reported on and raised awareness about unaccompanied minors (UAMs). One of its first studies, undertaken in 2009, examined and compared Member States' "Policies on reception, return and integration arrangements for, and numbers of, Unaccompanied Minors". This early study reported on the growing numbers of unaccompanied minors in most Member States, and explored the early development of tailored policies, action plans and funding streams to meet their needs. Important challenges identified were most often related to insufficient capacities of care and reception facilities for the successful reception and integration of unaccompanied minors, including the important role of guardians in these processes. Other issues which were found to be challenging concerned the development of accurate age-assessment techniques when there was doubt about a child's age, and the consequences for an unaccompanied minor turning 18 years of age.

In 2015, and following the conclusion of the 5 year EU Action Plan on Unaccompanied Minors, the EMN published a follow-up study on unaccompanied minors, entitled "Policies, practices and data on unaccompanied minors in the EU Member States and Norway". The study noted a further net increase in the number of unaccompanied minors coming to the EU since the 2009 EMN study, and highlighted the significant progress that had been made to improve policies in the EU and Member States. However, it also identified a number of remaining challenges and issues that had not been fully addressed by the Action Plan, notably: differential entry procedures and arrangements in place for unaccompanied minors across Member States; the care and safeguarding needs of very vulnerable UAMs who were not in an asylum process, or were at risk of absconding or going missing and measures to prevent this; transition arrangements for unaccompanied minors turning 18; and the return of minors. The study concluded that whilst many provisions and measures were in place for asylum seeking unaccompanied minors and those granted international protection as part of EU acquis and international legislation, non-asylum seeking unaccompanied minors did not appear to benefit from the same level of (legally ensured) care, which in principle should be equivalent to that offered to national children deprived of parental care. The study expressed concern that unaccompanied minors were not treated as children first and foremost in all Member States, in line with the best interest of the child principle and irrespective of their migration status, and noted that their protection needs as such were not always fully recognised by the competent national authorities.

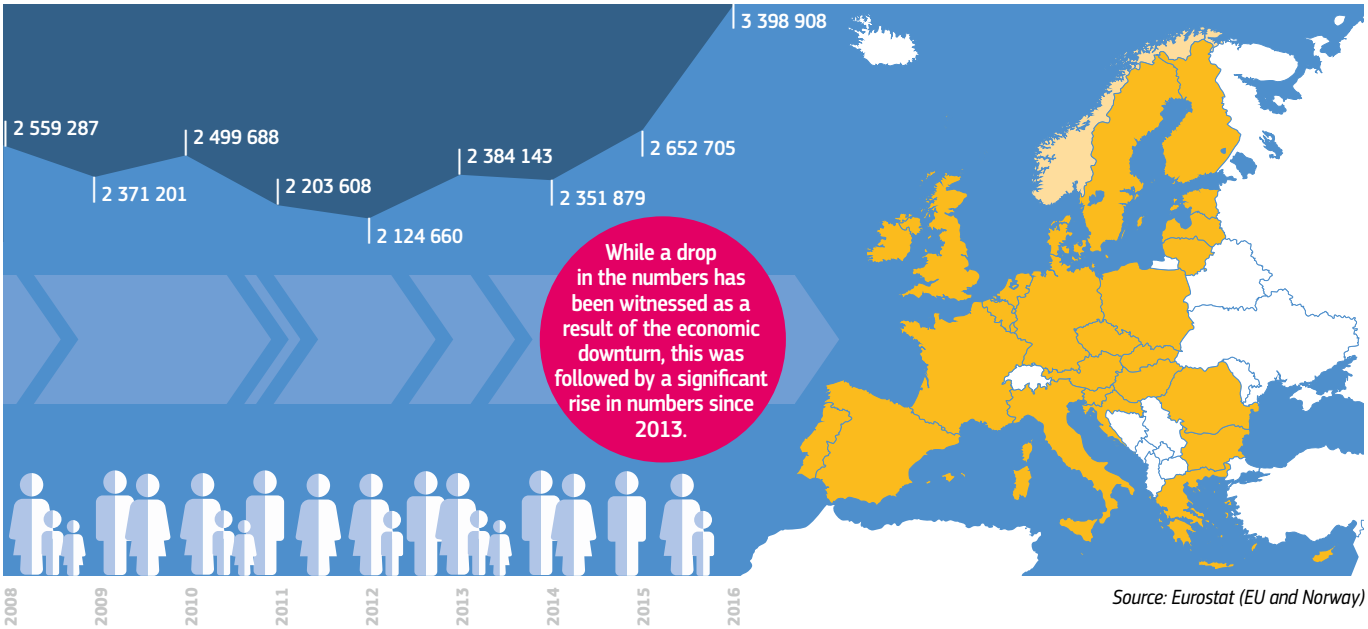
The EU has a wide-ranging policy and legislative framework in place to protect children. First and foremost, children are covered by Article 24 of the EU Charter of Fundamental Rights and unaccompanied minors have the right to apply for asylum in line with Article 18. In 2006, the EU published the Agenda on the Rights of the Child and in 2010, it launched the EU Action Plan on Unaccompanied Minors (2010-2014), both of which have been instrumental in raising awareness about the protection rights of unaccompanied minors, and in promoting protective actions, such as training for guardians, public authorities and other actors who are in close contact with unaccompanied minors.

