



# Annual Policy Report 2010

produced by the

**European Migration Network**

**September 2011**

The purpose of EMN Annual Policy Reports is to provide an overview into the most significant political and legislative (including EU) developments, as well as public debates, in the area of asylum and migration, with the focus on third-country nationals rather than EU nationals. The report was also used in the elaboration of the Commission's Tracking Method Report on the implementation of the European Pact on Immigration and Asylum and of the relevant asylum and migration-related elements of the Stockholm Programme and its Accompanying Action Plan.

This EMN Synthesis Report summarises the main findings of National Reports produced by twenty-three of the EMN National Contact Points (EMN NCPs) from **Austria, Belgium, Bulgaria, Czech Republic, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden and the United Kingdom**. It also includes information provided on an ad-hoc basis by **Denmark, Cyprus, Greece and Romania**.

The EMN Synthesis Report, as well as the twenty-three National Reports upon which the synthesis is based, may be downloaded from <http://www.emn.europa.eu> under "Annual Policy Reports." Several of the National Reports are also available in the Member States' national language, as well as in English.

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### **Disclaimer**

This Report has been produced by the European Migration Network (EMN), and was completed by GHK-COWI and the European Commission, in co-operation with the 23 EMN National Contact Points participating in this activity. This report does not necessarily reflect the opinions and views of the European Commission, GHK-COWI or of the EMN National Contact Points, nor are they bound by its conclusions.

### **Explanatory Note**

The 23 EMN National Contact Points who participated in this activity were from **Austria, Belgium, Bulgaria, Czech Republic, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden and the United Kingdom.**

**Denmark, Cyprus, Greece and Romania** did not produce an EMN National Annual Policy Report but provided information to the Commission's Staff Working Paper accompanying the 2nd Annual Report on Immigration and Asylum. Therefore, information related to these four Member States on actions to implement the Pact Commitments and the Stockholm Programme's objectives is presented in this Report. **Greece** also provided specific information on additional and complementary developments that occurred in 2010 by directly adding its contribution to the Synthesis Report.

It is important to note that the comments of this Report refer to the situation in the above-mentioned Member States and specifically the contributions from their EMN National Contact Points. More detailed information on the topics addressed here may be found in the available National Reports<sup>1</sup> and one is strongly recommended to consult them also.

The Member States mentioned above are given in **bold** when mentioned in the report and when reference to "Member States" is made, this is specifically for these Member States.

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<sup>1</sup> Available from <http://www.emn.europa.eu> under "Annual Policy Reports."

## Executive Summary

This EMN Synthesis Report provides an overall insight into the most significant political and legislative (including EU) developments, as well as public debates, in the area of migration and asylum in **Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Estonia, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovak Republic, Slovenia, Spain, Sweden and the United Kingdom** for the period 1<sup>st</sup> January 2010 to 31<sup>st</sup> December 2010. The Synthesis Report has been produced on the basis of National Reports from each National Contact Point of the European Migration Network (EMN NCPs) in these Member States, except for **Denmark, Cyprus, Greece and Romania** which did not produce an EMN National Annual Policy Report but provided information on the Commission's Staff Working Paper accompanying the 2<sup>nd</sup> Annual Report on Immigration and Asylum.<sup>2</sup>

As outlined in the Introduction ([Section 1](#)), the EMN NCPs were requested to report on all five Commitments included in the [European Pact on Immigration and Asylum](#) plus on relevant asylum and migration-related elements of the [Stockholm Programme and its accompanying Action Plan](#). This approach shaped the structure of this Synthesis Report, with information provided, in each section, firstly on Member States' actions to implement the Pact Commitments and the Stockholm Programme's objectives (referred to as 'Developments from the EU perspective' in the Report), followed by additional and complementary developments which occurred in the respective Member States and which did not relate directly to the Pact Commitments and the Stockholm Programme objectives (referred to as 'Additional national developments').

In the framework of the developments in the Member States ([Section 2.1](#)), **Austria** held presidential elections, while Parliamentary elections occurred in **Belgium, Czech Republic, Hungary, the Netherlands, Poland, Slovak Republic, Sweden** and **United Kingdom** ([Section 2.1.1](#)). Some Member States (**Greece, Italy, Luxembourg, Netherlands, Poland, Portugal, Slovak Republic, United Kingdom**) adopted broad policy papers and strategies, comprising of multiannual action plans and policy documents in the field of asylum and migration ([Section 2.1.2](#)). Several new or amending legislative instruments were also proposed and/or adopted by a number of Member States ([Section 2.1.3](#)). In the framework of the developments at EU level ([Section 2.2](#)), **Spain** and **Belgium** respectively held the Presidency of the EU ([Section 2.2.1](#)), with **Spain** witnessing the adoption of the conclusions of the Action Plan on unaccompanied minors in June 2010 and **Belgium** achieving a political breakthrough in November 2010, with the extension of the scope of Directive 2003/109/EC on long-term residence to beneficiaries of international protection. In [Section 2.2.2](#), an overview of adopted and proposed EU asylum and migration legislation in 2010 is provided. Institutional developments ([Section 2.3](#)), such as the establishment of any new Ministries, institutions, organisations, agencies or other actors dealing with migration and asylum, or changes to existing bodies, occurred in **Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Latvia, Lithuania, Malta, Netherlands, Malta, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom**, most of them resulting from elections.

All Member States reported, to varying degrees, on significant developments within specific areas of asylum and migration. Developments in the field of *legal migration and integration* ([Section 3](#)) included information relating to Economic Migration ([Section 3.1](#)), Family Reunification ([Section 3.2](#)), Other legal migration ([Section 3.3](#)), Integration ([Section 3.4](#)) and Citizenship and Naturalisation ([Section 3.5](#)). Developments related to *economic migration* ([Section 3.1](#)) mostly

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<sup>2</sup> Therefore, information related to these four Member States on actions to implement the Pact Commitments and the Stockholm Programme's objectives is presented in this Report. Greece also provided specific information on additional and complementary developments that occurred in 2010 by directly adding its contribution to the Synthesis Report.

focused on the elaboration of national labour migration policies to meet the labour market needs and on legislative and/or policy measures to foster the immigration of highly-qualified third-country nationals to the EU, as well as third-country national students. Particular attention was also given to the impact of the economic crisis on Member States' economic migration policies and related debates. With regard to *family reunification* ([Section 3.2](#)), among other aspects, some Member States (**Belgium, Denmark, Spain, Latvia, Poland, Slovenia**) undertook or adopted new legislation to promote the integration of third-country nationals coming for the purpose of family reunification, while others (**Belgium, Germany, Ireland, Italy, Netherlands, Portugal and Spain**) reported on court judgments concerning family reunification. Proposals to encourage the return of emigrated nationals were outlined in *Other Legal Migration* ([Section 3.3](#)), together with changes which occurred in residence permit procedures and policies and Member States' initiatives to improve the exchange and access to information. With regard to *Integration* ([Section 3.4](#)), several Member States referred to the establishment of working groups and/or structural exchanges at national level among actors involved in integration policies (**Belgium, Bulgaria, Luxembourg, Hungary, Malta, Netherlands, Austria, Poland, Slovenia, Slovak Republic**) and others Member States (**Czech Republic, Denmark, Germany, Estonia, Greece, Spain, Italy, Cyprus, Latvia, Luxembourg, Hungary, Netherlands, Austria, Portugal, Romania, Finland, Slovenia, Slovak Republic, Sweden, United Kingdom**) reported on approaches and/or measures to better incorporate integration issues in a comprehensive way in all relevant policy areas. Many Member States (**France, Finland, Greece, Hungary, Latvia, Lithuania, Netherlands, Poland, Slovak Republic, United Kingdom**) adopted new legislation related to *citizenship* ([Section 3.5](#)).

Reducing *irregular migration* ([Section 4.1](#)) was a continuous priority in most Member States, with many referring to the transposition of the Return Directive, to cooperation measures in the removal of third-country nationals and to the development of different tools to gather information on migration routes and migratory flows. Some Member States also tried to identify the various reasons for the stay of third-country nationals becoming irregular, as well as studying the living conditions of those staying illegally in the Member States. On *return* ([Section 4.2](#)), participation in joint return flights and adjustments to the voluntary return programmes were underlined. Debates focusing on the legitimacy and conditions of detention and removal of third-country nationals, in particular of children, were also highlighted in **Ireland, Luxembourg and United Kingdom**. *Actions against human trafficking* ([Section 4.3](#)) focused on cooperation with third countries of origin and transit to combat human trafficking, including awareness-raising campaigns, capacity-building measures and monitoring and assistance to victims.

With regard to *control and surveillance at external borders* ([Section 5.1](#)), particular emphasis was placed on activities to increase the effectiveness of border control, on the participation in FRONTEX operations and on progress related to the implementation of the VIS system. In terms of cooperation with respect to *border control* ([Section 5.2](#)), progress on the implementation of biometric visas and on consular cooperation and conclusion of bilateral or multi-lateral agreements with countries of origin or transit, in addition to readmission agreements, were outlined.

Developments on *international protection*, including asylum ([Section 6](#)), stressed the establishment of the European Asylum Support Office and the participation of some Member States (**Germany, France, Hungary, Luxembourg, Poland, Portugal, Romania, Slovenia, Slovak Republic, United Kingdom**) in the "European Re-allocation for Malta" (EUREMA) Pilot Project. At national level, legislative measures linked to the transposition of EU instruments, as well as the efficiency and/or the quality of the asylum system, were particularly underlined. Issues related to the reception of applicants and/or beneficiaries of international protection were also debated.

Following the adoption of the *Action Plan on unaccompanied minors* ([Section 7](#)), **Austria, Belgium, France, Germany, Portugal and Sweden** commented on their support of the

implementation of the Action Plan, while **Bulgaria, Denmark, Estonia, Finland, Hungary, Malta** and **Greece** reported on legislative developments. The reception and care of unaccompanied minors was also debated in a number of Member States.

In the *Global Approach to Migration* ([Section 8](#)), activities supporting diaspora groups in enhancing development in their countries of origin were outlined by **Belgium, Germany, Ireland, Italy, Luxembourg, Netherlands, Spain, Sweden** and **United Kingdom**. These included the developments of networks and dialogue and the undertaking of remittance projects. Specific efforts at national level, made to ensure that migration and development were jointly taken into account in policymaking, were also underlined.

Finally, an overview of the *Implementation of EU Legislation* ([Section 9](#)) including Member States' transposition of EU legislation in 2010, as well as the experiences, debates in the (non-) implementation of EU legislation, is given. Cases relating to the implementation of the Qualification Directive in **Germany, Ireland** and **Finland** are outlined.

## 1. INTRODUCTION

The [European Migration Network \(EMN\)](#)<sup>3</sup> was established through [Council Decision 2008/381/EC](#)<sup>4</sup> and serves to provide up-to-date, objective, reliable and comparable information on migration and asylum, with a view to supporting policymaking in the EU. It provides this information also to the general public.

The purpose of EMN Annual Policy Reports is to provide an overview into the most significant political and legislative (including EU) developments, as well as public debates, in the area of asylum and migration, with the focus on third-country nationals rather than EU nationals. This is the seventh in a series of such reports,<sup>5</sup> this time covering the period 1<sup>st</sup> January 2010 to 31<sup>st</sup> December 2010 and including contributions from 23 EMN National Contact Points (EMN NCPs) (**Austria, Belgium, Bulgaria, Czech Republic, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden and the United Kingdom**). Each EMN NCP has produced a National Report detailing developments in their Member State, which then forms the basis of this Synthesis Report. **Denmark, Cyprus, Greece and Romania** did not produce an EMN National Report but provided information to the Commission's Staff Working Paper accompanying the 2<sup>nd</sup> Annual Report on Immigration and Asylum. Therefore, information related to these four Member States on actions to implement the Pact Commitments and the Stockholm Programme's objectives is presented in this Report. **Greece** also provided specific information on additional and complementary developments that occurred in 2010 by directly adding its contribution to the Synthesis Report. The aim of the Synthesis Report is to summarise and compare the findings within an EU perspective in order to provide a useful overview for policymakers in particular.

The Annual Policy Report 2010, served, for the second time, an additional purpose, namely to provide a significant contribution to the *Commission's Staff Working Paper*<sup>6</sup> accompanying the 2<sup>nd</sup> *Annual Report on Immigration and Asylum*,<sup>7</sup> which reviews the implementation of the [European Pact on Immigration and Asylum](#)<sup>8</sup> and of the asylum and migration elements of the [Stockholm Programme](#) and proposes recommendations. The Commission's report was adopted in May 2011, with Justice and Home Affairs (JHA) Council Conclusions<sup>9</sup> subsequently adopted in June 2011.

### 1.1 Methodology

Each National Report was produced following common specifications<sup>10</sup>, developed by the EMN, in order to facilitate comparability between the findings from the Member States. In this respect, the same common approach was followed with regard to what was considered to be a '*significant development/debate*', namely that this was an event which had been discussed in the national parliament and had been widely reported in the media. The longer the time of reporting in the media, the more significant the development. Similarly, if such developments/debates then led to

<sup>3</sup> More information on the EMN, including its outputs, is available from <http://www.emn.europa.eu>.

<sup>4</sup> Available from <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32008D0381:EN:NOT>.

<sup>5</sup> Previous versions ranging from 2004 onwards available from <http://www.emn.europa.eu> under "Annual Policy Reports."

<sup>6</sup> SEC(2011)620 of 24th June 2011 available at: [http://ec.europa.eu/home-affairs/news/intro/docs/110524/291/1\\_EN\\_autre\\_document\\_travail\\_service\\_part1\\_v3.pdf](http://ec.europa.eu/home-affairs/news/intro/docs/110524/291/1_EN_autre_document_travail_service_part1_v3.pdf)

<sup>7</sup> COM(2011)291 of 24<sup>th</sup> June 2011 available at: [http://ec.europa.eu/home-affairs/news/intro/docs/110524/291/1\\_EN\\_ACT\\_part1\\_v8.pdf](http://ec.europa.eu/home-affairs/news/intro/docs/110524/291/1_EN_ACT_part1_v8.pdf)

<sup>8</sup> European Pact on Migration and Asylum, available at <http://register.consilium.europa.eu/pdf/en/08/st13/st13440.en08.pdf>

<sup>9</sup> [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/jha/122516.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/122516.pdf)

<sup>10</sup> The Study Specifications are accessible from the EMN Website, <http://www.emn.europa.eu>, under "Annual Policy Report 2010."

any proposals for amended or new legislation, this too was considered to be significant. Particular attention was also given to developments which would be of relevance to policymakers. The Study Specifications were built around the five *Commitments* included in the European Pact on Immigration and Asylum plus relevant elements of the Stockholm Programme and its accompanying Action Plan. In addition, the format of the Annual Policy Report was adapted, to enable reporting on “general” EU and national developments in the Member States in the main body of the report, and specific reporting on the commitments of both the Pact and in the Stockholm Programme in a separate Annex, to facilitate the production of the Commission's Annual Report. A Correspondence Table, structured around the key articles of the Lisbon Treaty concerning immigration, border control and asylum, was also annexed to the Study Specifications and provided a detailed overview of the mapping of the Pact’s main and sub-commitments to the relevant Stockholm Programme sections and the relevant Stockholm Programme actions.

This approach shaped the structure of this Synthesis Report, with information provided, in each section, firstly on Member States’ actions to implement the Pact Commitments and the Stockholm Programme’s objectives (referred to as ‘Developments from the EU perspective’ in the Report), followed by additional and complementary developments which occurred in the respective Member States and which did not relate to the Pact Commitments and the Stockholm Programme objectives (referred as ‘Additional national developments’).

Various sources of information were used and analysed in order to produce a National Report, including from the applicable legislation related to asylum and migration, contributions from public administrators (legal and managerial experts), published proceedings of parliamentary debates, Ministry Press Releases, news media (including internet), official documents published in, for example, official gazettes, and case law reporting. The Introduction of each National Report details more the specific methodology followed by each Member State, giving also any further refinements of the common approach outlined above. With regard to data, each Member State was asked to provide some key statistics to be presented in the *Commission’s Staff Working Paper*. Though most EMN NCPs provided data on the majority of themes and topics covered, some of them could only present provisional statistics in their National Report. The data, published by Eurostat in March 2011, is presented in this report and may, in some cases, differ from the provisional data presented in the National Reports.

## **2. POLITICAL, LEGISLATIVE AND INSTITUTIONAL DEVELOPMENTS**

This Section outlines the most significant political, institutional, policy and legislative developments that occurred in the Member States in 2010. [Section 2.1](#) describes the developments in the Member States, including an overview of the national and local elections held in the respective Member States ([Section 2.1.1](#)) national policy initiatives ([Section 2.1.2](#)) and national legislative developments in the area of asylum and migration ([Section 2.1.3](#)). [Section 2.2](#) sets out the developments at EU level, with [Section 2.2.1](#) describing the actions undertaken under the auspices of the Presidency of the Council of the European Union, held by **Spain** in the first half of 2010 and **Belgium** in the second half of 2010, and [Section 2.2.2](#) presenting the adopted and proposed EU asylum and migration legislation. Finally, [Section 2.3](#) outlines the main EU and national institutional developments.

### **2.1 Developments in the Member States**

#### **2.1.1 Elections**

Elections occurred in many Member States at local, regional and/or national level. Elections occurred at national level in **Austria, Belgium, Czech Republic, Hungary, Netherlands, Poland, Slovak Republic, Sweden** and **United Kingdom**. **Austria** held presidential elections in 2010,

while Parliamentary elections occurred in **Belgium, Czech Republic, Hungary, Netherlands, Poland, Slovak Republic, Sweden** and **United Kingdom**.

Local elections occurred in **Czech Republic, Greece, Netherlands, Poland** and **Slovak Republic**, while regional elections took place in **Austria** and **Germany**. In **Austria**, migration and integration was a cross-cutting issue in the provincial elections in Vienna. In **Germany**, elections in the Federal State of North-Rhine Westphalia led to organisational changes at state government level. In **Greece**, during the municipal elections, certain categories of legally-residing third-country nationals were entitled, for the first time, to vote and stand for election as candidates for municipal counsellors. Though no elections were held in **Italy** in 2010, the Government passed a vote of confidence following several months of political debate.

### 2.1.2 Policy initiatives in Asylum and Migration

In addition to developments in particular areas of asylum and migration, as outlined in Sections 3 to 8 below, some Member States (**Greece, Italy, Luxembourg, Netherlands, Poland, Portugal, Slovak Republic, United Kingdom**) adopted broad policy papers and strategies, comprising of multiannual action plans and policy documents.

**Greece** adopted the *National Action Plan for the Reform of the Asylum System and the Management of Migration Flows*, which focused on the following key elements: the establishment of procedures and structures for the first reception of illegally-entering third-country nationals; the setting up of a new national Asylum Service that will operate independently from the Hellenic Police; the reform of the asylum procedure; the introduction of up-to-date procedures and structures aimed at supporting vulnerable groups; the establishment of new model detention centres for third-country nationals subject to removal decisions; and the improvement of performance in terms of returns, through the conclusion of bilateral readmission agreements and development of a voluntary return programme. **Italy** adopted several policy documents relating to migration and security. These included, from the *Ministry of the Interior*, a document entitled “*Italian initiatives – Security, Immigration and Asylum*,” which described the measures adopted and the main results achieved regarding the integration of regular migrants, as well as the fight against irregular migration. **Luxembourg** adopted the “*Multi-annual Action Plan on Integration and against discrimination 2010-2014*.” The Grand-Ducal Regulation also fixed the conditions of application and the procedures to be followed relating to the *Welcome and Integration Contract*. In the **Netherlands**, the *Minister for Immigration and Asylum Policy* announced the “*Road Map*” setting out the efforts the Cabinet would make at European level concerning immigration with the overall focus being on restructuring, controlling and reducing immigration. **Poland** preliminary approved the draft Strategic Paper on “*Migration Policy of Poland*” which would influence national migration policy in the future. **Portugal**, through a Cabinet Resolution, adopted the “*National Action Plan against Trafficking in Human Beings 2011 – 2013*.” Moreover, the “*Immigrant Integration Plan 2010-2013*” was approved, defining a concrete set of commitments concerning the economic and social inclusion of immigrants.

