



# EMN INFORM

## Responding to Migratory Pressures in 2011

As a complement to the [Commission's 3<sup>rd</sup> Annual Report on Immigration and Asylum](#), this EMN Inform provides a short overview of the main developments that took place in the EU in 2011 in response to increasing migratory pressure and specifically in relation to the six strategic priority areas of the [EU Action on Migratory Pressure – A Strategic Response](#).

Following an overview of [key statistics \(Section 1\)](#), topics covered are actions to support third countries with [migration management \(Section 2\)](#) and to enhance [external border controls \(Section 3\)](#); developments that have contributed to the prevention of irregular migration via the [Greek-Turkish Border \(Section 4\)](#); contributions to tackling [abuse of legal migration channels \(Section 5\)](#); preventing [misuse of free movement \(Section 6\)](#); and [return practices \(Section 7\)](#). Information on national developments has, in addition to the Commission's 3<sup>rd</sup> Annual Report on Immigration and Asylum, been drawn from EMN [National Annual Policy Reports 2011](#), with contributions from 25 EMN NCPs.<sup>1</sup>

### 1. Key Statistics

In 2011, 343 155 third country nationals were refused entry into EU Member States and Norway, which represents a 13.1% decrease from 2010. The overall reduction from 2010 can be attributed in the main to the significant decrease in the number of refusals reported by ES (a reduction of some 22%). The five Member States with the highest number of refusals in 2011 were ES (227 655), PL (20 225), UK (14 720), HU (11 790) and EL (11 090). Both EL and IT reported significantly higher numbers of refusals from 2010, representing increases of some 193% and 104% respectively. Overall, 83% of refusals took place at the land border, a further 14% of refusals were at the air border, and some 3% were at the sea border. Member States reported some 468 600 third-country nationals apprehended in 2011, representing a decrease of 7.2% from 2010. The five Member states recording the highest numbers of apprehensions were EL (88 840), ES (68 825), FR (57 975), DE (56 345) and UK (54 175). A total of 500 040 third country nationals were ordered to leave in 2011, a reduction of 7.7% from 2010, and 189 625 were returned, a reduction of 15% when compared with 2010. A total of 92 690 forced and voluntary returns were reported in 2011, with forced returns representing some 63% of this total.

### 2. Strengthening cooperation with third countries of transit and origin on migration management

At EU level, an EU Readmission Agreement was entered into with Georgia, negotiations were finalised with Turkey and Cape Verde and mandates to initiate negotiations were adopted for Belarus, Armenia, and Azerbaijan. Improvements to EU Readmission Agreements were proposed in a comprehensive [evaluation](#) by the Commission, which underlined the EU's commitment to fundamental rights and proposed the suspension of Readmission Agreements for third countries with persistent human rights violations.

<sup>1</sup> AT, BE, BG, CY, CZ, DE, EE, EL, ES, FI, FR, HU, IT, LT, LU, LV, MT, NL, PL, PT, SE, SI, SK, UK and NO. The Commission's Annual Report includes contributions from all 27 Member States.

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In response to continuing political change in the Southern Mediterranean region, the Commission proposed to offer these countries tailor-made dialogues on migration, mobility and security towards the establishment of Mobility Partnerships; these ideas were accepted in the Conclusions of the 3096<sup>th</sup> Justice and Home Affairs Council Meeting.

The proposal for an Asylum and Migration Fund contained, amongst other proposals, provisions that would further develop EU cooperation tools. Following the experience of the recent crisis in the Southern Mediterranean, it also proposed an emergency assistance mechanism able to respond quickly to different aspects of migratory pressure in Member States and third countries. The EU also published a Communication outlining progress made towards a Common Justice and Home Affairs space through cooperation with Eastern Partnership Countries, addressing challenges and threats to borders.

At national level, Member States cooperated to respond to migratory pressure from the Southern Mediterranean. IT, in collaboration with EL and the IOM, led the EU-funded project “Sahara Med” for the Libyan police to build capacity to prevent and manage irregular migration flows from the Sahara to the Mediterranean Sea. Frontex supported IT in the management of mixed migration landings at Lampedusa as part of Operation HERMES, which also involved Europol and AT, BE, ES, FR, MT, NL, PL, RO and SE.