More recently, the European Commission called for a comprehensive approach to address the needs of all migrant children, including unaccompanied minors, in its 2017 Communication on the protection of children in migration, the European Agenda on Migration, the Communication on the state of play of its implementation, as well as the EU Action Plan on Integration of Third-Country Nationals.

The EMN is currently working on a study on "Member States' approaches to unaccompanied minors following status determination", which will examine in particular what happens after a protection status and hence a right to residence is granted, followed by integration into the new host society, or when an (asylum) application has been rejected, followed by the unaccompanied minors being subject to a return decision. Specific focus is again placed on transition arrangements for children turning 18 and on children absconding. In addition to specific studies, the EMN also dedicates, each year, a section of its Annual Report on Migration and Asylum to unaccompanied minors and other vulnerable groups, presenting the latest policy and other developments at EU and national levels.

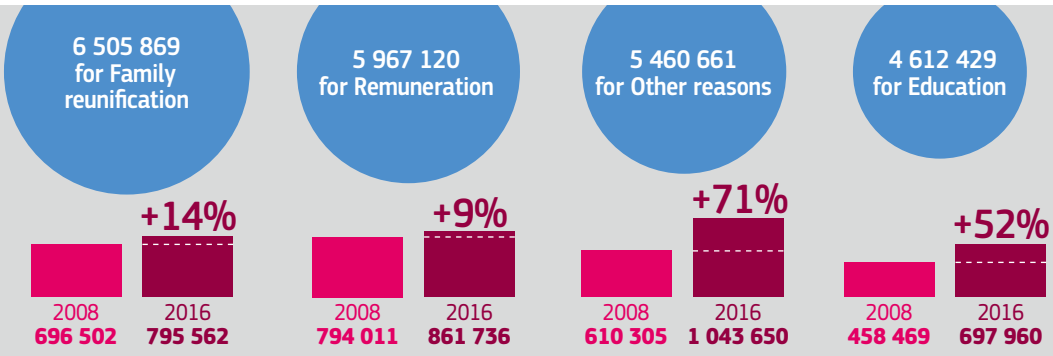
1 Based on data provided by eight Member States

Immigration: the number of first permits issued to immigrants from outside the EU has increased by some 33% in the past nine years



Source: Eurostat (EU and Norway)

Migrants come to the EU for different reasons, each group showing a net increase between 2008 and 2016



Family reunification has remained the most important immigration reason in the last nine years, and the number of permits issued for family reasons has increased steadily since 2008.

Remuneration has remained the second most important immigration reason, although the number of first permits issued did show a decline throughout much of 2009-2013 reflecting the economic downturn across the EU; however, by 2016, the number of first permits issued was ahead of the level in 2008.

Permits issued for **other reasons** were steady until 2016, when a high number of first permits for international protection and humanitarian reasons were issued, representing over 1 million permits.

With regard to **education**, most Member States experienced a slight upward trend in the number of first permits issued for education reasons between 2008 and 2016, although the overall number of permits fluctuated across the period.