In the **Slovak Republic**, the draft “*Concept Objectives of Migration Policy 2011 – 2015*” was elaborated in 2010, which aimed to set out the rules and priorities in the area of legal migration, as well as labour migration. The **United Kingdom** set out its spending plans for the four years from April 2011 to March 2015, which included a reduction of 23% in the Home Office budgets, including those relating to the UK Border Agency and its functions, with the changes foreseen to have an impact on the structure and organisation of the Agency from 2011. Moreover, the 2010 *Home Office Business Plan* outlined the Government’s priorities in the field of migration. It committed the current government to a number of actions including reducing net migration to sustainable levels, limiting third-country national economic migrants and introducing new measures to reduce immigration and minimise abuse of all migration routes.

### 2.1.3 National legislative developments<sup>11</sup>

The legislation in this section relates to broad and overarching national developments. New or amending legislation was adopted by a number of Member States (**Czech Republic, Estonia, Greece, Hungary, Ireland, Lithuania, Malta, Netherlands Portugal, Slovak Republic, Slovenia**). For example, the new *Aliens Act* in **Estonia** further regulates the study and employment of third-country nationals, while also extending liability in the event of violation of law. In the **Czech Republic**, amendments to the *Act on the Residence of Foreigners and the Asylum Act* were approved in December 2010, focusing on new conditions relating to medical insurance granted to third-country nationals; the reorganisation of the Aliens Police Service; the introduction of obligations relating to residence permit applications including the obligation of personal attendance for third-country nationals when applying for long-term residence; the introduction of the EU Blue Card Directive and the Return Directive in national legislation; the introduction of co-responsibility of employers for third-country national workers and the tightening of the conditions for running a business for third-country nationals. In **Greece**, a presidential decree was adopted to enable the prompt examination of asylum applications pending at first or second instance and to reintroduce the examination of asylum applications at second instance by an independent committee. In **Ireland**, counter-trafficking legislation was adopted, with the ratification of the *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children supplementing the UN Convention against Transnational Organised Crime* and the *Council of Europe Convention on Action against Trafficking in Human Beings*. In **Portugal**, a *Cabinet Resolution* was approved, which established an overall indicative quota for granting residence visas to admit third-country nationals into the territory for the purpose of employment. **Slovenia** adopted a law amending the *International Protection Act*, improving the situation of applicants of international protection. The changes included the systematic arrangement of legal representation for unaccompanied minors, as well as broadening the scope of the rights of persons under international protection. In the **Netherlands**, the *Bill on Modern Migration Policy* was adopted which relates, in particular, to legal purposes of stay, such as work, study and family reunification.<sup>12</sup> In addition, the *Improved Asylum Procedure* entered into force in July 2010.

Legislative proposals were submitted in 2010 by a number of Member States (**Austria, Czech Republic, Finland, France, Greece, Ireland Lithuania, Luxembourg, Portugal, Slovak Republic, Slovenia**), with many proposals covering a broad array of issues relating to migration and asylum. For example, in **Austria**, new legislative proposals were submitted by the *Federal Ministry of the Interior* introducing a number of new provisions, including the introduction of “compulsory attendance” for asylum applicants for the first five days of the admission procedure. One element of the proposal was the introduction of a point-based immigration system, entitled the “Red-White-Red Card” (as discussed further in [Section 3.1.1](#) below). **Finland** presented an overall draft reform of the *Integration Act* in 2010, which aimed to promote integration from the early stages and to give more concrete form to the concept of two-way integration. A *Government Bill on the reception of persons seeking international protection* was also under preparation, with the main provisions separating financial support from common social support for persons applying for international protection and to beneficiaries of temporary protection. In **Greece**, a draft law was submitted to the Parliament regarding the revision of the national asylum system by the establishment of a new Asylum Service responsible for the granting of international protection. **Lithuania** submitted a draft law amending the *Law on the Legal Status of Aliens* to the Parliament which aimed to transpose EU directives and ease family reunification and work related requirements for third-country nationals, as well as introduce other changes.

<sup>11</sup> More details on the general structure of the legal system are provided in the aforementioned EMN Study: [“The Organisation of Asylum and Migration Policies in EU Member States.”](#)

<sup>12</sup> Not yet entered into force

A draft law in **France** was presented to the Council of Ministers in 2010 on *Immigration, Integration and Nationality*, which aimed to reinforce the policy of integration and access to nationality, with the naturalisation procedure now including the signature of the Charter of Citizens' Rights and Obligations and compulsory compliance with the requirements of the Reception and Integration Contract. The new bill also aimed to create new tools for promoting labour migration, combating irregular immigration and the employment of third-country nationals without residence permits. In **Ireland**, the *Immigration, Residence and Protection Bill* was published in June 2010, which introduced changes relating to managing inward migration such as imposing an immediate and continuous obligation on a third-country national, unlawfully present, to leave the Member State and introducing a Single Procedure whereby all grounds for an applicant of international protection, or otherwise, remaining in the Member State will be addressed together. In the **Slovak Republic**, the new *Act on border controls and stay of Aliens* was prepared, with on-going work on this new Act taking place in 2010. Extensive work was also carried out in **Slovenia** in view of adoption of the new *Aliens Act* in 2011, which aims to eliminate certain flaws in the transposition of provisions of other already applicable Directives.

## 2.2 Developments at EU level

### 2.2.1 Presidency of the Council of the European Union

**Belgium** and **Spain** outlined actions undertaken, or planned, under the Presidency of the EU. Concerning legal migration, **Spain**, during its Presidency in the first half of 2010, facilitated negotiations on the draft Directive on the Single Permit and the rights of migrant workers. **Spain** also saw the approval of [Regulation \(EC\) No 265/2010](#) of the European Parliament and of the Council of 25 March 2010 amending the Convention Implementing the Schengen Agreement and of Regulation (EC) No 562/2006 as regards movement of persons with a long-stay visa. Reforms were also processed relating to the visa facilitation agreements with Russia, Ukraine and Moldova. **Belgium**, during its Presidency in the second half of 2010, achieved a political breakthrough in November 2010, with the extension of the scope of Directive 2003/109/EC on long-term residence to beneficiaries of international protection.

With regard to asylum, **Spain** witnessed the approval of [Regulation No 439/2010](#) of the European Parliament and of the Council establishing the European Asylum Support Office (EASO) on 19<sup>th</sup> May 2010. **Belgium** launched the debate on how to reach a Common European Asylum System by 2012. A Ministerial Asylum Conference was organised in **Belgium** on “Quality and Efficiency in the Asylum Process.”

In addition, **Spain** witnessed the adoption of the conclusions of the Action Plan on unaccompanied minors in June 2010<sup>13</sup> while **Belgium** organised a conference, which focused on the exchange of best practice on detection, identification and protection of unaccompanied minors, as well as enabling Member States to cross-evaluate working methods concerning the protection of unaccompanied minors.

Concerning the global approach to migration, **Spain** coordinated the VII Strategic Partnership called Migration, Mobility and Employment (MME), started negotiations on the Terms of Reference for the Migration Dialogue with Russia, organised several meetings as part of the Global Approach to Latin America, completed the first EU mission on immigration issues to a Latin American third country, namely Peru, and contributed to implementing the EU-US migration dialogue. As part of the Rabat process, **Spain** also chaired a meeting of the Steering Committee and

<sup>13</sup> Justice and Home Affairs Council, 3<sup>rd</sup> June 2010, Council Conclusions on Unaccompanied Minors, <http://europa.eu/rapid/pressReleasesAction.do?reference=PRES/10/161&format=HTML&aged=0&lg=it&guiLanguage=en>

participated in others, and contributed to the preparation of the Third Euro-African Ministerial Conference which was planned in 2011. **Belgium** organised an EU migration mission to Ukraine in September 2010 and the Asia-Europe Meeting (ASEM) in October 2010 where “detection and selection of migrants” was discussed.

## 2.2.2 Adopted and proposed EU asylum and migration legislation

This section details first EU legislation adopted and then proposed in 2010. In terms of EU asylum and immigration legislation adopted, these were:

### 2.2.1.1. Asylum

- [Commission Decision 2010/163/EU](#) of 8 March 2010 amending Decision 2008/22/EC of 19 December 2007 laying down rules for the implementation of Decision No 573/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the European Refugee Fund for the period 2008 to 2013 as part of the General programme "Solidarity and Management of Migration Flows" as regards Member States' management and control systems, the rules for administrative and financial management and the eligibility of expenditure on projects co-financed by the Fund<sup>14</sup>
- [Decision No 458/2010/EU](#) of the European Parliament and of the Council of 19 May 2010 amending Decision No 573/2007/EC establishing the European Refugee Fund for the period 2008 to 2013 by removing funding for certain Community actions and altering the limit for funding such actions<sup>15</sup>
- [Commission Regulation \(EU\) No 351/2010](#) of 23 April 2010 implementing Regulation (EC) No 862/2007 of the European Parliament and of the Council on Community statistics on migration and international protection as regards the definitions of the categories of the groups of country of birth, groups of previous usual residence, groups of next usual residence and groups of citizenship<sup>16</sup>
- [Regulation \(EU\) No 439/2010](#) of the European Parliament and of the Council of 19 May 2010 establishing a European Asylum Support Office<sup>17</sup>

### 2.2.1.2. External Borders

- [Regulation \(EU\) No 265/2010](#) of the European Parliament and of the Council of 25 March 2010 amending the Convention Implementing the Schengen Agreement and the Regulation (EC) No 562/2006 as regards movement of persons with a long stay visa<sup>18</sup>
- [Council Decision of 26 April 2010](#) supplementing the Schengen Borders Code as regards the surveillance of the sea external borders in the context of operational cooperation coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union<sup>19</sup>

<sup>14</sup> Available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:069:0016:0017:EN:PDF>

<sup>15</sup> Available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:129:0001:0002:EN:PDF>

<sup>16</sup> Available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:104:0037:0039:EN:PDF>

<sup>17</sup> Available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:132:0011:0028:EN:PDF>

<sup>18</sup> Available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:085:0001:0004:EN:PDF>

<sup>19</sup> Available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:111:0020:0026:EN:PDF>

### 2.2.1.3. *Visas*

- [Council Decision 2010/50/EU](#) of 25 January 2010 amending Annex 2, Schedule A, to the Common Consular Instructions on visas for the diplomatic missions and consular posts, in relation to visa requirements for holders of diplomatic passports from Saudi Arabia<sup>20</sup>
- [Commission Decision 2010/49/EC](#) of 30 November 2009 determining the first regions for the start of operations of the Visa Information System (VIS)<sup>21</sup>
- [Commission Decision 2010/260/EU](#) of 4 May 2010 on the Security Plan for the operation of the Visa Information System<sup>22</sup>

### 2.2.1.4. *Immigration*

- [Commission Decision 2010/173/EC](#) of 22 March 2010 amending Decision 2008/457/EC of 5 March 2008 laying down the rules for the implementation of Council Decision 2007/435/EC establishing the European Fund for the integration of third-country nationals the period 2007 to 2013 as part of the General programme "Solidarity and Management of Migration Flows" as regards Member States' management and control systems, the rules for administrative and financial management and the eligibility of expenditure on projects co-financed by the Fund<sup>23</sup>

### 2.2.1.5. *Control of irregular immigration and return*

- [Commission Decision 2010/70/EU](#) of 8 February 2010 amending Decision 2008/458/EC laying down the rules for the implementation of Decision No 575/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the European Return Fund for the period 2008 to 2013 as part of the General programme "Solidarity and Management of Migration Flows" as regards Member States' management and control systems, the rules for administrative and financial management and the eligibility of expenditure on projects co-financed by the Fund<sup>24</sup>

In terms of EU asylum and immigration legislation proposed in 2010, these were:

- [COM \(2010\) 61](#)<sup>25</sup> Proposal for a Regulation of the European Parliament and the Council amending Council Regulation (EC) No 2007/2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX);
- [COM \(2010\) 95](#)<sup>26</sup> Proposal for a Directive of the European Parliament and the Council on preventing and combating trafficking in human beings, and protecting victims, repealing Framework Decision 2002/629/JHA;
- [COM \(2010\) 379](#)<sup>27</sup> Proposal for a Directive of the European Parliament and the Council on the conditions of entry and residence of third-country nationals for the purpose of seasonal employment;

<sup>20</sup> Available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:026:0022:0023:EN:PDF>

<sup>21</sup> Available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32010D0049:EN:NOT>

<sup>22</sup> Available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32010D0260:EN:NOT>

<sup>23</sup> Available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:075:0035:0036:EN:PDF>

<sup>24</sup> Available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:036:0032:0033:EN:PDF>

<sup>25</sup> Available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0061:FIN:EN:PDF>

<sup>26</sup> Available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0095:FIN:EN:PDF> and adopted as Directive 2011/36/EU, published in the Official Journal of the European Union on 15 April 2011 (OJ L 101, 15.4.2011)

- [COM \(2010\) 378](#)<sup>28</sup> Proposal for a Directive of the European Parliament and the Council on the conditions of entry and residence of third-country nationals in the framework of intra-corporate transfer.

### 2.3 Institutional developments

With regard to the general structure of the political system relevant for migration and asylum, all Member States outlined the principles Ministries responsible for policies in this area. Since more detailed information on the institutional contexts can be found in the EMN Study: “[The Organisation of Asylum and Migration Policies in the EU Member States](#)”<sup>29</sup> only information relating to specific developments, such as the establishment of any new Ministries, institutions, organisations, agencies or other actors dealing with migration and asylum, or changes to existing bodies, which occurred in the Member States in 2010 are reported.

Some major institutional changes occurred in a number of Member States (**Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Latvia, Lithuania, Malta, Netherlands, Malta, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom**), with much activity resulting from elections in 2010, as outlined above.

The **Czech Republic** continued the process of substantial reorganisation of the *Alien Police Service*. Decision was made to shift the issuance of long-term permits and decisions on long-term visas from the *Alien Police Service* to the *Ministry of the Interior* in order to remove burdens from January 2011. Additionally, seven individual regional directorates were closed down. **Finland** envisaged the closing of 17 small border and coast guard stations between 2010-2012, to reorganise these into larger and more effective units. In **Estonia**, the most extensive reform in the field of internal security was completed in 2010. As a result, the *Police and Border Guard Board*, established by merging the *Board of Border Guard, Citizenship and Migration, the Police Board, the Central Criminal Police and the Personal Protection Service*, started its activities. **France** experienced a government reorganisation in 2010, with the *Ministry of Immigration, Integration, National Identity and Solidarity development* being replaced by the *Secretariat General for Immigration and Integration* under the authority of the *Ministry of the Interior, Overseas, Local Authorities and Immigration*. This Ministry took over all powers, duties and functions relating to the control of migration flow, the development of initiatives with countries that were a source of emigration actions and the promotion of integration of third-country nationals wishing to settle in France. In **Germany**, following regional elections in the Federal State of North-Rhine Westphalia, the responsibility for integration policies was shifted from the State’s former *Ministry for Intergenerational Relations, Women, Family and Integration* to a new *Ministry for Labour, Integration and Social Affairs*. In **Greece**, the *General Secretariat of Migration Policy* was established within the Ministry of Interior, later renamed the *General Secretariat of Population and Social Cohesion* responsible for designing, coordinating and managing issues related to legal migration and social integration of migrants. In **Ireland**, the *Department of Justice, Equality and Law Reform* became the *Department of Justice and Law Reform*, with responsibility for matters relating to equality transferred to a new *Department of Community, Equality and Gaeltacht Affairs*. This Department also took responsibility for the *Office of the Minister for Equality, Human Rights and Integration*.

In **Malta**, the *Employment and Training Corporation*, previously under the responsibility of the *Ministry for Social Policy*, moved to the *Ministry of Education, Employment and the Family*. The

<sup>27</sup> Available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0379:FIN:EN:PDF>

<sup>28</sup> Available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0378:FIN:EN:PDF>

<sup>29</sup> An update of this EMN Study will become available in early 2012. This will be available at <http://emn.europa.eu>, under ‘EMN Studies’.

**Netherlands** placed the responsibility for affairs relating to third-country nationals and integration under the *Ministry of the Interior and Kingdom Relations* following the election of the new Cabinet. The *Immigration and Naturalisation Service (IND)* was incorporated into this Ministry and comes under the substantive responsibility of the *Minister of Immigration and Asylum*. Naturalisation, however, became part of the portfolio of the *Minister of the Interior and Kingdom Relations*. In **Latvia**, the *Office of Citizenship and Migration Affairs* took over the tasks of the *Naturalisation Board* related to reviewing citizenship applications and the admission to Latvian citizenship through naturalisation proceedings. In **Lithuania**, the *Ministry of the Interior* approved a new structure of the administration of the Migration Department. In **Slovenia**, the *Migration and Integration Directorate* of the *Ministry of the Interior* became responsible for asylum and migration. Following elections in **Sweden**, the *Ministry of Integration and Gender Equality* was wound up in January 2011, with responsibility for integration issues being transferred to the *Ministry of Employment*.

Ministerial changes occurred in the **Czech Republic**, **Slovak Republic**, **Spain** and **United Kingdom**. In the **Czech Republic**, the persons filling the posts of *Minister of Interior*, *Minister of Labour and Social Affairs* and the *Minister of Foreign Affairs* changed following the elections. New Ministers were appointed to the posts responsible for migration and asylum in the **Slovak Republic** and **United Kingdom**, with a number of new appointments also made in the *Ministry of Home Affairs*, *Ministry of Foreign Affairs*, *Forum for Social Integration of Immigrants* in **Spain**.

In addition to government restructuring, new agencies, bodies and institutions were established in 2010. **France** established a *Secretariat General for Immigration and Integration*, within the *Ministry of the Interior, Overseas, Local Authorities and Immigration* covering various departments, including the immigration department and the asylum service. In **Luxembourg**, the reform of the *Employment Administration* was initiated through the adoption of a bill relating to the creation of the *Agency for the Development of Employment*, which replaced the former administration. **Poland** established a new *Committee on Immigration*, composed of lawyers, experts and scientists, responsible for addressing migration issues.

With regard to unaccompanied minors, the first phase of the new unaccompanied minors' case management system was introduced in **Finland**. This system is a shared tool for the authorities involved in processes related to immigrants and third-country nationals. **Slovenia** also established an interdepartmental working group dealing with unaccompanied minors.

Concerning future developments, in **Austria**, the Federal Chancellor proposed a reform of the general administrative procedures. The reform proposal aimed at implementing a double-staged system of administrative courts and envisaged the creation of nine administrative courts, one in each province and two at federal level in order to bundle competences. Additionally, the creation of a *Federal Office for Asylum and Migration* was planned, which should be responsible for all cases in first instance. **Germany** also foresaw the establishment of a *Federal Advisory Council on Integration*, comprised of 32 members, with the objective of supporting and advising the *Federal Government Commissioner for Migration, Refugees and Integration*. The establishment of the Council was prepared in 2010, with plans presented to the public on 13<sup>th</sup> January 2011.

At EU level, the former Directorate-General (DG) for Justice, Freedom and Security was modified in July 2010 to become two separate DGs, one for Home Affairs covering *inter alia* asylum and migration policy and the other for Justice and Fundamental Rights. Cecilia Malmström became EU Commissioner for DG Home Affairs<sup>30</sup> and Viviane Reding became EU Commissioner for DG

<sup>30</sup> [http://ec.europa.eu/commission\\_2010-2014/malmstrom](http://ec.europa.eu/commission_2010-2014/malmstrom)

Justice, Fundamental Rights and Citizenship.<sup>31</sup> The division into two DGs both acknowledged the growing importance of justice and home affairs policies at EU level and reflected arrangements in the Member States, where responsibilities for internal affairs and justice are usually split between departments. The latest news on development in the area of asylum and migration can be found on the Home Affairs website.<sup>32</sup>

### **3. LEGAL IMMIGRATION AND INTEGRATION**

This Section provides an informative overview of Member States' policies in the area of legal immigration and integration. For each sub-section, information is firstly provided regarding developments from the EU perspective (European Pact on Immigration and Asylum and Stockholm Programme) and then with additional national developments.

The information related to the developments from the EU perspective in the context of the European Pact on Migration and Asylum and the Stockholm Programme is broadly as per the text of the Commission Staff Working Paper accompanying the 2<sup>nd</sup> Annual Report on Immigration and Asylum, with some subsequent additions, updates and/or corrections provided by the EMN NCPs after its publication in May 2011.

Each sub-section summarises the policies exercised under the following headings: Economic Migration ([Section 3.1](#)), Family Reunification ([Section 3.2](#)), Other legal migration ([Section 3.3](#)), Integration ([Section 3.4](#)) and Citizenship and Naturalisation ([Section 3.5](#)).