A Ministerial Conference, "Building Migration Partnerships," was organised in Poznan within the scope of the Prague Process. HU led the initiative to provide support to Western Balkan countries preparing to integrate into a Common EU JHA Space. AT, HU and Serbia, with inputs provided by Europol, carried out risk analyses of irregular migration via the Balkan route across Turkey and EL towards Western Europe. From November 2011 the analysis was coordinated by Frontex. BE intensified dialogue with local authorities in the Western Balkans within the framework of a national action plan to address increased influxes of irregular migrants from this region.

### **3. Enhanced border management at the external borders**

At EU level, the Frontex Regulation was amended and the Agency, through its Risk Analysis Network (FRAN), continued to ensure the collection and dissemination of information on irregular migration routes and risks at the border to Member State authorities. Two ‘tactical meetings’ on irregular migration were organised by Frontex for Member States in 2011. The new Frontex Regulation provides for the possibility of the Agency taking over ICONet – a secure web-based network for the coordination and exchange of information on irregular migration. The amended ILO Regulation also promotes the use of ICONet by Immigration Liaison Officers (ILOs). The European Commission proposed greater monitoring and evaluation of the application of the Schengen rules and launching biannual debates on the functioning of the Schengen area.

At national level, Member States cooperated to strengthen border management and security at the external borders. SK continued to participate in the EUROSUR pilot project and in May 2011 signed a Memorandum of Understanding with Frontex in this regard. The Swedish Border Authorities published a report concluding that SE would join EUROSUR.

At least three Member States (IE, NL, PT) introduced systems for making use of advanced passenger information (API) to improve border controls. IE transposed Directive 2004/82/EC on the obligation of carriers to communicate passenger data and PT implemented a pilot API system. NL launched the Border Management Programme which uses API to conduct risk-oriented actions and implement automated border controls. IE signed a memorandum with UK in the framework of the Common Travel Area (CTA) for exchange of fingerprint biometrics of passengers – particularly those arriving from ‘high risk’ countries. To improve the efficiency of external border controls, PT introduced an automated border control system (PASSE) to improve security, streamlining and

coordination. LV began to implement 'e-applications' for Schengen visas at its diplomatic and consular missions situated in Russia, Eastern Partnership countries and Central Asia.

Member States cooperated bilaterally to improve their understanding of irregular migration routes inside the Schengen area. This included cooperation between AT and HU; IE and UK; and between the Baltic Sea Region countries (EE, FI, LT, LV, SE). PT consolidated its Risk Analysis Unit (RAU), from which alerts are issued in situations of imminent threats at borders, and periodical reports published to share in relevant forums. A number of Member States (AT, HU, EE, LV, IT) cooperated with countries of origin and transit in combating irregular migration and smuggling networks. AT signed an agreement with Moldova on combating crime and AT, HU and Serbia launched a joint operation against human smuggling. The police and border guards in EE signed cooperation plans with Belarus and Georgia. LV drew up a cooperation plan with Russia to exchange information on smuggling across the Latvian-Russian border. IT signed Police Agreement Memorandums with several African countries to support the formation of police forces.

#### **4. Preventing irregular migration via the Greek-Turkish Border**

At EU level, negotiations on the EU Readmission Agreement with Turkey continued as the Justice and Home Affairs Council approved the text of the Agreement with Turkey, encouraging Turkish authorities to cooperate in the prevention of irregular migration. Frontex opened an Operational Office in Piraeus which supported operations in EL.

At national level, meetings took place between EL and Turkey aimed at improving cooperation in implementing bilateral readmission protocols and agreements to tackle irregular immigration, organised crime, drug trafficking and addressing asylum and civil protection. UK provided training and capacity building on border control, document fraud detection, the development of reception and detention centres and best practice in countering "nationality shopping" to Turkish authorities. EE, ES and UK participated in the Frontex ATTICA Operation. Other Member States (e.g. FR, NL, SK) participated in Frontex RABIT operations at the Greek borders. NO signed a cooperation agreement with EL to fund IOM voluntary returns programmes in EL (amongst other actions) and ES participated in an inter-governmental peer review mission to EL to support border control. EL established an Operational Centre within the Aliens Directorate to coordinate action against irregular migration and to enhance situational awareness at the external land, sea and air borders.