Key issues for legal migration identified by the EMN

Family reunification remains the main reason for immigration towards the EU. This currently excludes non-mobile EU citizens.

The EU legal migration acquis shows some additional gaps in terms of migrants covered, for example, third-country nationals coming to the EU for business reasons and as investors. The EMN study has shown that these third-country nationals have the ability to make an important contribution to the EU economy.

Attracting students and highly skilled migrants remains high on the EU's agenda. The EU aims to make itself a more attractive place by revising the EU Blue Card and adopting a revamped Students and Researchers Directive. However, several obstacles remain.

EVOLVING TRENDS IN ASYLUM AND MIGRATION POLICIES

Evolving patterns of legal migration to the EU

The EU's legal migration policies, from the Tampere Programme to the latest Communication on a way forward on the external and the internal dimension of migration policy, have been driven by the dual need to support the effective management of migration flows whilst making the EU an attractive place for migrants and ensuring their fair treatment. Migration, for example, of highly-skilled workers, students and researchers, serves to enhance the EU's knowledge economy and boost economic growth, in a context of labour shortages in some sectors and ageing populations in most Member States. Since as early as 1999, the EU has developed legislative instruments in order to support these objectives, for example, by setting common standards and approaches for admission conditions and residency rights of specific categories of migrants. Over time, the number of categories has increased to meet demand, and now include (highly-skilled) workers, family members of migrants (fostering integration), long-term residents, students and researchers, trainees, volunteers, pupils on exchange schemes, au pairs, seasonal workers and intra-corporate transferees.

Through its Annual Report on Migration and a range of studies, the EMN has identified and explored important issues that have arisen during the evolution of the EU legal migration acquis and from Member States' approaches to the implementation of legislation, policies and practice. For its very first study in 2008, the EMN elected to examine as a priority "Family reunification", and when looking at key trends across the 2008-2016 period, family reunification has remained the most important reason for issuing a first permit, with the number of permits issued increasing steadily over time. The 2008 EMN study examined the development of family reunification policy as well as the implementation of the Directive on the right to Family Reunification (2003/86/EC) across nine Member States. The study highlighted a number of issues arising in some Member States; for example, the Family Reunification Directive does not apply to third-country nationals reuniting with (non-mobile) EU citizens. The EMN's most recent study on family reunification in 2016 explored potential inequalities across Member States in the situation of beneficiaries of international protection, some of whom are not covered by the EU Family Reunification Directive (i.e. beneficiaries of subsidiary protection), and found that overall both refugees and beneficiaries of subsidiary protection appear to benefit from similar access to family reunification across the EU. The study also identified both commonalities and differences between Member States' policies and practices on family reunification over the past few years, which depend to a great extent on Member States' discretion, despite being guided by the framework established by the Family Reunification Directive at EU level.

The past decade, and in particular the years 2015 and 2016, have seen a significant rise in the number of first permits issued for the purpose of study. In 2012, the EMN conducted a study on the "Immigration of international students to the EU" to find out how Member States were positioning themselves to attract international students, and in light of the planned recast of the EU Students and Researchers Directives (2004/114/EC and 2005/71/EC, now 2016/801). The study showed that students represented a substantial proportion of the non-EU population in many Member States and that the importance and added value of international students was well-recognised in student immigration and mobility policies, as well as student employment and access to the labour market post-graduation, designed by Member States to attract, and retain, highly skilled international students. The EMN will launch another study on attracting and retaining students and researchers in the EU in the second half of 2018.

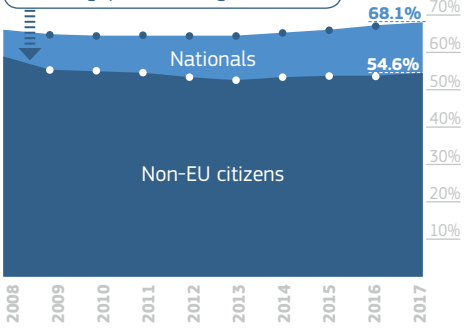
In 2015 the European Commission published the Agenda on Migration, which stated that a common system on legal migration should aim at making the EU an attractive destination for third-country nationals. Labour immigration continues to be seen as playing a key role in driving economic development in the long-term and in addressing current and future demographic challenges in the EU. Moreover, a well-functioning legal migration system was identified as necessary to provide persons with a potential alternative to undertaking dangerous journeys to Europe. As a consequence, Member States were urged to make full use of the legal avenues available, including, for instance, family reunification.