#### **3.1 Economic Migration**

The following section refers to economic migration policy developments occurring during 2010. Firstly [Section 3.1.1](#) indicates actions undertaken through Pact commitments and the Stockholm Programme in relation to the implementation of policies for labour migration, the increase in attractiveness of the EU for highly-qualified workers and the facilitation of the reception of students and researchers and the brain drain phenomenon. [Section 3.1.2](#) provides an overview of developments undertaken by Member States within the national perspective. Finally, [Section 3.1.3](#) provides an overview of key statistics relating to economic migration.

##### ***3.1.1 Developments from the EU perspective in the context of the European Pact on Immigration and Asylum and Stockholm Programme***

###### ***3.1.1.1 Implement policies for labour migration***

Several Member States reported on the adoption of new policy in 2010 (**Ireland, France, Finland, Greece, Luxembourg, Latvia, Hungary, Netherlands, Poland, Slovenia, Slovak Republic**). This included the introduction of ministerial decrees setting conditions for obtaining residence permits for 'exceptional economic contributions' (**France**) and conditions for exempting third-country nationals from acquiring work permits (**Hungary**), as well as the introduction of new arrangements concerning the issuing of employment permits for non-EEA doctors recruited to the Public Health Service (**Ireland**). In **Finland**, a provision granting third-country nationals the right to labour market support, which had been removed by mistake, was reinstated in new legislation. The new Act applied retroactively from 10<sup>th</sup> May 2010 onwards.

In **Greece**, the national immigration policy aimed primarily at the rational management of legal migration flows, using legal migration as a way to meet the labour market needs, in an effort to enhance the competitiveness of the national economy and promote smooth integration of long term

<sup>31</sup> [http://ec.europa.eu/commission\\_2010-2014/reding](http://ec.europa.eu/commission_2010-2014/reding)

<sup>32</sup> [http://ec.europa.eu/home-affairs/news/intro/news\\_intro\\_en.htm](http://ec.europa.eu/home-affairs/news/intro/news_intro_en.htm)

migrants. In **Luxembourg**, following an analysis of the national economic situation, new measures were proposed in April 2010 aimed at improving national competitiveness and ensuring convergence between migration policy and labour shortages, while taking into account Union preference. An inter-ministerial Working Group is currently working on a set of recommendations to apply these measures. In addition, a fast-track procedure was proposed for third-country nationals of economic interest to **Luxembourg**, modifying the financial criteria applying within the framework of the granting of a residence permit.

In **Latvia**, a new law entered into force simplifying the issuance of work permits for employed third-country nationals or for those who wished to engage in business activity (after having proved business activity in the previous year). In the **Netherlands**, the Modern Migration Policy Bill was adopted during 2010 which provided for fast, effective and manageable admission procedures for third-country nationals arriving for economic reasons.<sup>33</sup> **Poland** reported on the adoption of their National Employment Action Plan which envisaged the creation of an appropriate migration policy responding to the needs in the labour market, as well as the reinforcement of integration for migrants in the labour market. Regulations prolonging, for an indefinite period of time, the possibility to undertake work by neighbouring third-country nationals on the basis of an employer's declaration of their willingness to employ such workers were also adopted. In **Slovenia** the proposal for a new *Act on Employment and Work of Foreigners* was adopted, which included a number of new measures, such as free access to the labour market for third-country nationals who have resident status in another Member State. **Slovenia** also adopted the *Economic Migration Strategy*, aimed at tackling demographic development and using third-country nationals to answer labour market needs. In **Slovak Republic**, the amendment of *Act on Aliens and Employment Services* entered into force in January 2010.

Improvements to the governance of legal migration were reported, including the modification of existing policies (**Czech Republic, Finland, Hungary, Ireland, Latvia, Slovak Republic, Spain, Sweden, United Kingdom**). In six Member States, these modifications related to legislative amendments (**Czech Republic, Latvia, Hungary, Slovak Republic, Finland, Sweden**), or implementation of new legislation adopted in December 2009 (**Spain**). The legislative changes related to institutional changes (**Czech Republic, Latvia**), the reinforcement and adjustment of the existing instruments for measuring the needs of the labour market (**Spain**), the improvement of third-country national workers' rights to residence permits (**Hungary, Slovak Republic**), the introduction of legislation concerning residence permit applications, including fees and procedures, for students (**Latvia**), the introduction of exemptions for particular categories of workers (**Slovak Republic**) and the improvement of arrangements for particular worker groups (**Sweden**). In addition, **Ireland** updated immigration arrangements through the consolidation of policies with regard to work permit holders and the introduction of 'grace periods' for those working for less than five years who have become redundant involuntarily.<sup>34</sup> The **United Kingdom** also made amendments to their points-based system in 2010 following the recommendations made by the Migration Advisory Committee, which included the revision of criteria for Tier 1 (highly skilled applicants), as well as the introduction of additional requirements for Tier 2 (skilled workers with a job offer).

Several Member States (**Austria, Czech Republic, Finland, Greece, Poland, Romania, Slovak Republic, Spain, United Kingdom**) reported on their plans for the future development of their labour migration policy. These future plans included launching the 'Red-White-Red Card,' a new points-based migration model (**Austria**); establishing a system of economic migration which would

<sup>33</sup> Not yet entered into force.

<sup>34</sup> This grace period refers to a six month period under which a worker can seek alternative work without a labour market needs test being applied.

allow third-country nationals to apply for different types of single permits depending on their skills and, at the same time, termination of the “Selection of Qualified Foreign Workers” project, due to the economic crisis (**Czech Republic**);<sup>35</sup> preparing the issuance of residence permits to third country nationals in the form of a separate document and the creation of one-stop-shop for immigrants (**Greece**); providing the possibility of on-site hiring by companies (**Italy**); setting up an flexible economic migration system, corresponding to the identified needs of the national labour market (**Romania**); developing priorities and rules for economic migration (**Slovak Republic**); and launching a pilot project for developing operating models for recruitment in the health sector, including international recruitment either as a national project or with other EU Member States (**Finland**). Of these Member States, **Austria** and **Poland** foresaw potential amendments to their legislation concerning economic migration, which for **Poland** included expanding the issuance of residence permits to graduates of higher schools and universities seeking employment. In addition, the **United Kingdom** envisaged future reforms which would control economic migration by limiting the number of third-country nationals entering the **United Kingdom** for employment and introducing measures to reduce abuse of immigration, for example through ‘student routes.’

To ensure that labour migration meets the various needs of the labour market, several Member States (**Austria, Cyprus, Estonia, Greece, Hungary, Italy, Portugal, Slovenia, United Kingdom**) reported on the implementation of their Annual Quotas, as well as the changes experienced in their quota systems. A few Member States lowered their quotas (**Cyprus, Hungary**), with only one Member State reporting the retention of the same quota from the previous year (**Portugal**). In **Italy**, the initially established quota were increased and annual quota for vocational training and apprenticeship were established, as well as maximum entry visas for access to university or higher education institutions in art, music and dance. In **Greece**, a decrease was experienced in the number of requests by employers for third-country national workers. In **Slovenia**, although the implementation of the work permit quota continued, no obligation was placed on employers to follow this quota in 2010. **Romania’s** draft National Strategy on Immigration for the period 2011-2014 envisaged setting up admission quotas to manage labour market needs from 2011. In 2010, an interim limit was introduced in the **United Kingdom** on economic migration of third-country nationals ahead of a permanent limit to be introduced in 2011.

**Lithuania, Spain** and **United Kingdom** reviewed their list of professions and/or sectors where labour shortages existed. In **Lithuania** the professions included in the Shortage Occupations List decreased, compared to 2009, with only six professions included in the second half of 2010. In **Spain**, the reduction was a consequence of a self-regulating mechanism reflecting labour market needs. In the **United Kingdom**, the share of the workforce covered by the shortage occupation list decreased since its implementation in 2008. In addition, **France** reported that lists of additional shortage occupations were annexed to the agreements signed with different countries of origin for the concerted management of migration flows.

A few Member States reported the involvement of other actors for the implementation of labour migration policies. For example, consultations were held with various stakeholders for the negotiation of the new migration model (**Austria**); a policy proposal (still under consideration) concerning the role, duties and practices of the public employment service in international recruitment was drafted (**Finland**); and proposals to implement an annual limit on economic migration from third-country nationals (**United Kingdom**). Some Member States (**Belgium, France, Hungary, Spain, United Kingdom**) also emphasised the continued involvement of other

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<sup>35</sup> In addition, the **Czech Republic** also discussed the establishment of a new economic migration system, establishing clear conditions for immigration to the Czech Republic and strengthening the responsibilities of the different entities involved in the admission process. These changes were expected to be reflected in a new *Act on the Residence of Foreigners* to be adopted in the future.

stakeholders, including the Economic Migration Service (**Belgium**), the public employment agencies (**France, Hungary, Spain**), the Immigration Office (**Hungary**) and the Migration Advisory Committee (**United Kingdom**). In **Spain**, the Tripartite Labour Commission on Immigration, consisting of the main employer and trade union organisations, as well as local authorities, continued its involvement.

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

Some Member States (**Austria, Estonia, Poland, Slovak Republic**) targeted specific groups. These included (highly) qualified workers (**Austria, Poland, Slovak Republic**), seasonal workers (**Greece**), young people with higher education (**Estonia**), workers from Western Balkans and Caucasus regions (**Poland**) and students and researchers (**Slovak Republic**).

Three Member States (**Bulgaria, Czech Republic, Poland**) changed their policy as a result of the economic crisis. These changes related to the limitation of work permits issued (**Bulgaria**); impacts on the Green Card project (**Czech Republic**); more flexible approach of employers of third-country nationals experiencing temporary financial difficulties, resulting in reducing work hours and wages (**Poland**).

### *3.1.1.2. Increase the attractiveness of the EU for highly qualified workers*

Most of the Member States (**Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Italy, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovak Republic, Spain, Sweden**) took steps to increase the attractiveness of the EU for highly qualified workers. These steps included preparations for the transposition of the Blue Card Directive, as well as the implementation of incentive mechanisms for highly-qualified workers. With regard to the transposition of the Blue Card Directive, several Member States reported that they were in the process of transposing the Directive through the introduction of draft legislation (**Austria, Estonia, France, Germany, Latvia, Lithuania, Poland, Portugal, Romania, Slovak Republic**), whilst others had undertaken preparatory work for transposition (**Belgium, Cyprus, Finland, Luxembourg, Greece, Hungary, Malta, Netherlands**) or planned to do so in 2011 (**Italy, Sweden**). Both **Czech Republic** and **Spain** adopted legislation transposing the Blue Card Directive, while in **Slovenia**, national legislation was considered to be already in line with the Directive.

Additional measures aimed at attracting highly-qualified workers were undertaken. These measures included simplifying procedures and relaxing conditions for entry or renewal of permits (**Czech Republic, France, Germany, Hungary, Italy, Portugal, Spain**), facilitating or planning to facilitate access to the labour market for third-country nationals who graduated from education establishments in the Member State (**Austria, Ireland**) and establishing a new fiscal regime related to the recruitment of highly skilled foreign nationals in order to decrease recruitment costs (**Luxembourg**). In **France**, the policies to grant long-stay visas, valid as residence permit (VLS-TS) and multi-year residence permits were due to be extended until 2011, aimed at promoting labour migration. In addition, one-stop shops were opened in **Denmark** and new expat centres were established in **Netherlands**, which aimed to provide high-quality services to highly skilled migrants in order to quickly enter and integrate in the Member State. Examples of those who benefited from these measures included third-country national graduates with university degrees from the Member States (**Ireland**); individuals providing exceptional economic contributions through the creation of jobs (**France**); academics (**Italy, Spain**); highly qualified executives (**Spain**); engineers, technicians and scientists (**Spain**); teachers (**Portugal**); and artists of recognised international repute (**Spain**).

A few Member States (**Austria, France, Lithuania**) planned policies to further facilitate the reception of highly-skilled workers by simplifying administrative procedures, through the establishment of a single contact point for both employers and highly qualified migrants (**France**), shortening terms for processing applications for residence permits for highly qualified workers from six to three months (**Lithuania**) and introducing a points-based system which would favour the entry of (highly) qualified migrants (**Austria**). The **United Kingdom** amended their Tier 1 route (for highly skilled migrants) to attract more investors, entrepreneurs and people of exceptional talent, and excluded entrepreneurs and investors from the limit on Tier 1 migration.

### *3.1.1.3. Measures to facilitate the reception of students and researchers and their mobility within the EU*

A number of Member States undertook actions or put forward proposals for future changes to their policy area concerning students (**Bulgaria, Ireland, Estonia, Spain, France, Lithuania, Luxembourg, Hungary, Austria, Poland, Portugal, United Kingdom**) and researchers (**Spain, Lithuania, Luxembourg, Poland**).

For students, a few Member States (**Ireland, Estonia, Portugal**) undertook new actions or modified procedures to facilitate the entry and stay of third-country nationals through the simplification of procedures. For example, **Estonia** introduced an exception in the Aliens Act from 1<sup>st</sup> October 2010, which allows third-country nationals legally staying in Estonia to apply for a residence permit in Estonia (instead of from the Estonian foreign representation) for studying in an officially certified study programme of Master's study or Doctoral study. **France** and **Portugal** also undertook measures to promote academic facilities in order to attract third-country national students. For example, **France** took new measures to promote the French education systems abroad through the Campus France Services. **Portugal** also reported on future plans to propose the extension of opportunities to issue temporary residence permits to students enrolled in a study programme or study research. **Luxembourg** continued to support the reception of third-country national students through the funding of exchange programmes. **Finland**, on the other hand, introduced tuition fees in nineteen universities for third-country nationals, but at the same time envisaged installing a scholarship system.

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

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

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

Some Member States (**Austria, Ireland, France, Lithuania, Poland, United Kingdom**) outlined planned actions relating to students. These related to legislative proposals facilitating the issuance of residence permits for students (**Poland**); a review of access to the labour market by third-country national students by the Interdepartmental Committee on Student Immigration (**Ireland**); the

planned establishment of a Mediterranean Office for Youth promoting student mobility (**France**); an expansion of those who would be able to obtain a residence permit on the basis of studies (**Lithuania**); and a consultation on the reform of the student ‘route’, in order to propose a more user-friendly system for bona fide students and a system that would keep out those who might abuse the route (**United Kingdom**).

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

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

#### **3.1.1.4. *Ensure that temporary and circular migration policies do not aggravate the brain drain***

Several Member States (**Germany, Estonia, Spain, Italy, Slovenia, Sweden, United Kingdom**) reported on ongoing actions to prevent or not aggravate the brain drain. These measures related to promoting the transfer of knowledge with the ‘Returning Experts Programme’ (**Germany**); facilitating the return of third-country nationals who have benefited from working in the Member State (**Spain**); implementing projects increasing the entrepreneurship of migrants returning to Africa (**Italy**); improving brain circulation through enabling temporary return (**Sweden**); and continuation of a Medical Training Initiative providing third-country medical specialists with a fixed period of training in the Member State before returning to their country of origin (**United Kingdom**).

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

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

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

With regard to temporary and circular migration,<sup>36</sup> some Member States (**Belgium, Czech Republic, Spain, Italy, Netherlands, Poland**) undertook actions or introduced new legislation to favour this migration in 2010. These measures included the increased cooperation with third countries to implement the principles of circular migration (**Czech Republic**); the offering of 9 224 seasonal contracts in countries of origin and the implementation of circular migration projects in the framework of bilateral agreements (**Spain**); plus the setting of a quota of 4 000 third-country national seasonal workers in order to encourage circular migration programmes (**Italy**). In addition, **Italy** and **Netherlands** introduced projects aimed at promoting circular migration. For example, in **Netherlands**, the pilot project provided an opportunity for a small group of labour migrants from Indonesia and South Africa to perform temporary work. This project also aimed to enable the individuals to improve their professional positions or set up a business of their own upon return to their country of origin. **Poland** adopted regulations prolonging, for an indefinite period of time, the possibility to undertake work by third-country nationals for up to 6 months without the need to obtain the work permit.

Concerning future actions, three Member States (**Czech Republic, Netherlands, Sweden**) planned to develop their circular migration policy, through the integration of third-country cooperation into a new legislative act (**Czech Republic**), the continuation of pilot projects in third countries (**Netherlands**) and the development of recommendations from the Committee on Circular Migration (**Sweden**). In addition, **Romania**'s draft National Strategy on Immigration, for the period 2011-2014, envisages the setting of quotas for temporary migrant workers, offering third-country nationals the possibility to gain professional experiences, which could subsequently be used in the country of origin upon return.

### 3.1.1.5. *Improving skills recognition and labour matching*

Many Member States (**Denmark, Germany, Ireland, Greece, Spain, France, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Austria, Portugal, Romania, Slovenia**) undertook actions related to skills recognition and labour matching.

For the former, actors involved in the process included university authorities (**Austria**), government ministries (**Spain, Lithuania**), employers (**Spain, France, Slovenia**), Trade Unions (**Spain**), Qualifications Recognition Information Centres (**Malta**) and national organisations for international cooperation in higher education (**Netherlands**). In **Italy**, greater powers were delegated to social partners for the recognition of skills and qualifications.

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

<sup>36</sup> The EMN has also undertaken a study on temporary and circular migration, see <http://www.emn.europa.eu> under "EMN Studies."

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

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

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

Many Member States (**Belgium, Bulgaria, Czech Republic, Denmark, Germany, Ireland, Estonia, Greece, Spain, Hungary, Netherlands, Slovenia, Finland, Sweden, United Kingdom**) reported on the methods and tools used to analyse labour market needs and shortages. These included the use of lists of bottleneck occupations (**Belgium, Ireland, Spain**), lists of vacancies (**Czech Republic, Estonia, Greece**), reports from employers and inquiries conducted by the Public Employment Service (**Austria**) and a yearly prognosis by the Ministry of Employment and the Economy on the structure of the workforce (trends, bottle necks, labour demand) (**Finland**). Some referred to stakeholders involved in the analysis of the labour market, which included employment agencies (**Bulgaria, Slovenia**), national employment agencies (**Germany, Estonia, Greece, Spain, Luxembourg, Hungary, Netherlands, Austria**), regional employment agencies (**Denmark, Spain**), expert groups on future skills needs (**Ireland**), employers' associations and trade unions (**Spain**), local employers (**Spain, Austria, Slovenia, United Kingdom**), central statistics offices (**Poland**), national research institutes (**Sweden**) and advisory committees (**United Kingdom**).

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

To ensure that labour demand could not be covered by national and other EU workers, **Luxembourg** (legislative procedure ongoing) and the **United Kingdom** amended their labour immigration system whereby job vacancies were advertised with the national public employment service for a set period of time.

Several Member States (**Bulgaria, Czech Republic, Latvia, Hungary, Netherlands, Slovak Republic**) described the effects of the economic crisis on national policies for skills recognition and labour matching. These included the reduction in the number of vacancies in Member States either as a result of their labour market analysis (**Czech Republic, Spain, Latvia**) or due to less work permits being issued (**Bulgaria, Hungary, Latvia**). In addition, **Netherlands** established 33 mobility centres to combat the effects of the crisis.

### 3.1.2 Additional national developments

As explained in the methodology, this section outlines additional, complementary developments in legal immigration at Member State level which were outside the scope of the European Pact on Immigration and Asylum and the Stockholm Programme.

**Czech Republic, Ireland, Finland, Italy, Lithuania** and **Spain** confirmed the impact of the economic crisis on their economic migration policies. **Bulgaria** and **Finland** reduced the issuance of residence permits, with **Finland** raising the fees for residence permit applications.

**Lithuania, Spain** and **Sweden** identified the main sectors in which labour shortages were occupied by third-country nationals. These included shipbuilding and repair (**Lithuania**), transport and services (**Lithuania**), health (**Spain**) and agriculture and forestry (**Sweden**).

Due to the continued effects of the economic crisis, labour migration was an important topic of debate in **Austria, Czech Republic, Estonia, Finland, Germany, Italy, Latvia, Lithuania, Malta, Luxembourg, Poland, Portugal, Spain** and **United Kingdom**. In **Austria**, the main policy debates focused on the planned legislative amendments on the reform of the immigration system, introducing a point-based system for qualified and highly-qualified third-country national workers. **Germany** experienced debates on the integration of immigrants, as well as on the lack of skilled labour and possible ways to make it easier for third-country national workers to move to the Member State. The integration debate was triggered by a book entitled *Deutschland schafft sich ab* (“Germany abolishes itself”), which indicated that the combination of a declining birth rate, growing lower social strata and immigration from largely Muslim countries, would have a negative effect on Germany. Impetus also came from economic research institutions, as well as industrial and employer associations warning of the existing scarcity of skilled labour in Germany. Legislative debate also occurred in **Portugal** on the introduction of quotas for labour migrants.