#### **5. Better tackling of abuse of legal migration channels**

At EU level, the Visa Information System (VIS) was launched in North Africa (Algeria, Egypt, Libya, Mauritania, Morocco and Tunisia). The Commission opened negotiations on upgrading the existing Visa Facilitation Agreements with the Russian Federation, as well as with Ukraine and Moldova. However, at the same time, amendments to Regulation 539/2001 were proposed that introduce a visa safeguard mechanism to be used as a last resort measure in situations where the visa-free regime with a given third country would lead to sudden and substantial increases of irregular migrants or unfounded asylum applications.

At national level, CY, ES, FR and LT brought in legislative changes aimed at preventing irregular entry / stay in the EU through fraudulent activity. For example, ES reinforced sanctions on third-country nationals using counterfeit employment contracts, participating in marriages of convenience, declaring false legal representation of a minor and submitting fraudulent registration in population register. LT introduced administrative liability for persons who provide false data for the verification of invitation letters to migrants, or otherwise unlawfully assist them in obtaining documents needed for arrival/residence. DK implemented a system for merging data from public databases to check for compliance with conditions linked to residence permissions. BE offered cost-free travel to asylum applicants agreeing to voluntarily return to Balkan countries with which there are visa-liberalisation agreements. FR introduced sanctions against "grey" marriages (i.e. abusive sham marriages).

## **6. Safeguarding and protecting free movement by prevention of abuse by third-country nationals**

At EU level, the Commission's Communication on Migration outlined a commitment to issue guidelines to support the interpretation and implementation of Schengen rules, e.g. on the issue of temporary residence permits and police measures in the internal border zones.

At national level, Member States undertook actions to collect and analyse data on EU documentation fraud and the use of facilitators to enter the EU. For example, EE interviews detected irregular migrants in order to establish the route used to enter into the EU and whether or not a facilitator was used. CZ set up a special intranet site for its Risk Analysis Department in order to share information on the use of false/falsified documents as well as statistics, analyses and information. In IE, where high numbers of marriages of convenience have been detected between third-country nationals and Latvian citizens, the Latvian and Irish authorities cooperated to resolve this issue.

## **7. Enhancing migration management, including cooperation on return practices**

At EU level, five comparative studies on return and reintegration procedures in Member States (including on the transposition of the Return Directive) were launched by the Commission. The ECJ delivered two judgements in which it clarified the extent to which national provisions criminalising irregular stay are compatible with the Return Directive. Available national data on returns suggest that forced returns were highest in FR (12 990), whereas assisted voluntary returns were highest in ES (6 770) and BE (3 255). The EU financed the IOM project "[Creation of the Voluntary Return European Network \(VREN\)](#)" with the participation of 15 EU Member States and Switzerland.

At national level, Member States cooperated to implement joint return flights and to support EL, IT and MT in returning high levels of irregular migrants, many through Frontex's ATTICA project. NO funded IOM voluntary returns programmes in EL. UK helped MT to facilitate returns agreements with countries where MT lacks representation. Member States participated in the Frontex HERMES operation to assist IT with the processing of irregular migrants. Member States also implemented Assisted Voluntary Return (AVR) programmes – several through the European Return Fund. Some (BE, CZ, FI, IT, NL) introduced policy or legislation to support this. For example, NL planned a new subsidy framework for sustainable return and reintegration, CZ put forward plans to build a national Return Centre responsible for the AVR agenda and CY made plans to establish an IOM office for voluntary returns. SE launched the European Return Platform for Unaccompanied Minors (ERPUM) with NL, NO and UK. FR reformed the procedures and legal proceedings for the removal of irregularly staying third-country nationals. LT transposed the "Return" Directive.

## **8. Further Information**

You may obtain further details on this EMN Inform and/or on any other aspect of the EMN from [HOME-EMN@ec.europa.eu](mailto:HOME-EMN@ec.europa.eu).

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