In 2015, the EMN reported on the post-recession phenomenon of the design and implementation by Member States of policies to attract a group of migrants not currently addressed by EU law, namely investors and entrepreneurs. The 2015 EMN study "Admitting third-country nationals for business purposes" explored the wide range of non-harmonised policies and practices in place to attract these groups in order to support the growth of new enterprise, investment and job creation. National policies and programmes were found to offer a range of incentives such as favourable tax regimes; measures to ease admission; and enhanced rights such as accelerated family reunification, whilst striving to ensure effective controls and safe borders. At EU level there are no legal instruments or schemes to attract these groups as of now. The proposed revision of the EU Blue Card Directive includes a right for Blue Card holders to be self-employed as a side-activity (including running a business).

Integration of migrants in EU societies remains a big challenge

Employment rates of the population: host country nationals versus non-EU citizens

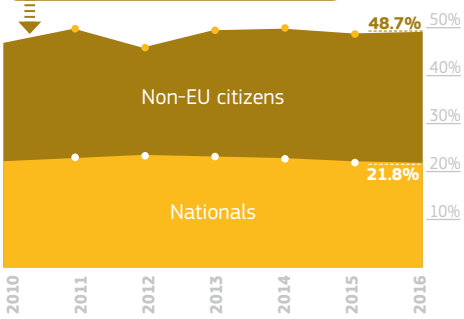
Migrants consistently show lower employment rates than nationals and the gap is widening



Source: Eurostat (EU)

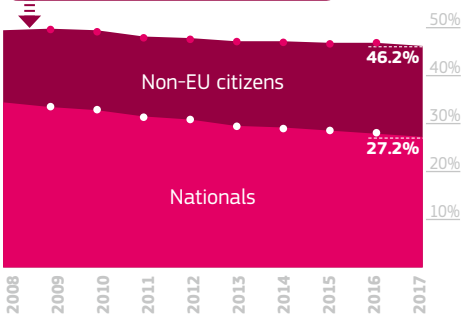
Share of population at risk of social exclusion

Nearly 5 out of 10 migrants in the EU-28 face the risk of being in poverty or socially excluded



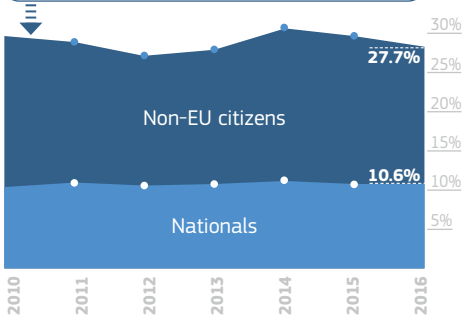
Share of population which have obtained lower secondary levels and below

Migrants have substantially lower educational attainment levels compared to EU nationals



Share of population overburdened by housing costs

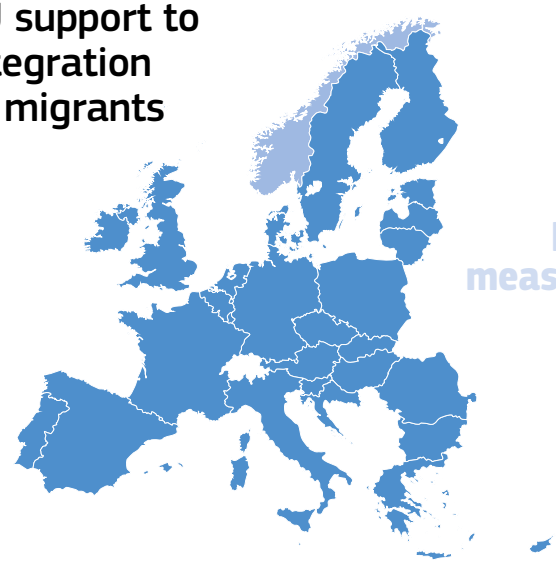
On average, around 1 in 4 migrants living in the EU-28 were considered to be overburdened by housing costs