In **Estonia**, the most important debate in the field of migration concerned the opening of the labour market. The *Manifesto of Employers for 2011 – 2015* urged the opening of the labour market to third-country nationals and decreasing the minimum salary threshold used for admission laid out in the *Aliens Act*. **Lithuania** held a debate on the possible increase in emigration of nationals due to the opening of the labour markets in **Germany** and **Austria**. This followed from 83 500 of its nationals departing in 2010, almost four times more than in 2009. The main debate in **Poland** also focused on the opening of the German and Austrian labour markets in May 2011. **Latvia** experience political debate on the entry policy for the self-employed and those investing in the economy.

Immigration featured prominently as a matter of debate in the General Election in the **United Kingdom**, due to public concern regarding the economic downturn and the rise in unemployment. The main debates post-election focussed on changes brought in by the new Government to try to reduce net migration, limit third-country national economic migrants and minimise abuse of all migrant routes.

In the **Czech Republic**, NGOs organised the “First March for the Rights of Migrants” as a protest against the Member State’s too restrictive labour migration policy in response to the impact of the crisis. Debates in the media and in civil society in **Czech Republic, Finland** and **Italy** also concerned the exploitation of third-country national migrant workers. An article was published in **Finland**, describing worker right abuses at berry farms in Eastern Finland. A round of inspections by Occupational Health and Safety Authorities in the region revealed that, roughly, half of the farms were infringing the rights of third-country national workers. In **Italy**, *Caritas* and other organisations denounced the conditions of migrant workers employed in agricultural work, particularly relating to events in Calabria where migrant workers were attacked by Italian citizens

not tolerating their presence in the area. Several dozen migrant workers had to be rescued by the Police who transferred them to temporary locations, including reception centres.

With regard to public opinion on migration, third-country nationals were ranked fourth in **Italy** after unemployment, crime and poverty, in a survey on problems perceived by the population. A 2010 Eurispes Report<sup>37</sup> reported specifically on the Italian attitude towards migration. The most widespread opinion among those interviewed is that immigrants carry out jobs that Italians are no longer willing to do (86%), that immigrants contribute to the growth of the country (60%), that they culturally enrich it (59%) but that they also contribute to higher crime rate (64%).

### 3.1.3 Key statistics

Table 1 in the Statistical Annex gives an overview of the residence permits issued in 2010 by reasons (education, remunerated activities and other reasons<sup>38</sup>). Of the Member States providing such data, most residence permits were issued in 2010 by **Italy** (326 000 up to and including September 2010), **France** (189 500) and **Germany** (125 978). Member States which issued permits mainly for the purpose of education were **France** (58 000 or 30.6% of all permits), **Germany** (42 775 or 34%) and **Sweden** (14 188 or 39.7%). Those who issued permits mostly for the purpose of remunerated activities were **Italy** (200 500 up to and including September 2010 or 61.5%), and again **Germany** (25 015 or 19.9%) plus **Sweden** (21 507 or 60.3%). The highest number of permits issued for ‘other reasons’ were again by **France** (114 500 or 60.4%), **Italy** (113 000 or 34.7%) and **Germany** (58 188 or 46.2%).

## 3.2 Family Reunification

This section describes policies and actions undertaken by Member States regarding family reunification during 2010. Firstly, [Section 3.2.1](#) provides an overview of developments made under the European Pact on Immigration and asylum and in accordance with the Stockholm Programme. [Section 3.2.2](#) provides an overview of additional national developments. [Section 3.2.3](#) provides an overview of the statistics available relating to family reunification.

### 3.2.1 Developments from the EU perspective in the context of the European Pact on Immigration and Asylum and Stockholm Programme

#### 3.2.1.1 Regulate family migration more effectively

Several Member States (**Austria, Belgium, Cyprus, Spain, Finland, Hungary, Latvia, Slovenia, Sweden, United Kingdom**) discussed and documented changes to existing policies. These included modifications to the (set of) conditions for family reunification, to the categories of persons exempt from fulfilling these conditions, and to the procedures for applying for or renewing residence permits within the framework of family reunification. In order to facilitate integration of reunited families, **Spain** introduced measures on the schooling of minors, including an improvement of the estimation of the necessary places available at the respective schools. In **Finland**, as a consequence of the *Metock* case, amendments to the *Aliens Act* granted family members of an EU citizen, entering Finland directly from a third country, the right to hold a family member's EU residence card instead of a residence permit. With regard to family reunification of unaccompanied minors seeking asylum, the amendments also introduced the formal condition for the child to be a minor on

<sup>37</sup> Eurispes, 22nd Report Italy 2010, Rome, 2010. A summary of the report is available at the following link: [http://www.eurispes.it/attachments/1095\\_Sintesi%20rapporto%20Italia%202010.pdf](http://www.eurispes.it/attachments/1095_Sintesi%20rapporto%20Italia%202010.pdf)

<sup>38</sup> Other reasons groups together all other permits issued, including *inter alia* family reunification, for unremunerated trainees, volunteers. Owing to the different and inconsistent manner in which the data for these other reasons were available at the time this report was published, they have all been grouped together in this one column.

the date on which the decision concerning the family member's residence permit was made and the requirement for the sponsor to have a residence permit on the date the case became pending.

Some Member States (**Belgium, Denmark, Spain, Latvia, Poland, Slovenia**) undertook or adopted new legislation to promote the integration of third-country nationals coming for the purpose of family reunification. **Spain** introduced grants for local authorities to develop innovative integration programmes with a total value of one million euros in 2010. These grants included specific measures for third-country nationals who arrive for the purpose of family reunification. **Poland's** draft Migration Policy of Poland proposed that concrete measures to promote the integration of third country national family members would be set out in an Action Plan once the policy was adopted. In **Slovenia**, legislative amendments removed the restrictive provision of providing integration assistance to family members of persons granted international protection for a period of three years maximum. **Latvia's** "Amendment to the Immigration Law" provided that a third-country national with one parent being a citizen of the Republic of Latvia, was entitled to continue his or her residence in the Republic of Latvia also if that parent had deceased.

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

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

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

In addition to legislative changes, **Bulgaria** planned amendments which would provide a simplified procedure for obtaining a residence permit for family reunification of a long-term resident, while **Romania** prepared amendments to its relevant Aliens law to transpose Directive 2003/86/EC. **Latvia** reduced the maximum period for the reviewing of documents related to an application for a permanent resident permit, submitted by a citizen of Latvia, a non-citizen of Latvia or a child of a third-country national with a permanent residence permit, from 90 days to 30 days.

On language requirements, a few Member States (**France, Netherlands, United Kingdom**) introduced greater conditions, while others (**Italy, Austria**), planned to introduce such conditions in

the near future. **France**, for example, entered into conventions with 38 additional countries in 2010 concerning the evaluation of language skills and knowledge of French language prior to the admission of a spouse. **Austria** planned language integration measures which would be principally targeted at family members before entry via family reunification and would oblige immigrants to have up to level A1 of German. In **Italy**, conditions were also being introduced with regard to the social integration of family members which obliged them to learn the Italian language.

A few Member States (**Belgium, Germany, Finland**) referred to the need to step up action against marriages of convenience. **Belgium**, for example, introduced a legislative proposal tightening the current terms for family reunification in order to improve the fight against marriages of convenience. Due to the national election, however, this action was postponed. Legislative changes were also made in **Slovak Republic** and **Finland** which extended reasons for refusal of applications when false, incomplete or misleading information was provided.

### 3.2.2 Additional national developments

As explained in the methodology, this section outlines additional, complementary developments regarding family reunification at Member State level which were outside the scope of the European Pact on Immigration and Asylum and the Stockholm Programme.

**France, Germany, Ireland** and **Slovenia** made policy and legislative revisions with regard to family reunification. In **France**, the *Draft Law on Immigration, Integration and Nationality*, currently under discussion in Parliament, foresaw the introduction of a new temporary residence permit for the purpose of "private and family life" for spouses of holders of residence permits issued on the basis of Directive 2009/50/EC. In addition, the draft law also stipulated that permits for "seconded employees" or EU "Blue Cards" should have the same period of validity as the employment contract. In **Germany**, the Government presented a new bill to combat forced marriages and to protect the victims of such marriages, which included the independent return of third-country national victims of forced marriages and an extension of the required minimum length of a marriage. In **Ireland**, existing schemes granting non-Irish parents of Irish-born children leave to remain were continued for a further period of three years. **Slovenia** launched intensive preparations for a *Proposal for the Family Code* that extended the definition of family members and the right to adoption.

With respect to political debates, in **Finland** and **Slovenia** extensive discussions took place regarding a possible extension of the scope of national laws on family reunification laws, to extended family members. In **Finland**, this is still under discussion at the Parliament, following a report submitted by the Ministry of Interior, while in **Slovenia** the adoption of the new Aliens Act will effectively extend the scope of family members entitled to settle in the Member State. In **Sweden**, debates concerned new rules regarding the immigration of family members.

**Belgium, Germany, Ireland, Italy, Netherlands, Portugal** and **Spain** reported on court judgements concerning family reunification during 2010. In **Belgium**, the Council of State defeated the definition concerning the burden of proof of a 'stable relationship' as an additional requirement for family reunification, abolishing this condition. In **Germany**, the Federal Administrative Court ruled in one case that the spouses' language skill test, introduced in 2007, did not go against the protection of marriage and family granted by the Basic Law and EU law. **Ireland** reported on three judgements; one of which confirmed that the proof of a valid marriage in general suffices to be recognised for the purposes of reunification under the *Refugee Act*; and two of which substantiated the employment condition related to the Free Movement Directive, concerning the application for a residence permit for a period of stay of more than three months. In **Italy**, the Court of Cassation ruled that, in the *Consolidated Act on Immigration*, the "serious reasons" for which, in accordance with provisions on immigration, the tribunal for minors could authorise the entry or residence of the

family for a period of time, should not be reported only to “situations of emergency or exceptional contingent circumstances and closely linked to the health” of the minor, but should be interpreted more broadly. The European Court of Justice considered that the distinction drawn by the **Netherlands**, between family formation (with the family ties being established the moment that the principal person has principal residence in the Netherlands) and family reunification (with the family ties being established outside the Netherlands at a moment at which the principal person also did not have principal residence in the Netherlands) to be in conflict with the Family Reunification Directive. At the same time, the Cabinet intended to impose stricter requirements on family reunification, by including a level of educational qualification that guarantees successful integration. In **Portugal**, a Central Administrative Court’s decision reviewed and analysed the national legal regime for third-country nationals with regard to the rules of admission, in general, and the rights that are recognised for foreigners within the scope of these rules. A ruling of the Supreme Court in **Spain** recognised that all third-country nationals with Spanish children, regardless of their place of origin, have the same right to enter, reside and travel freely in Spain, provided that they meet the rest of the requirements.

### 3.2.3 Key statistics

Some Member States provided data relating to family reunification (**Belgium, Bulgaria, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Poland, Portugal, Slovakia, Slovenia, Spain**). Of the Member States providing such data, **Spain** (100 620)<sup>39</sup>, **Italy** (89 900)<sup>40</sup> and **France** (83 500) issued the highest number of first residence permits for family reasons, whereas **Malta** (18), **Ireland** (298) and **Lithuania** (639) issued the lowest number.

## 3.3 Other Legal Migration

With regard to other legal migration, this section summarises actions undertaken firstly at EU level, in accordance with the European Pact and the Stockholm Programme ([Section 3.3.1](#)). [Section 3.3.2](#) then outlines the additional national developments in 2010.

### 3.3.1 Developments from the EU perspective in the context of the European Pact on Immigration and Asylum and Stockholm Programme

#### 3.3.1.1 Strengthen mutual information on migration

Most Member States (**Belgium, Bulgaria, Czech Republic, Denmark, Germany, Estonia, Ireland, Spain, France, Italy, Latvia, Lithuania, Hungary, Netherlands, Austria, Poland, Portugal, Slovenia, Slovak Republic, Finland, Sweden, United Kingdom**) shared and exchanged information on migration with other Member States, which took different forms. Many Member States (**Czech Republic, Ireland, Estonia, Greece, Spain, Italy, Cyprus, Lithuania, Hungary, Netherlands, Austria, Poland, Portugal, Slovenia, Slovak Republic, United Kingdom**) referred to the European Migration Network (EMN) as a method of sharing and disseminating information, with **Hungary** and **Portugal** specifically mentioning the creation of their new EMN national website and **Cyprus** referring to the establishment of the EMN National Contact Point and National Network in 2010. **Cyprus, Latvia** and **Lithuania** specifically emphasised the added-value of the EMN Ad-Hoc Queries<sup>41</sup> as a way of obtaining information in a relatively short period. Several Member States also made specific reference to the use of other existing (EU) platforms and networks, such as EURES (**Bulgaria, Poland**), EUROSTAT (**Czech Republic, Netherlands**,

<sup>39</sup> 42 767 first residence permits for family reasons were granted to third-country nationals joining an EU citizen while 57 853 first residence permits for family reasons were granted to third-country nationals joining a non-EU citizen.

<sup>40</sup> Provisional data up to September 2010.

<sup>41</sup> See <http://www.emn.europa.eu> under "EMN Ad-Hoc Queries."

**Poland, Portugal, Slovak Republic, United Kingdom**), FRONTEX<sup>42</sup> (**Bulgaria, Czech Republic, Poland, Slovak Republic**), ICMPD<sup>43</sup> (**Bulgaria, Czech Republic, Poland**), ICONET<sup>44</sup> (**Ireland, Poland, Slovak Republic**), GDISC<sup>45</sup> (**Czech Republic, Netherlands, United Kingdom**) and MIM<sup>46</sup> (**Netherlands**). **Lithuania** referred to the exchange of information with international organisations, such as IOM and UNHCR. Few Member States (**Denmark, France, Austria**) had ongoing exchange of information and co-operation with other Member States via bilateral contacts. **France** engaged in specific cooperation to strengthen mutual information with **Germany, Italy** and **United Kingdom**, especially in the area of sea surveillance (**Italy**), irregular migration in the Calais area (**United Kingdom**) and other themes (**Germany**).

**Lithuania, Poland** and **Finland** shared information at regional level, **Finland** within the framework of the Nordic Council of Ministers and **Lithuania, Poland** within the Council of the Baltic Sea States. **Slovak Republic** exchanged information at multilateral level on irregular migration with **Hungary, Poland** and Ukraine.

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

### 3.3.1.2. *Improve information on the possibilities and conditions of legal migration*

Almost all Member States provided information on the possibilities and conditions of legal migration. Such information was mainly available on the official websites of Ministries and/or employment agencies (**Belgium, Czech Republic, Denmark, Germany, Estonia, Greece, Spain, France, Italy, Cyprus, Luxembourg, Hungary, Malta, Netherlands, Austria, Poland, Portugal, Slovenia, Slovak Republic, Finland, Sweden, United Kingdom**), in specific brochures published in different languages (**Belgium, Czech Republic, Germany, Cyprus, Luxembourg, Malta, Austria, Poland, Slovenia**) and/or in other media (**Austria, United Kingdom**).

In addition, seven Member States (**Bulgaria, Estonia, France, Italy, Netherlands, Poland, Slovak Republic**) make use of their embassies abroad for providing information to third-country nationals considering to migrate to their Member State. **France** also noted that the French Office for Migration and Integration was present in a number of countries of origin and provided information targeting permanent and/or seasonal workers. In addition, **Italy** emphasised the role of third-country authorities and NGOs in multiplying the information provided by its national authorities.

Five Member States (**Estonia, France, Poland, Sweden, United Kingdom**) reported on providing specific information to third-country national students, with **Estonia, Poland** publishing information on universities' websites and **Sweden** on specific web pages. **France** also emphasised the role of the Campus France Service, present in 89 countries abroad. The **United Kingdom** used the participation of overseas staff in student fairs and conferences to inform and raise awareness about its immigration requirements.

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<sup>42</sup> FRONTEX Risk Analysis.

<sup>43</sup> International Centre for Migration Policy Development.

<sup>44</sup> Secure web-based Information and Coordination Network for Member States' Migration Management Services, established by Council Decision 2005/267/EC, OJ 2005 L 83, p. 48.

<sup>45</sup> General Directors of Immigration Services Conference

<sup>46</sup> Mutual Information Mechanism for national asylum and immigration measures, established by Council Decision 2006/688/EC, OJ L 283, 14.10.2006, p. 40–43.

Three Member States (**Bulgaria, Czech Republic, Slovak Republic**) highlighted the important role of their information and integration centres which delivered information to newly-arrived third-country nationals.

With regard to specific measures implemented in 2010, **France** set up and **Netherlands** improved their single portal to present information about legal migration in a unified way. **Estonia, Portugal, Finland** also set up new or further developed existing websites, the purpose being to provide information to diaspora encouraging nationals to re-migrate (**Estonia**), facilitating the renewal and issuance of residence permits (**Portugal**) and improving the streamlining of information provision by category of migrants (**Finland**). **Finland** also reported on the current reform of the Info Bank Online service, which aimed to support immigrant integration by providing information on Finnish society and its services in 15 languages from the perspective of the immigrant user. This targeted three main groups, namely immigrants living in **Finland**, immigration authorities and third-country nationals planning to migrate to **Finland**. **Hungary** and **Sweden** established new online visa application and administration systems, which, for the latter, enabled the applicant to check their application status online. **Luxembourg** continued the project ‘Migrate properly informed’ in Cape Verde, which aimed to better inform Cape-Verde nationals about the possibilities and constraints for migrating.<sup>47</sup> In the **Netherlands**, the Immigration and Naturalisation Service closely cooperated with the Dutch Ministry of Foreign Affairs to improve the consistency in the provision of information provided by Dutch embassies and consulates.

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

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

Several Member States (**Ireland, Greece, Spain, Cyprus, Lithuania, Netherlands, Austria, Romania, Slovenia, Slovak Republic, Finland, Sweden**) made contributions to the EU Immigration Portal. **Spain** also indicated that the two main websites providing information on admission, procedures, employment and hiring, run by the Ministry of Labour and Immigration, would be linked to the Portal once it was established.

### 3.3.2 *Additional national developments*

As explained in the methodology, this section outlines additional, complementary developments in other legal migration at Member State level which were outside the scope of the European Pact on Immigration and Asylum and the Stockholm Programme.

**Bulgaria, Finland** and **Lithuania** put forward proposals to encourage the return of emigrated nationals. In **Bulgaria**, a new Law is being developed concerning the Bulgarian diaspora, allowing people of Bulgarian origins (but without citizenship) the possibility of obtaining a visa for multiple

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<sup>47</sup> This project finished at the end of 2010.

entry and residence, through a facilitated procedure, exempting them from payment of the fees for processing documents. **Finland** put forward a proposal for a repatriation system for Ingrian Finns. **Lithuania** developed a “*Global Lithuania*” strategy, which aims to maintain links with Lithuanian diaspora and encourage them to eventually return to Lithuania.

New arrangements came about in **Ireland** and the **Netherlands** for residence on religious grounds. Persons granted permission to enter **Ireland** as a religious minister (as well as lay volunteer) on or after 1<sup>st</sup> January 2011, would be permitted to remain in Ireland for a maximum of three years. In anticipation of the implementation of the Modern Migration Policy Act in the **Netherlands**, a pilot project on the ‘stay on religious grounds’ was set up.

In **Estonia, Latvia, Netherlands, Poland** and **Spain**, changes occurred in residence permit procedures and policies. **Estonia**, for example, started to issue digital identification cards to its citizens and legally-residing third-country nationals and made several additional legal and technical changes for issuing residence permit cards from 2011 onwards. In **Latvia**, the *Amendment to the Immigration Law* provides that a direct state institution or court may invite a third-country national, without having to an invitation letter. Furthermore, regulations entered into force determining the financial conditions for residence permit applications, as well as the territorial competences of diplomatic and consular missions with respect to the issuing of visas. The **Netherlands** decided to no longer grant a residence permit for medical treatment to third-country nationals who did not meet all the conditions for such permit but could not be returned to their country of origin, but to grant them a “postponement of departure” instead, for a maximum of one year. In addition, the possibility of dual citizenship was ended for persons who held a residence permit and had their main residence in the Netherlands since the age of 4 years old: if they wished to opt for Dutch citizenship, they became obliged to renounce their original nationality. In **Poland**, the amendment to the *Act on employment promotion and labour market institutions* came into force, allowing organisations employing third-country nationals, which were experiencing temporary financial difficulties, to shorten working hours and, as a result, to lower remunerations. **Spain** clarified the conditions for renewing long-term residence permits, as well as the documentation required from young Canadians, coming to the Member State to obtain vocational experience of for learning the language.