Member states provide a range of support measures for labour integration of refugees as identified by the 2015 EMN study:

- Language courses
- Orientation services
- Employment services (including counselling)
- Housing assistance
- Assistance in obtaining recognition of professional qualifications

EU support to integration of migrants



Main measures

EVOLVING TRENDS IN ASYLUM AND MIGRATION POLICIES

Integration of migrants in the EU

Integration of migrants in the EU is primarily a responsibility of Member States. However, the EU supports national and local policies with policy coordination, exchange of knowledge and financial resources. The EU has supported integration through a range of measures. Already in the Treaty of Amsterdam which came into force in 1999, the integration of migrants became enshrined in EU policies for the first time. The main strategy document until 2005 was the Common Agenda for Integration, which provided the framework for the implementation of the EU integration policy. In 2011 the European Commission adopted the second Agenda on Integration, which was in place until 2015 and focused on increasing the economic, social, cultural and political participation of migrants and fighting discrimination, with an emphasis on local actions. During this time the EU also focussed on funding integration initiatives including through the European Integration Fund (EIF) and later AMIF. In 2016 the European Commission adopted the Action Plan on Integration, which is a framework to support Member States in developing and strengthening their integration policies. Further measures included the EU integration website and the European Integration Network as well as the Handbook on integration. More recently, to support Member States in their efforts to help integrate the high number of newcomers in particular in 2015 and 2016, the European Commission signed the European Partnership for Integration, which includes commitments by the Commission and European social and economic partners to foster the integration of refugees in the labour market. In 2017 the EU launched a skills profile tool for third-country nationals to map qualifications and professional aspirations of non-EU nationals.

In spite of the continued efforts made at EU and Member State levels, the integration of migrants into Europe's societies remains a big challenge. The EMN has conducted several studies on the integration of migrants in EU societies. In 2014, the EMN looked at a specific aspect of integration, namely "Migrant access to social security and healthcare". This study found that although the legal migration acquis includes equal treatment provisions for (nearly) all categories of third-country nationals, in practice there were significant variations.

While migrants make important contributions to the economic, social and cultural development of European societies, they are consistently worse off than host country nationals in terms of employment, education and social inclusion outcomes in most Member States and are showing a declining trend in some areas where outcomes are instead going up for EU citizens. For example, while labour market participation of 20-64 year-old host country nationals increased from 75% to 78% between 2008 and 2017, the rate of non-EU citizens went down from 73% to 69%. As an important indicator of integration, this suggests that additional measures must be taken, to ensure effective integration of established third-country nationals as well as Europe's newest refugees. Regarding educational attainment, during the same period between 44% and 43% of 25-54 year-old third-country nationals had completed at most a lower secondary level of education, against a declining trend of 24% of host country nationals in 2008 and 18% in 2017.

The European website on integration is the EU's portal for information on immigrant integration. It was set up in 2007 as a 'one-stop-shop' providing information and good practices to support the integration of migrants across EU Member States. The website provides information on several integration dimensions (including integration into the labour market, health or housing). The information is provided for all Member States from a variety of stakeholders. The information provided includes: good practices and documents relevant to migrant integration; information on funding opportunities for integration practitioners; and country information sheets. The website is aimed at a wide range of users, including national/ regional/ local authorities, civil society organisations, and other practitioners. It aims to be the EU-wide platform for networking on integration, through exchanging information about policies and practices in the EU and across Member States.

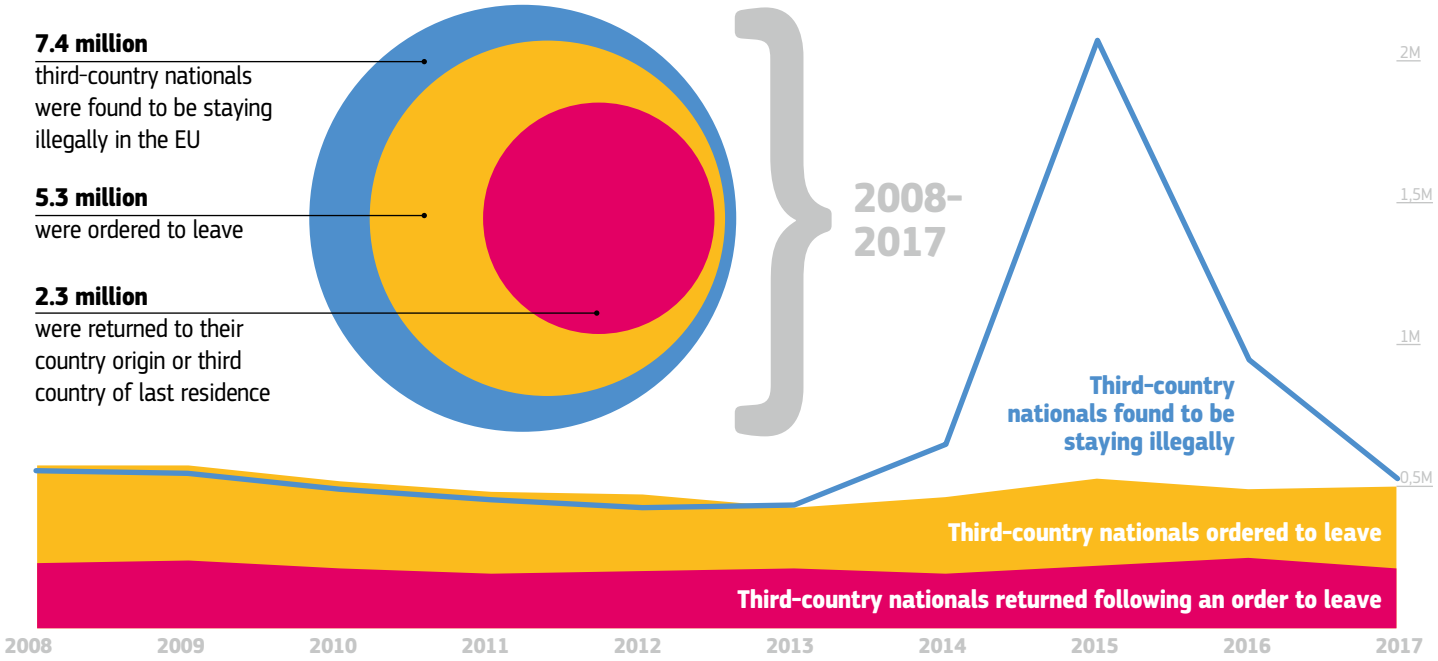
In 2015, the EMN looked specifically at policies and good practices supporting the integration of beneficiaries of international / humanitarian protection into the labour market. The study showed the importance of labour market integration of this specific group of migrants. At the same time, it identified several practical obstacles for beneficiaries of international protection when accessing the labour market, e.g. psychological and physical distress, lack of documentation proving qualifications, lack of a social network, housing instability, lack of language proficiency, etc. While Member States provide support measures for access to the labour market, including: language courses, orientation services, employment services (including counselling), housing assistance, and assistance in obtaining recognition of professional qualifications, there are significant differences in the type of measures and the extent to which they are accessible in practice. In 2018, the EMN will produce a study on the policies and measures which Member States have put in place to facilitate the labour market integration of third-country nationals.

The share of persons who effectively return is still much lower than those who are ordered to leave, and those who are found to be staying illegally

7.4 million
third-country nationals were found to be staying illegally in the EU

5.3 million
were ordered to leave

2.3 million
were returned to their country origin or third country of last residence



Source: Eurostat (EU and Norway)

The six Member States with the highest return rates* are:

According to the EMN study, the most often quoted good practices for effective return are:

- Involving NGOs and international organisations in handling return
- Improving detention conditions and making use of alternatives to detention
- Implementing preparatory measures before returning a person
- Adopting a flexible approach throughout the process

Since 2014, the EMN Return Expert Group (REG) provides a platform for practical cooperation and sharing of good practices and expertise on return

** As a share of those ordered to leave between 2008-2017 (EU and Norway)*

EVOLVING TRENDS IN ASYLUM AND MIGRATION POLICIES

Irregular migration and return

The crisis in the Mediterranean put tremendous pressure on the EU's external borders, with unparalleled numbers of persons seeking to gain entry both legally, mostly by applying for asylum and other humanitarian statuses at an external border, and illegally, often making use of some form of facilitation (e.g. smugglers). The total number of those ordered to leave because they were found to be staying illegally in the EU, including those whose application to stay was rejected, has been consistently high in recent years, with peaks exceeding half a million in 2008-2011 and 2015-2017, while the numbers of those effectively returned has lagged behind, usually representing less than half of those who were ordered to leave.