**Portugal** and the **United Kingdom** contributed to the improvement of exchanges of and access to information. **Portugal** inaugurated a helpdesk to assist immigrants in the Lisbon region, launched websites with information on immigration and asylum and set up telephone help lines. Also, a portal for immigration statistics was launched, SEFSTAT, which made detailed statistical information about migrants available to the public. This also included the distribution of the foreign population by council areas, to serve as a tool for migration policies at local level. The **United Kingdom** established the Migratory Observatory, aimed at providing independent, authoritative, evidence-based analysis of data on migration and migrants in the Member State.

Debates on legal migration occurred in **Austria, Czech Republic, Finland, Portugal** and **Sweden**. Some policy debates in **Austria** were triggered by the initiative to require German language knowledge prior to immigration to the Member State.

In the **Czech Republic**, the draft legislation concerning the extent of medical insurance for third-country nationals was the leading subject of debate. Moreover, the *Ministry of the Interior* criticised the too lengthy procedure for the extension of Schengen visas for tourists.

Media and Civil Society debate in **Portugal** concerned the approved *Regulations for Advance Training*, with political parties opposing the obligation for applicants for PhD scholarships to have permanent residency or long-term residence status. An information report was submitted to the Parliament, with a Parliamentary Resolution, highly publicised in the media, subsequently

recommending to the government that scientific criteria and the merit of the applicant should prevail, in terms of accessing research scholarships for such programmes, rather than discriminatory and xenophobic norms.

### 3.4 Integration

This section summarises the actions undertaken concerning integration policy in 2010. Firstly, [Section 3.4.1](#) indicates the developments undertaken under the Pact commitments and the Stockholm Programme. [Section 3.4.2](#) then provides an overview of the additional national developments undertaken.

#### 3.4.1 *Developments from the EU perspective in the context of the European Pact on Immigration and Asylum and Stockholm Programme*

##### 3.4.1.1 *Promotion of harmonious integration in line with the common basic principles*

Several Member States (**Belgium, Denmark, Germany, Estonia, Ireland, Greece, Spain, France, Cyprus, Luxembourg, Austria, Portugal, Sweden**) reported on their policy or the adoption of new policy. This included the establishment of new integration strategies (**Austria, Portugal**); legislative changes concerning integration (**Denmark, Greece, Spain, France, Luxembourg, Poland, Finland, Sweden**); the publication of a new integration policy document (**Belgium**) and nationwide integration programme (**Germany, Cyprus, Luxembourg**); institutional changes (**Belgium, Greece, Luxembourg, Austria, Slovak Republic**); and the introduction of new funding initiatives (**Ireland**).

Legislative changes introduced included the right to vote and stand for elections at municipal level for certain categories of legally residing third-country nationals (**Greece, Spain**) and third-country nationals of Greek origin (**Greece**), plus for legally-residing third-country nationals with a minimum five year residence period (**Luxembourg**); a facilitated access to citizenship by naturalisation for third-country nationals who had an ‘exceptional integration pathway’ (**France**); new requirements to respect the integration contract in case of renewal of temporary residence permits and to sign the ‘Charter of the Citizen’s rights and duties’ in case of naturalisation (**France**); the acquisition of citizenship by birth for third-generation immigrants and, under certain conditions, for second generation immigrants (**Greece**); the definition of execution modalities for the existing Reception and Integration contracts (**Luxembourg**); new requirements to demonstrate a certified knowledge of the national language in order to be granted residence and/or settlement permits (**Poland**); institutionalised participation of third-country nationals in public life at municipal level with the setting up of Councils on Immigrant Integration in each municipality (**Greece**); plus provisions establishing new integration models (**Finland**) and introduction plans (**Sweden**). In **Ireland**, new funding initiatives focuses on the promotion of integration through sport. In **Denmark**, new legislation underlined the responsibility of the individual third-country national for their integration process, while also recognising the need for a strong commitment from the host society to support successful integration.

Other Member States (**Greece, Latvia, Malta, Poland, Finland, United Kingdom**) modified their existing policies. For example, **Malta** amended its legislation concerning the status of third-country nationals who are long-term residents, which transposed Directive 2003/109/EC, and introduced new integration measures in connection with the acquisition of such status. In order to facilitate access of third country nationals to the long term resident status, **Greece** simplified the procedure for obtaining the required Greek language certificate and lowered the relevant permit fee. **Finland** proposed an amendment to the Citizenship Act which aimed to facilitate access to citizenship for persons demonstrating sufficient command of one of the national languages. **Latvia** and **Poland** modified their legislation to further define access to education for different categories of third-country nationals and establish compensatory courses at schools for third-country nationals

(**Poland**). In the **United Kingdom**, the Migration Impacts Fund, introduced under the previous government, was closed, with local authorities taking over responsibility for funding the supported projects.

In other developments, **Czech Republic** published its ‘Annual Report on the implementation of National Strategy for the Integration of Immigrants;’ **Estonia** introduced a free induction programme for newly-arrived third-country nationals, as well as provisions on the education and culture of ethnic minorities in the new *Basic and Upper Secondary Schools Act*; and **Austria** launched the “National Action Plan on Integration (NAPI)”, which defines the principles and goals of national integration policy.

Several Member States (**Austria, Belgium, Bulgaria, Spain, Ireland, Italy, Lithuania, Poland, Romania, Slovenia**) planned developments in their integration policy. This included the introduction of a new Integration Act (**Belgium**- Flanders), foreseen for 2011; the elaboration of a new national strategy on Migration, Asylum and Integration and the creation of national forums for integration (**Bulgaria**); the implementation of more funding initiatives (**Ireland**); the establishment or amendment of Integration Agreements (**Austria, Germany, Italy** – where it was experimented in the Veneto region); the possible establishment of a coordinating institution for the integration of third-country nationals (**Lithuania**); the introduction of facilitated rules of stay for legally residing third-country nationals positively impacting on integration (**Poland**); the extension of the categories of third-country nationals being able to participate in integration programmes (**Poland**); the improvement of the access to housing (**Poland**); the enhancement of integration activities for third-country nationals, together with the setting up of integration information centres (**Romania**); and the facilitation of entry of third-country national students to Spanish universities (**Spain**). **Lithuania** also planned the future implementation of the Council of Europe Convention on the participation of third-country nationals in public life at local level, whilst for **Slovenia**, the planned amendment of the Regulation on Integration in 2011 aims to broaden the scope of beneficiaries of language courses provided free of charge.

Most Member States (**Belgium, Bulgaria, Czech Republic, Germany, Estonia, Greece, Spain, France, Italy, Cyprus, Latvia, Luxembourg, Hungary, Malta, Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovak Republic, Sweden, Finland, United Kingdom**) have measures in place to enable migrants to learn the language of the host countries and to acquire knowledge of the host society’s history and culture. **Estonia** started to offer free language courses to unemployed and low paid third-country national migrants, additionally to the induction programme and courses for citizenship exams. Among innovative measures, **Bulgaria** and **Ireland** undertook regional schemes. These related to mobile teams delivering language and civic integration courses in regions where there was a limited number of third-country nationals (**Bulgaria**), as well local volunteers conducting English language classes (**Ireland**). **Italy** made it mandatory for applicants for long-term residence permits to pass an Italian language test. In **Netherlands**, the ‘House for Democracy and The Rule of Law’ was established in September 2010 which aimed to increase people’s knowledge of and participation in democracy, targeted at particular groups, including third-country nationals participating in civic integration programmes. As of 1<sup>st</sup> January 2011, third-country nationals, who want to settle permanently in the **Netherlands**, must prove that they meet the civic integration requirements, unless they have been exempted from this.

Concerning civic orientation, **Sweden** introduced new legislation guaranteeing a minimum of 60 hours of civic orientation to newly-arrived third-country nationals. Similarly, **Germany** planned to extend its orientation courses from 45 to 60 hours.

Many Member States (**Germany, Estonia, Greece, Spain, France, Cyprus, Luxembourg, Latvia, Hungary, Austria, Malta, Netherlands, Poland, Portugal, Romania, Slovenia, Slovak**

**Republic, Sweden, United Kingdom**) also referred to support services, programmes and/or projects to enhance migrants' access to employment, including job-related language training (**Germany, Austria, Slovenia**); employment preparation activities (**Estonia, Spain, Poland, Slovak Republic Sweden**); social support and training (**Cyprus, Malta, Slovak Republic**); integration for employees on the work floor (**Netherlands**); mapping of labour market possibilities for newly-arrived third-country nationals (**Greece, Hungary**); *Amendment to the Immigration Law* granting students the right to continue their stay after their studies for employment purposes without going back to their country of origin (**Latvia**)<sup>48</sup> project promoting immigrant entrepreneurship (**Portugal**); advisory programmes (**Poland, Romania**); and projects focusing on refugees' access to employment (**Greece, United Kingdom**). In **Austria**, for example, a new location "Habibi – House for Education and Professional Integration" was established, acting as a one-stop-shop for labour market oriented integration of migrants. A comprehensive multiannual agreement was signed in **France** in order to facilitate the professional orientation of third-country nationals who had signed the 'Reception and Integration Contract' and shorten the delay to access employment. This foresaw the adaptation of services offered by the Public Employment Service to newly-arrived third-country nationals, the definition of the services offered by the Public Employment Service to the migrants during their first five years and the prevention of discrimination within the Public Employment Service and at local level when dealing with migrants. In **Luxembourg**, as part of the proposed reform of the Employment Administration Agency, legally established third-country nationals (having a perspective to stay longer) and their family members will benefit from the Agency's services.

Several Member States (**Germany, Estonia, Greece, Spain, Cyprus, Netherlands, Portugal, Slovak Republic, United Kingdom**) also reported on measures to facilitate migrants' access to public and social services. Most of the measures emphasised the role of municipalities (**Greece**) and/or local integration and/or information centres (**Netherlands, Portugal, Slovak Republic**) and social workers (**Hungary**). **Estonia** started to develop a support person service for newly arrived third-country nationals in the municipalities.

As well, several Member States (**Estonia, Greece, Spain, Cyprus, Italy, Latvia, Hungary, Poland, Slovak Republic, United Kingdom**) noted that these activities, projects and programmes received funds from the European Integration Fund or the European Social Fund (**Germany, Greece, United Kingdom**) or the European Refugee Fund (**Greece, Poland, United Kingdom**).

#### **3.4.1.2. Promote information exchange on best practices in terms of reception and integration**

Most Member States outlined their participation in the National Contact Point on Integration, the European website on Integration and the European Integration Forum. Some also contributed to the preparation of the EU Belgian Presidency Expert Conference on European Integration Modules in December 2010. This conference was a first step in the development and use of the European Integration Modules and aimed at achieving a shared understanding of the used terminology and clarifying the concept of 'modules' by presenting practical experiences in different Member States.

In addition, several Member States referred to the establishment of working groups and/or structural exchanges at national level among actors involved in integration policies (**Belgium, Bulgaria, Luxembourg, Hungary, Malta, Netherlands, Austria, Poland, Slovenia, Slovak Republic**); the further development (**Denmark, Ireland, Latvia, Austria, Portugal, Slovenia**) or initiation (**Greece**) of websites enabling the publication of information on integration matters; the creation of an internet portal providing information on integration matters (**Greece**); the introduction of

<sup>48</sup> The *Amendment to the Immigration Law* modified the admission procedure, allowing students who finished their studies to apply for a new residence permit directly at the *Office of Citizenship and Migration Affairs* in Latvia instead of going back to their country of origin and submitting their application at the Latvian embassy.

specific funding streams for the transfer of know-how and good practices (**Spain**); research on best practices relating to equal treatment of female migrant workers (**Greece**); the organisation of thematic conference to exchange best practices (**Estonia, Spain, Luxembourg**); the consultation of national and international integration experts to identify best practices (**Austria**); the publication of a compendium of cases of successful application of local awareness-raising and equal treatment and non-discrimination plans (**Spain**); and the publication of newsletters on integration-related issues which facilitated dialogue and exchange of good practices (**Sweden**).

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

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

#### **3.4.1.3. Incorporate integration issues in a comprehensive way in all relevant policy areas**

Most Member States (**Czech Republic, Denmark, Germany, Estonia, Greece, Spain, Italy, Cyprus, Latvia, Luxembourg, Hungary, Netherlands, Austria, Portugal, Romania, Finland, Slovenia, Slovak Republic, Sweden, United Kingdom**) reported on approaches and/or measures to better incorporate integration issues in a comprehensive way in all relevant policy areas. Many of these Member States (**Germany, Greece, Spain, Cyprus, Luxembourg, Netherlands, Austria, Romania, Slovak Republic, Finland**) mainstreamed integration objectives and/or targets in other sectoral policy areas, such as education, employment, childhood and adolescence, gender, housing, social welfare, health care services and tax policy. **Czech Republic, Luxembourg** and **United Kingdom** organised regular joint meetings with representatives of other Ministries for designing (**Luxembourg**) and implementing (**Czech Republic, Luxembourg**) their national integration strategy or ensuring that the needs of refugees, public service use and integration issues were considered in the development of other policies (**United Kingdom**). In the beginning of 2010 in **Estonia**, a Steering Committee for the Integration Plan 2008-2013 started its activities to better incorporate integration issues with the topics belonging in the responsibility other Ministries. **Portugal** and **Sweden** highlighted that their national integration strategy covered other policy areas, such as education, employment, health, housing and culture. With regard to approaches developed by other Member States, **Italy** mentioned the Inter-Ministry ‘Plan for integration in security: Identity and Meeting’ adopted in June 2010, which illustrated the increased importance allocated to integration and its place in other policy areas. **Latvia** referred to the developments of the ‘Main Positions of the Society Integration Policy 2010-2016,’ which envisaged the involvement of other state administration and municipal institutions. **Hungary** noted that due to the lack of a comprehensive integration act, rights enhancing integration were mentioned in different sectoral pieces of legislation.

#### **3.4.1.4. Improved consultation with and involvement of civil society**

Most Member States (**Belgium, Bulgaria, Czech Republic, Denmark, Germany, Estonia, Ireland, Greece, Spain, France, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, Netherlands, Poland, Portugal, Austria, Romania, Slovenia, Slovak Republic, Finland, Sweden, United Kingdom**) regularly involved civil society organisations in integration policymaking and measures. This included consultation of civil society organisations for the elaboration (**Denmark, Germany, Spain, Cyprus, Latvia, Luxembourg, Austria, Poland,**

**Portugal, Romania**) and implementation (**Czech Republic, Denmark, Germany, Estonia, Slovak Republic**) of national integration plans; participation of civil society organisations in hearings and government initiatives (**Bulgaria, Greece, Spain, Finland**); implementation of integration projects (**Bulgaria, Czech Republic, Denmark, Spain, Cyprus, Lithuania, Luxembourg, Malta, United Kingdom**); involvement of NGOs in the design and implementation of local integration plans (**Greece, Spain, Finland**); and implementation of measures facilitating access to employment (**Greece, France**). Other Member States mentioned the strategic role of NGOs in specifying the annual priorities and actions of the European Integration Fund (**Greece, Latvia, Hungary**). Five Member States (**Spain, Ireland, Netherlands, Slovenia, United Kingdom**) also mentioned the existence of national dialogue structures on integration policy, whilst **Sweden** adopted a formalised agreement between the government, municipalities and NGOs to strengthen the role of the latter in the integration of newly-arrived migrants and facilitate NGOs access in integration projects, aimed at increasing political and civic participation and strengthening the dialogue on integration. In **Denmark**, the establishment of local integration councils and a national council for ethnic minorities was foreseen in the new Integration Act in 2010 in order to ensure the consultation of ethnic minorities throughout policymaking. In **Luxembourg**, a specific study was carried out to better understand the needs of NGOs when elaborating and managing projects supported by national and EU funding.

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

#### *3.4.1.5. Enhance democratic values and social cohesion in relation to immigration and integration*

Most Member States (**Belgium, Denmark, Ireland, Estonia, Greece, Spain, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, Netherlands, Austria, Poland, Portugal, Slovenia, Slovak Republic, Finland, Sweden, United Kingdom**) reported on actions undertaken to enhance democratic values and social cohesion in relation to immigration and integration of immigrants and promote intercultural dialogue and contact. **Spain, Cyprus, Austria** and **Portugal** established intercultural dialogue as a key priority of their national integration plan and **Germany, Austria** engaged and/or continued formalised and active dialogue with representatives of migrants' religious communities. This related to further developing dialogue with representatives of the Muslim community through the German Islam Conference, which was focused on issues related to the practical participation of Muslims in German life, including the establishment of Islamic religious instructions in State schools and Islamic theology classes in universities (**Germany**); and initiating a series of talks between experts, Muslim representatives and citizens under the 'Islam, People, Dialogue' initiative (**Austria**). Furthermore, roundtables were organised by **Belgium, Estonia, Austria** on interculturalism. In **Belgium**, these roundtables, held in 2009, led to the publication in November 2010 of 68 recommendations to recognise and manage the growing diversity of the society.

**Belgium, Ireland** and **Slovenia** also focused on the promotion of diversity and intercultural dialogue in the media. These measures included the launching of an action plan applicable to the French Community concerning diversity in the audiovisual media (**Belgium**), as well as the establishment of a new migrant media internship programme for local and regional newspapers aimed at documenting issues of immigration and integration and helping communities to understand the challenges and perspectives of migrants (**Ireland**). Within the framework of the action plan in

**Belgium**, a ‘First Overview on Good Practices on Equal Opportunities and Diversity in the Audiovisual Media of the French Community’ was published in December 2010.

With regard to other implemented measures, these included the establishment of a specific web portal to improve communication between cultural organisations, minority communities, media, government and other stakeholders (**Estonia**); the creation of a database in order to register cultural associations and migrant contact groups (**Greece**); the promotion of intercultural civic education and management of intercultural community living through social and neighbourhood mediation and prevention of conflicts (**Spain**); the active participation of intercultural mediators in schools (**Italy**); involving civil society in the formulation of integration policy through the Advisory Board for Ethnic Relations (**Finland**); the participation of public services in festivals dedicated to migration and cultural diversity (**Luxembourg**); integration courses focusing on civic aspects and democratic values (**Malta**); the establishment of an African Cultural Information Centre (**Slovak Republic**); the elaboration of a study for the establishment of an Immigration Museum (**Greece**); the provision of training related to diversity management (**Latvia, Luxembourg**); and the continued implementation of the ‘mixed ethnic teams’ concept which aimed at developing small-scale activities in different neighbourhoods and reinforcing mutual understanding among different cultures (**Greece, Netherlands**). In addition, several Member States (**Cyprus, Spain, Lithuania, Luxembourg, Hungary, Poland, Slovak Republic, Sweden, United Kingdom**) mentioned the funding of projects promoting intercultural dialogue and understanding.

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

### 3.4.2 *Additional national developments*

As explained in the methodology, this section outlines additional, complementary developments in integration at Member State level which were outside the scope of the European Pact on Immigration and Asylum and the Stockholm Programme.

**Belgium, Czech Republic, Germany, Ireland, Luxembourg, Malta, Portugal and Spain** launched or continued national initiatives with regard to integration. In **Belgium**, the Flemish government organised the first ‘States-General on Integration’ as a forum of politicians, academics and civil society to formulate recommendations for the Flemish integration policy in a ‘Green Book on Integration’. Furthermore, Fedasil organised 240 different activities in reception centres in 2010 and organised a football tournament on World Refugee Day, in collaboration with other national and international partners. In the **Czech Republic**, four new integration support centres opened in 2010. The Federal Minister of Family Affairs in **Germany** presented an initiative to better support young foreign children, in need of extra language lessons. In addition, a pilot project on integration indicators was launched in February 2010, followed by national evaluation of the current integration status of migrants. The first plenary meeting of the German Islam Conference (DIK)<sup>49</sup> in its second phase also took place in 2010, leading to the adoption of an eleven-page working programme for the next three years. The meeting aimed to promote structural and social integration. **Ireland** announced the establishment of a Ministerial Council on Integration, to be set up on a regional basis with a focus on local level, chaired by the Minister for Integration. Moreover, the Immigrant Council of Ireland (ICI) launched a Racist Incidents Support and Referral Service. The

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<sup>49</sup> The Deutsche Islam Konferenz, (DIK) was established in 2006 to institutionalise the dialogue between the German Government and the representatives of the Muslim community in Germany. The focus of the DIK under this new legislative period (2010-2013) is to strengthen the practical participation and involvement of Muslims in the German society and to prevent extremism.