The EMN has played an important role in the area of returns of irregular migrants. Since 2014, the network includes the Return Expert Group (REG), which functions as a platform for practical cooperation and sharing of good practices and expertise on forced and voluntary return. The REG first establishes a baseline on each aspect of return, providing a situation across the Member States, which then serves to compare and contrast existing practices and promote the transfer of learning between practitioners. In addition, in February 2018, the EMN published a study on "The effectiveness of return in EU Member States", which analysed the extent to which Member States were applying the Commission's recommendations to make the implementation of the Return Directive (2008/115/EC) more effective. The study found that, while several good practices could be identified, for example with regard to the involvement of civil society, NGOs and international organisations in the handling of return cases and in detention centres, several important external challenges remained, such as the difficulties in cooperating with national authorities in third countries and obtaining travel documents, as well as internal challenges related to the implementation of EU rules and equivalent standards.

Specifically with regard to irregular migration, in 2012, the EMN produced a study on "The misuse of the right to family reunification", which sought to examine the scale and scope of two specific instances of misuse, namely marriages of convenience and false declarations of parenthood, to provide clear evidence, and how best to address them. The study found that whilst the perception amongst policy makers and the media in particular indicated that this might be a widespread phenomenon, the evidence identified suggested that marriages of convenience did occur, but it was not yet possible to fully quantify this across all Member States in a comparable manner. Where misuse was detected, this seemed to occur in marriages in which the sponsor was an EU citizen as opposed to a legally residing third-country national. The study argued for increased cooperation between Member States, to jointly find solutions to the common challenges faced to identify marriages of convenience from genuine ones, as this was not only a sensitive issue in terms of respecting fundamental rights, but also a highly resource-intensive task. In 2015, the EMN published a study on "Smuggling of migrants: Characteristics, responses and cooperation with third countries", which looked at the three key perspectives of smuggling, namely the market perspective, ruled by demand and supply, the business perspective, including the supply chain and overall business model, and the social perspective, focussing on family relations, cultural and social bonds. The study identified several important research gaps, for example with regard to secondary movements of smuggled persons within the EU and the role of social media in facilitating human smuggling. In 2016 the EMN issued an Inform on "The use of social media in the fight against migrant smuggling", including recommendations on the support that Europol can offer in collaboration with social media providers, as well as the role that Member States' law enforcement and judicial authorities can play to prevent and combat e-smuggling.

The EU has placed major efforts on reinforcing the external borders, most recently by expanding the scope and powers of Frontex (2016) and introducing changes to the Schengen Borders Code (2017) as well as by adopting the regulation establishing the Entry Exit system, which in particular with respect to irregular migration will ensure systematic identification of overstayers. In the area of return, Frontex is everyday supporting operational cooperation between the Member States, and in March 2017 the Commission put forward a Communication on a more effective return policy in the EU, which included a set of specific recommendations with regard to the practical application of the Return Directive. The EU has also substantially invested in the strengthening of the external borders and return through the External Border Fund (EBF) and the Return Fund from 2008-2013, and the Internal Security Fund (ISF) and AMIF since 2014.

EMN'S ROLE IN FURTHERING THE APPLICATION OF EU POLICY AND LEGISLATION AT NATIONAL LEVELS

Over the decade of its existence, the EMN has made an important contribution to policy makers tasked with the design and implementation of policies, practices and legislation in the Member States. It appears that overall, perhaps not unexpectedly, EMN NCPs in Member States which were not 'traditional' migration countries managed to secure most influence on policy and lawmaking processes. Across the EU however, Ministries and other public agencies have made use of the EMN to learn about policies, legislation and practice in other Member States and where applicable to adapt theirs accordingly.

Impact on practices

National EMN reports have in several cases highlighted issues which helped to change or further shape existing national practice. In Belgium, for example, the findings of the 2013 EMN study on the "Identification of victims of trafficking in human beings in international protection and forced return procedures" have been used to develop and deliver training to enhance the capacity of staff at the Belgian Immigration Office.

EMN studies and outputs have also been extensively used by Member States to compare and contrast their practices with those of others in the EU. In Latvia, for example, an inter-institutional working group, established to improve the country's reception system and integration measures, and to prepare it to host relocated refugees, made extensive use of EMN reports to understand practices in other Member States. In Sweden, several ad-hoc queries were used by government-commissioned enquiry committees.

Impact on legislation

In a number of cases, EMN outputs also helped to inform the development of national legislation. When the 2010 EMN study on "Policies on reception, return and integration arrangements for, and numbers of, unaccompanied minors" argued that detention and alternatives to detention should not be used in relation to unaccompanied minors, and that a social agency should be responsible for their accommodation and care, this helped to change the national legislation in Lithuania and eradicate the practice. Along the same vein, the 2014 EMN study on "The use of detention and alternatives to detention in the context of immigration policies" was used by the Ministry of the Interior in Finland to amend legislation on detention, adopted in July 2015.

In Sweden, the 2017 EMN study on "Illegal employment of third-country nationals in the European Union" coincided with legislative work within the government to give the Swedish Police a clearer mandate to carry out risk-based inspections at work places. Finally, in Luxembourg, EMN outputs have been cited in the legal opinion of the Council of State on the 2015 bill on international protection and temporary protection.

Impact on court decisions

On 16 January 2017, the Netherlands launched an EMN ad-hoc query upon the request of the highest national administrative court which was reviewing two cases on transfers to Bulgaria under the Dublin III Regulation. The court requested information about practices of other Member States with regard to transfers of vulnerable persons to this Member State. Based in part on the information obtained through the EMN, on 4 April 2017, the Administrative Jurisdiction Division issued a judgment on the two pending cases in line with European practice, allowing the transfers.

In Germany, the Institute for Human Rights used the national EMN NCP report on "Reducing irregular migration" (2012) for its written opinion regarding a case of the Higher Administrative Court of Rheinland-Pfalz. Also in the United Kingdom, the information resulting from an ad-hoc query on marriages of convenience, launched in 2011, was used in a legal challenge to the Member State's minimum marriage visa age of 21 years, which aimed to combat forced marriage. The comparison with the position of other Member States was very helpful to the Supreme Court, as it not only illustrated that the problem of such types of marriage existed across the EU, but also that Member States have used similar measures in some cases (raising the marriage visa age) to tackle this issue.

Impact on policy formulation and implementation

The EMN has also informed national policy making in several instances. In many Member States the EU and national reports of the EMN are used by policy makers as background information to inform policy decisions in the field of asylum and migration.

In 2015, during the EMN Conference on Migration Policy Strategy in the Czech Republic, various ministries, academic institutions, NGOs, international organisations and parliamentarians together finalised the national Migration Policy Strategy, which was formally adopted by the government later that year. In Ireland, when preparing the reform of the international protection process in 2015, the Working Group established to report to Government quoted several EMN studies to substantiate their recommendations. In the Slovak Republic, the Ministry of Labour, Social Affairs and Family, of which the EMN NCP is an integral part, drafted and supervised the preparation of the Member State's first Integration policy, referring in the text also to several EMN outputs.

Impact on policy discussions

EMN studies were also the subject of numerous policy debates, at various levels. This occurred most often as part of conferences and other types of events by the EMN NCPs, but in several cases were also initiated by other parties.

A good example of close engagement of the Austrian NCP with policy makers was the 2017 EMN Annual Conference "Migration Movement towards Europe: Data Analysis and Alternatives", which was organised following the request of and in close collaboration with the Ministry of Interior.

In Germany, the publications of the EMN have been amply consulted by the German Bundestag and various federal Ministries. Interestingly, the Finnish EMN NCP was used as a 'fact-checker' in the recent presidential elections campaign, to verify the accurateness of statements made by one of the candidates on resettled refugees.

10 YEARS EMN
European Migration Network

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