*Liaison Committee of Foreigners' Associations* in **Luxembourg** organised the Forum “With equal citizenship”, bringing together several hundred representatives of relevant associations, to reflect on citizens participation and the inclusion of migrants from third countries. The National Commission for the Promotion of Equality (NCPE) in **Malta** started the implementation of an EU co-funded project which aims at enhancing the legal principles of equal treatment. **Portugal** adopted the II Immigrant Integration Plan and inaugurated the 4<sup>th</sup> Generation of the Escolhas 'Choices' Programme on equal opportunities and reinforcing social cohesion. The network of Local Support Centres for the Integration of Immigrants (CLAII) was reinforced with the inauguration of two new centres. In **Spain**, two agreements were signed with Andalusia and Catalonia, in addition to those with Ceuta and Melilla, for the development of integrated pilot action plans in towns with large immigrant populations. Allocations in the State Budget in **Estonia** for the Integration Strategy 2008-2013 were reduced due to economic downturn. The unemployment rate amongst non Estonians was almost twice as high as the rate of Estonians.

**Luxembourg** and **Lithuania** surveyed the public on migration-related issues. In **Luxembourg**, a poll on integration was carried out for the National Conference for Integration in November 2010. **Lithuania** presented the results of a survey on the attitude of the population to immigrants, conducted in 2010, showing that an absolute majority of the population had an unfavourable attitude to immigrants.

**Belgium, Finland, Germany, Lithuania** and **Portugal** introduced institutional and legislative changes. In **Belgium**, the implementing of the ‘Integration Decree’ in Flanders was progressing and the government worked on the accompanying implementing order of the decree while preparatory work activities were initiated to install the ‘Integration Commission’, which will replace the ‘Interdepartmental Commission for Ethno-Cultural Minorities’ (ICEM). The Government in **Finland** proposed for a reform of the *Act on the Integration and Reception of Asylum Seekers*. The new Act would be called *the Act on the Promotion of Integration*, which would apply to all immigrants with a valid residence permit or whose right of residence had been registered. It would include a pilot project, started in 2009 and running until 2013, to test alternative and flexible forms of education. In **Germany**, the *Act on Participation and Integration* was passed in the Federal State of Berlin, making integration an obligatory task for the administration of Berlin and thus creating a legal basis for Berlin’s integration policy institutions. **Lithuania** decided to form an inter-departmental governmental commission should be to co-ordinate integration. Relevant provisions were incorporated in the drafted *Law on the Legal Status of Aliens*, which the Parliament will consider in 2011. In **Portugal**, the Legislative Assembly of the Azores approved a proposal to extend the reduced travel prices to mainland Portugal also to third-country nationals.

Debates on integration took place in **Czech Republic, Luxembourg, Malta** and **Slovenia**. In the **Czech Republic**, a situation escalated in Libus, where a large Vietnamese minority was based, following a letter sent by the Mayor of Libus outlining the allegedly high criminality among the Vietnamese population and the possible security threat they posed for nationals. In **Luxembourg**, the Migration and Integration Platform advocated increased electoral participation of foreigners, pleading for a reform of the electoral law. **Malta** debated the integration of beneficiaries of international protection. In **Slovenia**, stakeholder dialogue led to changes to the *Regulation on Foreigner Integration*, to facilitate the integration of third-country nationals into society.

**Belgium, Ireland** and **Spain** reported on conferences with an EU dimension. **Belgium** organised the EMN annual conference on the ‘Long term follow-up of migrant trajectories’ during the Belgian EU Presidency, an EU seminar on different integration strategies and policies and a European Conference on Integration. **Ireland** participated in the first meeting of the Expert Group on Council Framework Decision 2008/913/JHA for combating racism and xenophobia in February 2010, confirming that Irish legislation is in compliance. **Spain** held the Ministerial Conference on

“Integration as an Engine for Development and Social Cohesion” in Zaragoza, under the Spanish EU Presidency.

In **Portugal**, a number of conferences and seminars were held by civil society and stakeholders, including a Conference on Migration, Minorities and Cultural Diversity organised for the celebration of the centenary of the Republic of **Portugal**, taking stock of one hundred years of migration in Portugal and considering the future migration scenario.

### 3.5 Citizenship and Naturalisation

The developments concerning citizenship and naturalisation are outlined in this section, noting that the Pact and the Stockholm Programme make no explicit mention of citizenship and naturalisation. Developments include legislative amendments made by Member States, as well as new policies undertaken.

With respect to trends in naturalisation, **Luxembourg** and **Sweden** reported an increase in applications for naturalisation, whereas **Bulgaria** noted a decrease. **Austria** indicated that the highest proportion in naturalisation was composed by third-country nationals coming from Bosnia and Herzegovina, Turkey and Serbia and reported an increase in naturalisations for Kosovo, Nigeria and Croatia. In **Bulgaria** the main countries of origin to apply for naturalisation were the Former Yugoslav Republic of Macedonia, Moldova, Ukraine, Russia, Serbia, and Albania; in the case of **Belgium** these were Morocco, Democratic Republic of Congo and Turkey. In **Luxembourg** most third-country nationals being granted citizenship came from Montenegro, Bosnia and Herzegovina, and Serbia.

In **France, Finland, Greece, Hungary, Latvia, Lithuania, Netherlands, Poland, Slovak Republic** and **United Kingdom** new legislation related to citizenship was adopted or entered into force. Overall, legislative changes were geared towards introducing limitations (for example excluding the possibility of dual citizenship and introducing additional ways to withdraw citizenship) and restricting application procedures. **Belgium, Czech Republic,** and **Finland** prepared new legislation. **France** adopted rulings on naturalisation administrative procedures, removing the dual processing of applications for naturalisation by decree in order to reduce waiting periods. Contrary to the overall restrictive trend, **Finland** submitted a proposal to reform the current *Nationality Act*, aimed at enhancing social belonging and integration, by making the acquisition of Finnish nationality more flexible, for example by reducing the required period of residence to five years and by allowing persons to already apply after four years, if they could prove good knowledge of the Finnish or Swedish language. In addition, Finnish legislation allows dual or multiple nationalities. In **Greece**, a *law amending the Code of Citizenship* provided, for the first time, the opportunity to third-generation immigrants to acquire Greek citizenship by birth and the right for second-generation immigrants to acquire the Greek citizenship before they reach adulthood, either by birth - provided their parents are legally resident in the country for at least five consecutive years - or after having attended and successfully completed at least six classes of Greek school. **Hungary** modified the Act on Hungarian Citizenship, affecting primarily the naturalisation of persons with Hungarian origins and those wishing to “re-naturalise.” In **Latvia**, a Cabinet Regulation concerning the recognition of children as citizens of Latvia entered into force, as well as two amending Regulations providing benefits to those who have passed the language tests and making it possible to submit applications for citizenship to the Office of Citizenship and Migration Affairs starting, from 1<sup>st</sup> March 2010 onwards. **Lithuania** passed a new *Law on Citizenship*, extending the group of citizens allowed to have dual citizenship to nationals who acquire another citizenship upon marriage and limiting the possibility for a person who acquires another state’s citizenship upon birth to hold both citizenships only until the age of 21. Similarly, in the **Netherlands**, the *Nationality Act* was amended, tightening the rules regarding multiple nationalities and introducing new rules concerning the withdrawal of citizenship (in case of crimes committed and directed against the essential

interests of the Kingdom). Also, the Dutch language became the compulsory language of integration for those applying for Dutch citizenship in Aruba, Curaçao, Saint-Martin and the public entities Bonaire, Saint Eustatius or Saba. The **Slovak Republic** amended the existing *Act on Nationality*, ending the possibility of dual citizenship. Moreover, an online citizenship application procedure was introduced. In the **United Kingdom**, resulting from the entry into force of the 2009 *Borders, Citizenship and Immigration Act*, from January 2010 onwards a child born in the United Kingdom to a parent in the armed forces will be a British citizen. Also, children born from British mothers before 1961 (who previously could not become British citizens) can now acquire citizenship by registration and are exempted from paying the application fee. Additional changes also regulated the citizenship of children who were the subject of a parental order. Furthermore, Sweden approved constitutional changes, including the removal of the requirement for Ministers to have held Swedish citizenship for at least 10 years prior to taking office.

Regarding related policies, the government in the **Czech Republic** decided to re-schedule the proposal of the *Act on Citizenship*, which had been rejected several times in the past, to 2013. **Spain** signed agreements with Ecuador, Colombia, Chile, Peru, Paraguay, Iceland and Bolivia on the participation in municipal elections of nationals residing in the territory of the other country, based on reciprocity. The **United Kingdom** Government announced that it would not implement the previous Government's policy of 'earned citizenship' and sought to introduce a clearer distinction between temporary migration and permanent migration.

In **Italy** and **Ireland**, court rulings further shaped citizenship policy and legislation. In **Italy** this concerned an ongoing legal battle on the right of third-country nationals to access public employment. A ruling in Genoa established that third-country nationals should be allowed to access the teaching of foreign languages in state schools, since such positions did not have any involvement with public authorities. Similarly, in Milan, a ruling considered that, restricting access to the position of foreign-language assistants only to Italian or EU citizens (unless this concerns the teaching of a language which is not an official EU language and when no other candidates can be found), as discriminatory.

In **Ireland** and **Germany**, existing citizenship policies were the subject of political and media debates. In **Ireland**, civil society called for the review of absolute discretion conferred on the Minister for Justice and Law Reform, to decide upon citizenship applications and for changes to current administrative procedures governing the processing of naturalisation applications, in order to ensure fair procedures. A subsequent court ruling, however, supported the Minister's right to absolute discretion in a decision on an application for Irish citizenship by a Palestinian refugee. In **Germany** the debate continued concerning the abolition of the obligatory choice of nationality imposed on people born in Germany and holding two nationalities. A bill sponsored by the Federal States of Berlin and Bremen proposing its abolishment, enabling children to retain their two nationalities, was rejected by the Bundesrat. The Federal Office for Migration and Refugees has been asked to conduct an empirical study on the obligatory choice from the vantage point of those affected by the rule.

With regard to citizenship, the applicability of the citizenship test was discussed at the initiative of the Director General of the *Immigration Service* in **Finland**, in conjunction with the reform of the *Integration Act* being discussed in Parliament. **Lithuania** also experienced long debates surrounding the new law on citizenship. The **Slovak Republic** also debated the Act amending the *Act on Nationality*. Parliamentary debate occurred in **Portugal** on extending Portuguese nationality on grounds of origin to grandchildren born abroad of Portuguese nationals.

## 4. IRREGULAR IMMIGRATION AND RETURN

This section provides an overview of the developments undertaken by Member States with regard to irregular migration ([Section 4.1](#)), return ([Section 4.2](#)) and actions against human trafficking ([Section 4.3](#)).

For each sub-section, information is firstly provided regarding developments from the EU perspective (European Pact on Migration and Asylum and Stockholm Programme) and then with additional national developments.

The information related to the developments from the EU perspective in the context of the European Pact on Migration and Asylum and the Stockholm Programme is broadly as per the text of the Commission Staff Working Paper accompanying the 2<sup>nd</sup> Annual Report on Immigration and Asylum, with some subsequent additions, updates and/or corrections provided by the EMN NCPs after its publication in May 2011.

### 4.1 Irregular Immigration

The following subsections describe the actions undertaken by Member States relating to irregular immigration. Developments in the context of the Pact commitments and the Stockholm Programme ([Section 4.1.1](#)) concern case by case regularisation, as well as actions and penalties taken against those who exploit irregular migrants. [Section 4.1.2](#) describes additional national developments.

#### 4.1.1 *Developments from the EU perspective in the context of the European Pact on Immigration and Asylum and Stockholm Programme*

##### 4.1.1.1 *Only use case-by-case regularisation*

**Austria, Belgium, Bulgaria, Cyprus, France, Greece, Italy, Luxembourg, Portugal** had used case-by-case regularisation in 2010 although the reasons for regularisation varied. For **Austria**, regularisation could only be undertaken on humanitarian grounds. In **Belgium, Cyprus** and **France**, the reasons for regularisation were also of humanitarian nature, whilst, in other instances, the reasons were linked to the regular employment of the migrant and to the length of residence in the Member State (**France, Luxembourg**), or in cases where the removal order of a third-country national could not be executed within six months (**Cyprus**). In **Greece**, in cases where exceptional reasons exist which necessitate the residence of a third-country national, a residence permit may be issued after taking into consideration the opinion of a relevant Committee foreseen in the law; the length of the said permit cannot exceed six months and shall not be renewed for the same reason, but only for one of the other reasons foreseen in national legislation. In **Italy**, following the regularisation of domestic workers and care givers only, other migrants in an irregular position or in illegal employment protested against the focus on a single type of occupation, especially in Brescia and Milan. As a result of negotiations, it was announced that the issue would be addressed on a case-by-case basis.

With regard to generalised regularisation, **Bulgaria** undertook generalised regularisation of third-country nationals, and their children, mainly from the former Soviet Union, through the application of recently adopted legislation. **Bulgaria** also made steps to ratify the UN Convention on Stateless persons by introducing a national mechanism to regularise stateless persons. In the **Slovak Republic**, regularisation was not undertaken as the ‘tolerated residence permit’ was considered a sufficient legalisation mechanism for the prevention of illegal stay.

On the occasion of a regular conference of State Ministers and Senators of the Interior in **Germany**, participants supported the introduction of allowing young third-country nationals, whose removal had been suspended, to legally reside in the Member States, provided certain preconditions

particularly in relation to education and training were met and there was a good chance of their being integrated in German society. It was also suggested that the parents of these teenagers and young adults might also obtain a residence title, if they could also demonstrate sufficient integration efforts and could secure the livelihood of the family. The Bundesrat recommended following the proposals in a decision of 17<sup>th</sup> December 2010. In **Poland**, several NGOs jointly organised a campaign to promote the regularisation of illegally-staying migrants, in November 2010.

**Belgium, Cyprus, Greece, Italy, Portugal** reported on the number of regularisations undertaken in 2010. This ranged from the regularisation of respectively 50 persons on humanitarian grounds (**Cyprus**) to the regularisation of 210 000 third-country nationals working in the healthcare and social sector (**Italy**). Additionally, **Portugal** regularised 659 minors on the grounds of safeguarding the family unit, as part of the national “Goes to School” programme. **Cyprus** also regularised 30 persons whose removal order could not be executed and **Greece** granted a residence permit for exceptional reasons, as per the abovementioned procedure, to 419 third country nationals. Regularisation and naturalisation was a debated issue in **Belgium, Finland, Italy, Poland, Portugal** and **Slovak Republic**<sup>50</sup> in 2010. **Belgium** regularised about 24 000 migrants in 2010, with a heated public debate focusing on the social and economic costs of such regularisation.

#### *4.1.1.2. Prevent the risk of irregular migration within the policies for the entry and residence as well as freedom of movement of third country nationals*

**Estonia** adopted a resolution to increase the powers of the State Border Guard Service, to better combat irregular migration. **Greece** submitted to parliament for vote a draft law for the establishment of a First Reception Service responsible for the efficient management of the flows of illegally entering third-country nationals and their swift integration in first reception procedures. **Ireland** drafted legislation outlining a future strategy for preventing irregular migration through the elaboration of rules relating to the suppression of migrant smuggling and trafficking in human beings. In **Poland**, the draft Migration Policy of Poland was developed, with recommendations elaborated concerning the future combating of irregular migration with emphasis on the improved control of administrative procedures for legalisation of stay, the reduction of irregular migration routes and the promotion of voluntary return. In addition, **Finland** developed a cross-sectoral Action Plan of 30 measures for preventing irregular migration.

Specific programmes were introduced by **Czech Republic** and **Italy** to prevent irregular migration. In **Czech Republic**, a temporary assisted return programme was set up to encourage the return of third-country nationals who lost their jobs as a result of the economic crisis and who subsequently risked residing in the Member State without legal authorisation. In addition, the Government approved its “New Approach” to prevent and fight irregular migration and to handle its negative effects. In **Italy**, the ‘Migrantes Operation’ was set up in Calabria to facilitate checks of migrants’ documents, while at national level, the ‘Unique Document of Fiscal Regularity’ in the construction sector contributed to the detection of undeclared work.

Denmark modified its legislation to enable the merging of data from various public databases in order to introduce controls on compliance with conditions linked to the granting of residence permits, while **Lithuania’s** State Border Guard Service and the Police Department signed an agreement to coordinate activities related to the control of third-country nationals.

#### *4.1.1.3. Cooperation between Member States to ensure the expulsion of irregular migrants*

Most Member States (**Austria, Belgium, Bulgaria, Czech Republic, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg,**

<sup>50</sup> **Slovak Republic** only debated naturalisation in 2010.

**Malta, Netherlands, Poland, Romania, Slovenia, Slovak Republic, Sweden, United Kingdom**) had positive co-operation with each other in the removal of irregular migrants, mostly in supporting FRONTEX operations (as outlined above also).

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

#### *4.1.1.4. Adopt appropriate penalties against those who exploit irregular immigrants*

Many Member States (**Cyprus, Denmark**,<sup>51</sup> **Estonia, Germany, Greece, Ireland, Italy, Latvia, Luxembourg, Netherlands, Portugal, Spain, United Kingdom**) described existing national legislation regulating sanctions on persons employing migrants illegally. In **Germany**, a fine of up to €500 000 can be imposed according to the Social Code. **Estonia** and **Cyprus** also imposed fines on employers in breach of legislation and provided data related to enforcement. In **Cyprus**, 775 cases of illegal employment were brought to justice, from January to September 2010, with 1 035 third-country national workers and 785 employers arrested. On the number of fines issued, **Estonia** issued 94 penalties in 2010 with fines of up to 50 000 kroon (€3 200). **Luxembourg** carried out several business inspections, including three ‘afterwork actions,’ 17 controls related to the fight against illegal employment during weekends and 196 additional controls. In **Spain**, following the introduction of a legislative amendment in 2010, the employment of irregular migrants could be considered as a criminal offence, punishable with a prison term of up to five years. In **Italy**, the Anti-Mafia Investigation Directorates highlighted the link between exploitation of irregular migrants and organised crime. In **Greece**, the procedure for imposing fines to employers employing migrants illegally became more efficient, due to legislative amendments allowing the Labour Supervisory Body to directly impose the administrative fines foreseen by legislation and establishing more severe fines through the introduction of specific criteria for defining their amount.

**Czech Republic, Latvia**,<sup>52</sup> **Netherlands** adopted legislation to transpose the Employer Sanctions Directive 2009/52/EC, with **Czech Republic** reporting the entry into force of its national legislation on 1<sup>st</sup> January 2011. A number of other Member States (**Cyprus, France, Germany, Lithuania, Luxembourg, Poland, Romania, Slovenia, Slovak Republic**) drafted legislation to transpose the

<sup>51</sup> Due to **Denmark**’s general reservation in the area of Justice and Home Affairs, Denmark did not transpose Directive 2009/52/EC. However, Denmark’s legislation contains rules regulating sanctions on persons employing migrants illegally and Denmark’s police regularly carries out controls together with other relevant authorities to ensure that workplaces do not employ irregular migrants.

<sup>52</sup> Directive 2009/52/EC was partially transposed by the *Amendment to the Labour Law* in 2010. Remaining provisions of Directive 2009/52/EC were planned to be transposed through the draft *Amendments to the Criminal Law* and draft *Amendments to the Associations and Foundations Law*.

Employers' Sanctions Directive with all legislation expected to be adopted in 2011, whilst **Austria, Belgium, Bulgaria, Estonia, Finland, Greece, Hungary** and **Malta**, undertook preparations for the transposition of the Directive. These preparations included the establishment of a working group examining transposition (**Bulgaria, Greece**), as well as the identification of required legislative changes, including amendments to the Penal Code enabling imprisonment and forced termination for employers exploiting irregular workers (**Estonia**).

#### *4.1.1.5. Ensure the application of the principle of mutual recognition of return decisions*

**Belgium, Bulgaria, Czech Republic, Finland, Greece, Luxembourg, Netherlands, Poland** and **Slovak Republic** referred to the status of transposition of the Return Directive (Directive 2008/115/EC), with *inter alia* **Finland** stating that with the implementation of the return directive, expulsion decisions will as a general rule be accompanied by an entry ban, thereby increasing the number of entries into the Schengen Information System (SIS).

**Austria** also reported that all legally binding and enforceable residence and return bans were registered in the SIS. Denmark and **Slovenia** had transposed the mutual recognition of expulsion decisions in their national legislation. Moreover, **Estonia** reported that between January and October 2010, 965 banned third-country nationals were entered into the SIS. **Romania** participated in discussions between Member States on the draft standard form for the mutual recognition of the expulsion decisions, within the framework of the Contact Committee on the Return Directive.

#### *4.1.1.6. Undertake action against irregular immigration and trafficking by developing and analysing information on migration routes and/or flows*

Member States made use of different tools to gather information on migration routes and migratory flows. Some Member States (**Bulgaria, Cyprus, Estonia, France, Germany, Lithuania, Portugal, Slovak Republic, United Kingdom**) considered information provided from agencies and organisations as particularly useful. This related to FRONTEX information on migration routes (**Estonia, Germany, Lithuania, Slovak Republic**), Europol (**Cyprus, Greece, Lithuania, United Kingdom, Slovak Republic**), as well as information provided by the ICMPD (**Bulgaria, France, Portugal**) and ICONET (**Portugal, Slovak Republic**). In addition, in **Cyprus, Germany** and the **United Kingdom**, liaison officers deployed overseas, work to collect information on migration routes. **Austria** outlined methods undertaken to gather data on migration routes through interviews conducted with asylum applicants on entry into the country. These interviews were also used to assess the applicant for possible cases of trafficking. **Portugal** also made use of information collected via the Electronic Complaints System of the Ministry for Home Affairs and through an 'SOS' Immigrant telephone helpline.

**Austria, Cyprus, Czech Republic, Estonia, Finland, Germany, Portugal, Romania, Spain** and **United Kingdom** reported on the role of specific governmental research institutes in the collection and analysis of information on migration routes and flows. For example, in the **Czech Republic**, the inter-ministerial Analytical Centre for Border Protection and Migration undertakes regular meetings to exchange information and discuss current problems and new findings, while in the **United Kingdom**, researchers at the UK Border Agency conducted analysis of administrative data looking at the common pathways through the immigration system that result in settlement. In **Spain**, such activities are undertaken as part of the National Plan against trafficking in human beings.

**Austria, Estonia, France, Greece, Latvia, Lithuania** and **United Kingdom** reported on the relevant departments of the Police and Border Guard responsible for data collection and analysis. In **Austria**, the 'Central Service for Combating Illegal Migration and Trafficking in Human Beings' (of the Austrian Criminal Intelligence Service) registers each time an irregular migrant is stopped and/or investigated. In **Greece**, a special unit in the Police Headquarters was established for the

analysis of operational information with the use of specific software. Based on the analysis of five cases, the unit has already provided accurate information regarding networks of traffickers in human beings with connections to several Member States. In **Latvia**, the Analytical Division of the State Border Guard used information on routes and flows to produce tactical warnings. In **Poland**, a Central National Visa Registry, containing information on third-country nationals applying for visas and a register of visas already issued was planned to be established in 2010. The **United Kingdom** exchanged intelligence through a UK-France Joint Intelligence Unit for use in joint operations designed to target traffickers and smugglers in Northern France.

**Belgium, Bulgaria, Czech Republic, Finland, Hungary, Netherlands, Poland, Romania, Slovenia and Slovak Republic** undertook specific mapping exercises to identify migration routes used for irregular migration. **Bulgaria, Netherlands and United Kingdom** participated in the ICMPD's 'Mediterranean Transit Migration' (MTM) dialogue on its interactive map (iMap) on irregular migration routes in Africa, the Middle East, and the Mediterranean Sea Region. Also, in **Bulgaria**, the *Border Police* and *Migration Directorate* developed a joint plan to undertake joint risk analyses. **Czech Republic, Hungary, Netherlands, Poland, Romania and Slovak Republic** also contributed actively to the development of a similar iMap – the Building Migration Partnerships (BMP iMap), which focused on the eastern European external borders. Under the initiative of the Belgian Presidency of the Council of the EU, **Belgium, Finland and Slovak Republic** took part in a joint operation (Operation Hermes), which aimed to establish a mapping of routes of irregular migration and the smuggling of human beings within the Schengen area, to strengthen the collaboration with non-Schengen Member States, and to promote the role of the European police networks.

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

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

#### **4.1.1.7. Increased targeted training and equipment support**

Many Member States (**Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Estonia, Finland, France, Greece, Ireland, Lithuania, Netherlands, Poland, Slovenia, Slovak Republic, Spain, United Kingdom**) carried out some form of staff training of border guards and other police authorities, immigration office staff and personnel from other relevant Ministries and departments. This included training in the identification of irregular migrants (**Belgium, Estonia**); prevention of irregular migration (**Lithuania**); detection of false documents (**Cyprus, Czech Republic, France, Greece, Lithuania, Netherlands, Slovenia**); techniques for interviewing asylum applicants (**Estonia, Latvia**); use of specific equipment – e.g. fingerprint scanners (**United Kingdom**); escort and detention of irregular migrants (**Greece, France**); treatment of vulnerable groups and protection of human rights of third-country nationals under return procedures (**Greece**); prevention of and awareness-raising on human trafficking (**Finland, Ireland, Poland, Spain**); work with the SIS (**Lithuania**) and migration-related crime (**Netherlands**). In the **Netherlands**, among others, all inspectors of the Labour Inspectorate carrying out inspections on illegal employment and underpayment were trained in the application of legislative provisions. Similarly, in the **Slovak Republic**, officials from the Ministry of Interior were trained in the application of the new EU visa code legislation. A 'European Training Day' (in November 2010) was also organised by the **Slovak Republic** for 40 border guards and aliens police officers to inform them of EU instruments (i.e.

Schengen instruments), as well as issues such as document forgery. **Romania** produced a ‘Guide on best practices on inter-institutional cooperation in the area of combating irregular migration and return of third-country nationals’, which was disseminated to all authorities with competencies in this area.

**Ireland** and **Poland** carried out a number of training activities relating to human trafficking. In **Ireland**, the IOM and the Anti Human Trafficking unit delivered a ‘Train the Trainers’ programme with a total of 40 persons trained from 14 different organisations. Since then, 180 persons in four organisations received training on human trafficking by those who attended the course. In addition, awareness-raising and training in the area of human trafficking was delivered to staff of national employment rights authority inspectors, and members of the Police, and to probationary policemen during their final phase of training. Similarly, **Latvia** described a large number of training activities. These included the training of 40 officials of the State Border Guard in best practices in EU Member States in the identification of asylum applicants, and best practices in detention centres for asylum applicants.

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

#### *4.1.1.8. Coordinated development of the network of liaison officers in country of origin and transit*

Many Member States (**Austria, Czech Republic, Denmark, Estonia, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Portugal, Slovenia, Spain, Sweden, United Kingdom**) described recent developments in relation to Immigration Liaison Officers (ILOs), with four **Czech Republic, Hungary, Portugal, Sweden** sending new ILOs to third countries. The most prominent third countries included Vietnam, Egypt, Ukraine, Serbia, China and Pakistan, while **Czech Republic, Portugal** and **Sweden** also sent ILOs to the Russian Federation.

With regard to the achievements of ILOs, **France** reported on the success of ILO missions, including an investigation launched concerning the landing of 124 Kurdish migrants on the Corsica coast, the dismantlement of a smuggling network of Chinese migrants and preventing 148 migrants in Morocco from entering the EU irregularly. Some Member States reported that ILO missions were, in some instances, undertaken for very specific purposes. For example, **Austria** reported the planned stationing of an ILO in Thailand from 2011 onwards in order to focus on combating child sex tourism.

Concerning other activities, **Germany, Greece, Italy, Romania, Spain, United Kingdom** developed their ILO networks through attendance at network meetings (**Italy, United Kingdom**) and enlargement of ILO networks in other Member States (**Germany**). Moreover, **Greece** cooperated with **Italy** in view of strengthening the role of their respective liaison officers, which involved *inter alia* the deployment of Greek and Italian liaison officers at selected Italian and Greek

ports. **Spain** held two meetings of liaison officer networks in Dakar (Senegal) and Bogotá (Colombia) concerning human trafficking, while ILOs from **Germany** worked with the Netherland's Immigration and Naturalization Service (IND) and **Portugal** Immigration and Borders Service (**Sweden**) to further expand their cooperation. **Romania** analysed ILO's activities undertaken to date and planned a review of the deployment of ILOs in countries of origin and transit in 2011.

**Estonia** cooperated with **Latvia** and **Lithuania**, despite them not having an independent Liaison Officer, with all three Member States sharing an ILO in Belarus due to the establishment of a project facilitating information exchange and communication between the Russian Federation, Belarus and themselves in the field of irregular migration. **Denmark** cooperated with other Nordic countries on the deployment of liaison officers to third-countries, while **Austria** and **Slovenia** jointly sent liaison officers to Albania and Montenegro.

#### 4.1.2 Additional national developments

As explained in the methodology, this section outlines additional, complementary developments in irregular migration at Member State level which were outside the scope of the European Pact on Immigration and Asylum and the Stockholm Programme.

Irregular migration was a continuous priority in most Member States in 2010, with Member States identifying various reasons for the stay of third-country nationals becoming irregular. In **Italy**, reasons for irregular stay included strong migratory pressures at the sea borders, as well as third-country nationals overstaying their tourist visas and an increase in persons being trafficked for the purpose of labour exploitation. **Malta** noted a marked reduction of irregular arrivals and in **Hungary**, the number of irregular border crossings reduced by 21% compared to the previous year, though the number of persons violating a ban on entry or residence, as well as those forging documents, increased.

**Estonia**, **Italy** and **Spain** took measures and witnessed court rulings with respect to the “criminalisation” of irregular migration. **Estonia** introduced a series of new misdemeanours, as part of the new *Aliens Act*, mostly in relation to the irregular employment of third-country nationals and the employment conditions offered. In **Italy**, the Constitutional Court ruled that the provision related to the “crime of irregular migration”, introduced in 2009 by the *Law on Public Security*, was constitutional, allowing the Member State discretion with respect to both determining what constitutes a criminal offence and which sanctions to apply. However, the Constitutional Court considered that the introduction in the *Criminal Code* of an “aggravating circumstance of irregular immigration” contrasted with the principle of equality, as it implied that third-country nationals would be punished more severely than Italian or EU citizens for the same criminal act. In the **Netherlands**, political discussions were ongoing on making illegality a criminal offence. **Spain** amended its *Penal Code* to prioritise removal of an illegally-staying third-country national over imprisonment, if a sentence was less than six years.

Also related to the legality of migration, the Supreme Administrative Court of **Lithuania** ruled that it was unlawful to recruit third-country nationals for one economic sector and subsequently employ them in another. **Latvia** introduced a draft law making it compulsory for drivers to always present an ID, upon the request of a border guard, throughout the national territory.

The situation and living conditions of those staying illegally in the Member States was also further studied. In the **Netherlands**, for example, two studies were undertaken and presented to the *Minister of Justice*, one highlighting the alarming living conditions of young migrants staying illegally and the other reviewing the level of fraud and abuse in admission procedures for migration (e.g. marriages of convenience, false reports on being a trafficking victim) and international

protection. The fraudulent acquisition of permits to stay was also highly debated in **Ireland**, specifically around marriages of convenience.

**France, Hungary, Ireland** and the **Netherlands** experienced debates relating to the removal of third-country nationals found to be irregularly present on their territory. In **France**, NGOs reacted to the draft law concerning the removal of third-country nationals and measures reforming the judge's control procedure for removal. The new draft legislation also gave rise to debates on the extension of the period of administrative detention from 32 to 45 days and the new administrative prohibition of return to the territory for a period of five years maximum. **Hungary** experienced parliamentary debates, after stakeholders objected to increasing the period of detention of those awaiting removal to up to three months, as it differed from provisions concerning the period of detention as laid down in the *Aliens Act*. The NGOs also objected to the proposed limitations on the validity of stay and residence permits granted on the basis of humanitarian grounds. In **Ireland**, a coalition of organisations presented a letter to the Parliament, criticising the abolition in the 2010 *Immigration, Residence and Protection Bill* of the provision concerning removal, allowing third-country nationals fifteen days to make representations to the Minister. In the **Netherlands**, the removals and planned removals of nationals from Iraq and Somalia, who had exhausted all legal remedies, resulted in critical reactions from the *Council for Refugees* and the *Association of Asylum Lawyers*.

Finally, in **Finland**, civil society participated in a *Working Group on Roma Affairs* which contributed to proposing legislative changes to the *Public Order Act* in order to make organised begging illegal.

## 4.2 Return

Member States provided information regarding developments undertaken in the area of return. These related to developments in respect of the Pact commitments and Stockholm Programme relating to the conclusion of readmission agreements at EU and bilateral level, the introduction of incentive systems to assist voluntary return, the assistance to Member States facing specific and disproportionate pressures to ensure the effectiveness of their return policies and the increase of practical cooperation between Member States ([Section 4.2.1](#)). Developments within the national perspective were also undertaken by Member States, as described in [Section 4.2.2](#) below. Finally, [Section 4.2.3](#) provides an overview of key statistics relating to return.

### 4.2.1 Developments from the EU perspective in the context of the European Pact on Immigration and Asylum and Stockholm Programme

#### 4.2.1.1 Conclusion of readmission agreements at EU or bilateral level development of a mechanism to monitor EC readmission agreement and definition of a coherence readmission strategy

Most Member States (**Austria, Belgium, Bulgaria, Czech Republic, Cyprus, Denmark, Estonia, Finland, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, Netherlands, Poland, Portugal, Romania, Slovenia, Slovak Republic, Spain, Sweden, United Kingdom**) referred to EU readmission agreements, national protocols to implement these, and other bilateral agreements with third countries, which were concluded and/or entered into force in 2010.

On EU readmission agreements, several Member States (**Austria, Czech Republic, Cyprus, Estonia, Germany, Hungary, Italy, Latvia, Lithuania, Malta, Poland, Slovenia, Slovak Republic, Sweden**) made specific reference to implementing protocols to make the EU readmission agreements effective in their respective Member States, particularly with the following third countries: Albania (**Hungary, Slovak Republic**), Bosnia-Herzegovina (**Bulgaria, Estonia, Malta, Portugal**), FYROM (**Austria, Bulgaria, Estonia**); Kazakhstan (**Lithuania**), Moldova (**Austria,**

**Estonia, Germany, Latvia, Lithuania, Portugal, Romania, Slovak Republic**), Montenegro (**Austria, Bulgaria, Malta**), Russian Federation (**Cyprus, Estonia, Finland Latvia, Lithuania, Slovak Republic, Spain**), Serbia (**Austria, Estonia, Malta, Portugal**), Ukraine (**Bulgaria**). Whilst **Austria, Cyprus, Estonia, Greece, Latvia, Lithuania, Romania, Slovenia** were planning and/or negotiating implementing protocols, specifically with Albania (**Greece, Slovenia**), Bosnia-Herzegovina (**Austria, Cyprus, Greece, Latvia,**), FYROM (**Greece, Latvia, Lithuania**), Moldova (**Cyprus, Greece,**), Montenegro (**Estonia**), the Russian Federation (**Austria, Estonia, Greece, Lithuania, Romania**), Serbia (**Cyprus, Estonia, Greece, Romania**) and Ukraine (**Austria, Estonia, Romania**).

Several Member States (**Austria, Belgium, Bulgaria, Czech Republic, Denmark, Germany, Greece, Ireland, Luxembourg**) made reference to other bilateral agreements, concluded at national level with third countries. **Belgium**, for example, referred to an agreement between Benelux countries and Kosovo, **Bulgaria** signed agreements with Lebanon, Armenia and Uzbekistan, **Czech Republic** referred to agreements with Switzerland, Armenia, Kosovo, Kazakhstan and the Russian Federation, Denmark, **Austria** and **Germany** referred to the signature of an agreement with Kosovo (which for **Germany** entered into force on 1<sup>st</sup> September 2010), **Finland** referred to an agreement with Switzerland and the **United Kingdom** referred to agreements with Georgia and Pakistan, **Ireland** referred to agreements with Hong Kong and Nigeria. **Greece** referred to ongoing efforts and experts' meetings for a better implementation of the bilateral readmission protocol signed with Turkey and in **Luxembourg**, the bilateral agreement on readmission with Pakistan, signed in 2009, took effect in December 2010. Other Member States (**Austria, Belgium, Cyprus, Estonia, France, Greece, Latvia, Lithuania, Romania, Slovenia, Spain, United Kingdom**), stated that they were in the process of negotiating one or more bilateral readmission agreements with third countries, such as Afghanistan (**Greece**), Armenia (**Cyprus, Estonia**), Azerbaijan (**Estonia, Latvia**), Bangladesh (**Greece**), Bosnia-Herzegovina (**Lithuania**), Colombia (**Latvia**), Indonesia (**Greece**), Iraq (**Greece**), Jordan (**Cyprus**), Kazakhstan (**Belgium, Estonia, Greece, Lithuania**), Kosovo (**Estonia, Latvia, Lithuania, Slovenia**), Nigeria (**Greece**), Qatar (**Cyprus**), Serbia (**United Kingdom**), Sudan (**Romania**), Syria (**Romania**) and Tunisia (**Romania**).

**Austria, Belgium, Bulgaria, Czech Republic, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovenia, Slovak Republic, Spain, Sweden** and **United Kingdom** confirmed that the EU readmission agreements were important tools in rendering return policies more efficient, as, for example, they provided increased clarity on and harmonised return procedures. **Portugal**, however, drew attention to issues which sometimes inhibited the effective implementation of readmission agreements, such as bureaucratic problems, difficulties in identifying an interlocutor and long response times, while **Malta** highlighted the difficulties related to the issuing of travel documents.

#### 4.2.1.2. *Devise incentive systems to assist voluntary return*

Most Member States (**Austria, Belgium, Bulgaria, Czech Republic, Cyprus, Denmark, Estonia, Finland, Germany, Greece, Ireland, Italy, Latvia, Lithuania, Luxembourg, Hungary, Malta, Netherlands, Poland, Portugal, Romania, Slovenia, Slovak Republic, Spain, Sweden, United Kingdom**) had programmes, measures and incentives in place to promote assisted voluntary return.<sup>53</sup>

**Austria, Czech Republic, Finland, France, Germany, Ireland, Italy, Latvia, Luxembourg, Hungary, Malta, Netherlands, Poland, Portugal, Slovak Republic, Spain, Sweden, United**

<sup>53</sup> The EMN has recently completed a study on Assisted Return, available from <http://www.emn.europa.eu> under "EMN Studies."

**Kingdom** established new or continued existing assisted return programmes and projects. These programmes and projects include information campaigns, counselling on return opportunities, outreach activities, financial assistance, support to set up an economic activity in the country of return and other forms of reintegration assistance. **Finland**, for example, commenced, in cooperation with the IOM, an assisted return project to develop and strengthen cooperation between authorities and actors involved in assisted voluntary return, to increase the availability of information on return opportunities, and to assist returnees with their return arrangements, also paying them a financial incentive (up to €1 500 per adult and up to €1 000 per minor). **Italy, Slovak Republic** and **Sweden** used measures such as information campaigns on assisted voluntary return. Following the transposition of the Return Directive, **Slovenia** introduced changes to the Aliens Act related to voluntary return.

**Austria, Denmark, Finland, France, Germany, Ireland, Italy, Slovak Republic, Spain, Sweden, United Kingdom** had geared their programmes and projects to specific categories and nationalities of potential returnees, or to their specific needs. **Estonia**, as part of the same Readmission Agreement, set up a project providing training to officials in Georgia. **France** differentiated between assisted voluntary return and assisted humanitarian return, with different target groups. **Germany**, as a follow-up of the EU Readmission Agreement with Georgia, started developing a bilateral project which includes, as one of its main components, the reintegration of returnees. Furthermore, **Germany** continued a programme for returning highly-qualified workers. **Ireland** operated two projects, one focusing on the voluntary return of vulnerable migrants, and **Italy** implemented a project for former unaccompanied minors and young Albanian adults. In **Spain**, within the national assisted voluntary programme, three sub-programmes exist, including a humanitarian programme for vulnerable returnees; a reintegration return programme, helping those who wish to set up a business in their country of origin; and a programme for unemployed third-country nationals allowing return with advance unemployment benefits. The latter allows unemployed immigrants to return to their country of origin with the unemployment benefits they accumulated in **Spain**. **Denmark** runs two projects with the aim to promote assisted voluntary return for Victims of trafficking, unaccompanied minors and other vulnerable groups.

The **United Kingdom** runs three assisted return programmes, a voluntary assisted return and reintegration programme, an assisted voluntary return programme for families and children (which commenced in April 2010) and a facilitated return scheme for foreign national prisoners. The United Kingdom also operated a programme for irregular migrants in 2010.

**Austria, Bulgaria, Cyprus, Estonia, Finland, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Malta, Poland, Romania, Slovak Republic, Spain, Sweden** also reported on assisted return and re-integration projects financed by the European Return Fund, which involved, depending on the Member State, collaboration between governments, IOM and NGOs in Member States, as well as in countries of origin.

From the information provided, in general, it seems that Member State programmes and projects are placing increased focus on the provision of post-departure assistance, providing support to the reintegration of the individuals to ensure a successful and sustainable return. In most cases, such reintegration measures are carried out by the IOM. However, some Member States, such as **Netherlands** and **Sweden**, increased direct contacts with stakeholders in third countries and started new reintegration projects in 2010 in cooperation with national organisations, local authorities and civil society in the Member State and in the country of return.

**Austria, Belgium, Italy, Luxembourg** and **Spain, Slovak Republic** provided reintegration incentives to encourage ‘productive’ return. In **Belgium**, a new reintegration programme was initiated in March 2010, providing €2 000 in kind assistance for the creation of a micro-businesses, complementary to the financial assistance provided under the regular assisted return programme

(€700 per adult). The programme, coordinated by the government and implemented by the IOM and Caritas, involved specialised guidance and counselling in micro-business development. To obtain the complementary assistance, the applicant had to demonstrate a business plan, which was assessed by a local reintegration partner in the country of return (IOM or Caritas). In **Luxembourg**, the 2010 Annual Programme for assisted voluntary return focused on reintegration measures and income-generating activities instead of granting pocket money.

On future measures, **Cyprus** was negotiating a draft agreement to establish an IOM office on its territory, which would also favour the further development of voluntary return activities. **Poland** held talks on broadening the category of third-country nationals eligible to be granted assistance within the voluntary return programme in order to include also persons identified as victims of human trafficking.

#### *4.2.1.3. Assistance to Member States facing specific and disproportionate pressure to ensure the effectiveness of their return policies towards third states*

**Austria, Denmark, Estonia, France, Germany, Italy, Luxembourg, Netherlands, Spain, Slovak Republic, United Kingdom** mentioned that, within the FRONTEX operational framework, they provided support to **Greece**, which faced disproportionate pressures. Conversely, **Malta**, as a Member State facing disproportionate pressures, participated in the MELITA Project, a joint operation between **Malta** and FRONTEX aimed at enhancing partnerships with identified countries of origin. **Malta** also developed the MAREMCA Project on ‘Strengthening Malta’s long-term Return Management Capacities’ within the framework of the European Return Fund, in order to enhance the effectiveness of the readmission process. This project involved cooperation with authorities from Ghana and Nigeria, as well as discussions with other EU Member States (for example, **United Kingdom**) in relation to best practices and approach in the return of irregular migrants to their country of origin.

#### *4.2.1.4. Increased practical cooperation between Member States, for instance by chartering of joint return flights*

The majority of Member States (**Austria, Belgium, Czech Republic, Cyprus, Denmark, Germany, Greece, Hungary, Ireland, Italy, Finland, France, Luxembourg, Malta, Netherlands, Poland, Slovenia, Slovak Republic, Spain, Sweden, United Kingdom**) organised and / or participated in joint return flights. **Estonia, Latvia, Lithuania, Portugal** and **Romania** did not take part in these, with **Estonia** indicating that this was mainly due to its very low number of returnees.

Many of the joint return flights (**Austria, Czech Republic, Cyprus, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Malta, Netherlands, Poland, Slovenia, Slovak Republic, Spain, Sweden, United Kingdom**) were undertaken in cooperation with FRONTEX. **Germany**, for example, organised three flights and participated in a total of 13 joint return operations. **Spain** organised five joint return flights to Colombia, Ecuador, Georgia and Ukraine, returning 308 third-country nationals. **France** participated in 19 of these operations, with Kosovo, Nigeria and Georgia as the main destinations. **Austria** coordinated 12 joint return operations and participated in eight additional operations. The **Netherlands** organised two flights and participated in a total of seven joint return flights. **Poland** took part in 10 joint flights coordinated by FRONTEX and returned a total of 90 third-country nationals.

**Austria, France, Greece, Ireland, Sweden, United Kingdom** also organised return flights on their own initiative, in cooperation with other Member States. **Cyprus** organised a joint flight with **Greece** for the return of irregular migrants to Syria and also organised 8 direct chartered flights for the return of 562 migrants to Afghanistan, Egypt, Pakistan and Nigeria, with the support of the European Return Fund. **Sweden**, since October 2008, has carried out 14 non-FRONTEX chartered

flights to Iraq, some of which jointly with Denmark, **Netherlands**, Norway and **United Kingdom**, while **Austria** organised four chartered flights with **Poland** in 2010.

#### 4.2.2 Additional national developments

As explained in the methodology, this section outlines additional, complementary developments relating to return at Member State level, which were outside the scope of the European Pact on Immigration and Asylum and the Stockholm Programme.

Overall, most Member States provided figures on return, showing a rise in third-country nationals taking part in assisted voluntary return measures and benefiting from reintegration assistance. **Spain** indicated an overall decreasing trend in returns, but an increase in removals on the ground of criminal connections.

**Italy** noted that the Member States had opted for restricting the scope of the Return Directive<sup>54</sup>, thus excluding those subject to a refusal of entry, those apprehended or intercepted in relation to irregular border crossings and those subject to return as part of a criminal law sanction or subject of an extradition procedure, meaning that those third-country nationals were not covered by the European Return Fund in Italy.

**Belgium, Finland, Germany** and **Poland** made adjustments to their return policies and programmes. **Belgium** merged its return and reintegration programmes with earlier pilot projects, into a more streamlined three-layer assisted voluntary return programme. In addition, a pilot scheme was set up in three big cities to integrate assisted voluntary return in wider social policy for migrants. **Belgium** also stepped up its awareness-raising activities on return, which included the organisation of a general information session on voluntary return with embassies and consulates of countries of return and the organisation of several information sessions for around 200 representatives of about 150 embassies and consulates. In **Finland**, the *Ministry of Interior* developed its *Action Plan 2011-2014*, in which the development of a comprehensive return policy was listed as a key objective. Work was also started to include provisions on voluntary return in the various legal acts on migration and international protection. **Germany** adjusted its assisted voluntary return programme REAG/GARP, increasing both travel and start-up assistance. At the same time, support as part of the REAG travel assistance was reduced to travel expenses in kind for nationals from non-EU countries in Europe allowed to enter Germany without a visa (notably Albania, Bosnia-Herzegovina, Former Yugoslav Republic of Macedonia, Montenegro, Serbia). In **Ireland**, the IOM and Cork University launched research on voluntary return, entitled “Leave or Remain?” **Poland** intended to widen the scope of their return policy, drafting changes to the Act on Foreigners, to also include victims of human trafficking as third-country nationals entitled to voluntary return.

Member States also made legislative and procedural changes to return, such as **Latvia**, which introduced new rules to improve return standards and procedures and granted the right to elementary education to persons awaiting return. In **Luxembourg**, the Administrative Court overturned a previous judgment which had ordered the immediate liberation of detained persons, by ruling that the centre in which persons found to be irregularly present in the Member State were being detained, was in line with the requirements of the national law on the entry and residence of foreigners. In the **Netherlands**, the Repatriation and Departure Service were given the power to terminate detention and change detention category. By Ministerial Decree, new procedures for handling violent returnees were introduced. The Cabinet was furthermore considering to increase

<sup>54</sup> Article 2, Directive 2008/115/EC available from <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:348:0098:0107:EN:PDF>

the legal possibilities to terminate residence permits of third-country nationals who committed serious offences or who might be repeat offenders.

Debates in the Member States (**Ireland, Luxembourg, United Kingdom**) concerned the legitimacy and conditions of detention and removal of third-country nationals, in particular of children. In **Ireland**, media debate centred in particular on the removal of third-country nationals, of which around one-fifth were minors.<sup>55</sup> There was also debate on problems with a joint return flight from Greece, organised by Frontex. In **Luxembourg**, concerns were raised on the overall conditions of apprehended third-country nationals, as well as the legal grounds for detaining them. In the **United Kingdom**, there was significant political and media attention concerning the detention of families and children. Following a government review and consultation, a removal centre was closed to children and a new non-detained family returns process introduced. In **Poland**, civil society actors became more active, with a committee of citizens submitting a draft *Act on Repatriation*, which initiated a wider debate on the future of return policy.

#### 4.2.3 Key statistics

Table 2 in the Statistical [Annex](#) gives an overview of the number of third-country nationals apprehended, ordered to leave and effectively returned following an order to leave in 2010. It also includes statistics on the number of third-country nationals returned as part of forced and voluntary return measures. On the basis of these data, the number of apprehensions ranged from 115 630 (**Greece**) to 195 (**Latvia**) in 2010. When compared to voluntary return, forced return still occurred more frequently in 2010 in a number of Member States, most notably in **Cyprus** (3 097 forced returns versus 966 voluntary returns), **France** (15 496 forced returns versus 2 422 voluntary returns and assisted humanitarian returns) **Greece** (52 469 forced returns versus 420 voluntary return) and **Romania** (290 forced returns versus 51 voluntary returns). **Belgium, Poland** and **Sweden** had the highest proportion of voluntary to forced returns. In addition, in **Sweden**, 1 500 third-country nationals received a reintegration allowance.

### 4.3 Action against human trafficking

This section outlines the developments undertaken in Member States in 2010 relating to actions against human trafficking. [Section 4.3.1](#) describes the developments in relation to the Pact commitments and Stockholm Programme particularly relating to cooperation with countries of origin and transit. [Section 4.3.2](#) underlines actions undertaken by Member States within the national perspective. Finally, [Section 4.3.3](#) provides an overview of key statistics relating to human trafficking.

#### 4.3.1 *Developments from the EU perspective in the context of the European Pact on Immigration and Asylum and Stockholm Programme*

##### 4.3.1.1 *Improve cooperation with countries of origin and transit to provide better information to communities under threat*

Most Member States (**Austria, Belgium, Bulgaria, Czech Republic, Cyprus, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Latvia, Lithuania, Netherlands, Poland, Portugal, Romania, Slovak Republic, Spain, Sweden, United Kingdom**) cooperated with third countries of origin and transit to combat human trafficking. Actions undertaken focused on raising awareness of communities under threat (**Austria, Belgium, Cyprus, Italy, Latvia, Poland, Portugal, Spain, Sweden**); cooperation and capacity building between Member State agencies (**Bulgaria, Lithuania, Netherlands, Sweden**); monitoring and assistance to victims (**Bulgaria, Cyprus,**

<sup>55</sup> Irish Time article from December 2010.

**Greece, Portugal, Sweden**); and hosting regional counter-trafficking conference with an aim to increase cooperation between receiving and sending countries (**Lithuania**).

Nine Member States (**Belgium, Cyprus, Greece, Hungary, Italy, Latvia, Netherlands, Portugal, Spain**.) carried out activities in countries of origin in order to reduce irregular migration. **Belgium** carried out information campaigns and sent out missions to specific countries (e.g. Brazil, Serbia, Mongolia, Vietnam, Morocco and Afghanistan). **Cyprus** enhanced cooperation and dialogue with neighbouring countries of origin and transit, especially with Syria. Concerning projects to prevent irregular migration, the **Netherlands** participated in a project to strengthen the capacity of the Liberian Immigration Service to reduce irregular migration, while **Spain** proposed several initiatives for irregular migration prevention projects with Latin America and the Asia-Pacific region.

With regard to awareness-raising, Member States referred to the organisation of information campaigns (**Austria, Belgium, Finland, Poland, Portugal, Slovak Republic, Spain, Sweden**); the production and distribution of information leaflets in foreign languages (**Belgium, Cyprus, Finland, Poland, Slovak Republic**.); the creation of websites (**Finland, Latvia, Poland, Slovak Republic**); and organising meetings with high-school students and their parents, as well as with university students (**Poland**). **Spain** funded awareness-raising activities of international organisations in Latin America, Asia and the Pacific and included specific measures in its Action Plan for women and peace-building.

Nine Member States (**Bulgaria, Denmark, Greece, Lithuania, Netherlands, Poland, Romania, Sweden, United Kingdom**) reported on cooperation and capacity building with third countries. **Greece**, for example, reported cooperation with the diplomatic authorities of victims' countries of origins, as well as cross-border operational cooperation of law enforcement agencies for dismantling organised criminal networks in the framework of the on-going ILAEIRA operation against human trafficking, which involves 21 Member States, third countries, international organisations and NGOs. **Denmark** ran a regional programme from 2007 to 2010 in Thailand, Cambodia and Burma to protect children against sexual exploitation and trafficking, as well as a project in Mali to combat organised crime as part of the General Good Governance Programme and a project in Moldova, Ukraine and Belarus on human trafficking under the Danish Neighbourhood Programme. **Lithuania** referred to a human trafficking prevention project in Kaliningrad, aimed at providing assistance to victims and sharing best practices with partners in the Russian Federation. The **Netherlands** referred to a new law enforcement cooperation working agreement with Nigeria, in the context of which Dutch police officers delivered a number of training sessions to their Nigerian counterparts, to combat human trafficking and smuggling. **Sweden** undertook numerous activities, such as visiting and exchange programmes and actions within the Council of the Baltic Sea States region.

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

### 4.3.2 *Additional national developments*

As explained in the methodology, this section outlines additional, complementary developments relating to actions against human trafficking at Member State level which were outside the scope of the European Pact on Immigration and Asylum and the Stockholm Programme.

Member States undertook a variety of measures to enhance the fight against human trafficking, including the development and implementation of strategies and policies (**Portugal, Spain, Sweden**), institutional changes (**Bulgaria, Ireland, Netherlands**), legislative and procedural reviews and changes (**Belgium, Lithuania, Netherlands, Poland, Sweden**) and awareness raising activities. Some, such as **Austria, Belgium, Cyprus, Estonia, Finland, Poland, Slovak Republic, Sweden** and **United Kingdom** also referred to specific tools and instruments, such as hotlines, guidance materials, training, etc.

**Portugal** introduced a new strategy on counter-human trafficking which included numerous measures, structured around four strategic areas of intervention: knowledge, awareness and prevention; education and training; protection and assistance; and criminal investigation and cooperation. Other Member States (**Spain, Sweden**) confirmed that they were currently implementing strategies which had been developed in previous years. **Spain**, for example, in line with its Comprehensive Plan on the Trafficking of Human Beings for Sexual Exploitation, identified priority trafficking countries.

Institutional changes concerned, for example, the setting up of a national referral mechanism for victims in **Bulgaria** and the establishment of an anti-trafficking unit in **Ireland**. In **Germany**, the Standing Conference of the Federal States' Ministers and Senators of the Interior asked the Federal Government to take a legislative initiative to regulate prostitution, which would improve the criminal proceedings against human trafficking for the purpose of sexual exploitation. In **Greece**, the ratification of the UN Convention against Transnational Organised Crime and its three Protocols introduced a broadened definition of victims of trafficking and migrant smuggling and further ensured and expanded the protection, as well as the reflection period available to them. The **Netherlands** expanded its expertise centre on human trafficking with the aliens support police service.

With regard to legislative and procedural changes, in **Belgium**, the parliamentary working group "Human Trafficking" strongly argued for the improvement of the legal status of victims of trafficking. **Lithuania** drafted a new law, foreseeing the issuance of residence permits to minor victims of human trafficking cooperating with law enforcement authorities. In the **Netherlands**, the new asylum procedure allowed for the immediate issuing of a residence permit, ex officio, to asylum applicants who reported the trafficking of human beings. **Poland** defined human trafficking in its penal code, for the first time. **Sweden** also amended its penal legislation concerning human trafficking, so that the principle of double criminality no longer applied to trafficking offences.

Several Member States referred to maintaining telephone hotlines, including **Austria, Belgium, Cyprus, Estonia, Finland, Poland, Slovak Republic, Sweden** and **United Kingdom**. **Estonia**, for example, placed increased emphasis on training and awareness raising. Their helpline was also becoming increasingly successful, receiving more than 600 calls in 2010. The **Slovak Republic** continued to operate the anti-trafficking hotline, which received nearly 1 000 phone calls. **The United Kingdom** piloted a Child Trafficking Toolkit scheme in 13 English and Welsh Local Authorities. Evaluation of the Toolkit began in 2010 and will seek to raise awareness of the National Referral Mechanism (NRM), which was established to improve identification and protection of trafficking victims, and assist practitioners in identifying child trafficking victims. A new designated training programme for new Competent Authorities (trafficking identification

decision makers within the NRM), with the participation of NGOs, was implemented throughout the Member State.

**Belgium** and **Spain** reported on activities undertaken during their respective EU Presidencies, which included the organisation of conferences, focusing on EU and international cooperation, and **Spain's** participation, as an observer, in the Council of the Baltic States.

With respect to debates, Member States showed an increased focus on trafficking for the purpose of labour exploitation, in addition to sexual exploitation. For example, in **Belgium**, a Flemish broadcaster covered human trafficking and sexual exploitation in the Brussels area. In **Poland**, the media increasingly reported on this phenomenon, with respect to Polish nationals becoming victims of forced labour abroad.

#### 4.3.3 Key statistics

The extent to which statistics on the number of victims of trafficking granted a residence permit and the number of traffickers arrested and convicted are available varies greatly between the Member States, as the collection of these are not harmonised at EU level.

The number of residence permits granted varied greatly among Member States from zero (**Estonia, Finland, Lithuania, Malta**), four (**Czech Republic**) and seven (**Belgium**) to 47 (**Germany**), 59 (**Cyprus**) and 62 (**France**). **Italy** granted 354 residence permits in 2010 while **France** also renewed 88 permits. In addition, **Slovak Republic** identified 22 victims of trafficking and placed 16 under protection.

With regard to the number of potential traffickers arrested and convicted, these numbers also varied, depending on the Member States concerned. **Bulgaria** arrested 91 potential traffickers and convicted 108 persons for this offence while **Cyprus** arrested 59 persons and convicted one. In **Estonia** 150 persons were arrested, with 45 convicted. **France** arrested 4 562 persons and **Ireland** convicted one person<sup>56</sup> while providing legal assistance to 39 victims of human trafficking. In 2010, **Lithuania** recorded 15 criminal acts, **Malta** arrested 10 persons and convicted 3 and **Poland** arrested 42 persons. In the first half of 2010, the **Netherlands** convicted 40 persons for human trafficking, and 70 persons for human smuggling.<sup>57</sup> In **Romania** 1 099 potential traffickers were identified, with 582 investigated and 339 suspects arrested. Concerning smugglers, **Romania** identified 93 potential smugglers, investigated 70 and arrested 32 suspects.

## 5. BORDER CONTROL

This section provides the actions undertaken by Member States in 2010 relating to Border Control. [Section 5.1](#) describes the developments concerning control and surveillance at external borders while [Section 5.2](#) underlines the cooperation undertaken with respect to border control in 2010.

For each sub-section, information is firstly provided regarding developments from the EU perspective (European Pact on Migration and Asylum and Stockholm Programme) and then with additional national developments.

The information related to the developments from the EU perspective in the context of the European Pact on Migration and Asylum and the Stockholm Programme is broadly as per the text of the Commission Staff Working Paper accompanying the 2<sup>nd</sup> Annual Report on Immigration and

<sup>56</sup> This person was convicted in 2009. Several persons were charged before the Court for human trafficking offences in 2010.

<sup>57</sup> No data available for the second half of 2010.

Asylum, with some subsequent additions, updates and/or corrections provided by the EMN NCPs after its publication in May 2011.

## 5.1 Control and Surveillance at external borders

The following subsections provide an overview of developments from the EU perspective relating to control and surveillance at external borders, both in relation to the European Pact as well as the Stockholm Programme ([Section 5.1.1](#)). Additional national developments are then described ([Section 5.1.2](#)), with key statistics relating to border control also presented ([Section 5.1.3](#)).

### 5.1.1 *Developments from the EU perspective in the context of the European Pact on Immigration and Asylum and Stockholm Programme*

#### 5.1.1.1 *Mobilise all available resources to ensure more effective control at external borders*

Most Member States (**Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Finland, France, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, Netherlands, Poland, Portugal, Romania, Slovak Republic, Sweden, United Kingdom**) undertook activities to increase the effectiveness of border controls. These included an increase in staff (**Belgium**) and operational means (**Greece**), a reorganisation of human resources more efficiently (**Finland, Greece, Lithuania**) and establishing a new naval assistance office for maritime border controls (**Lithuania**). A few Member States (**Austria, Greece, Italy**) also reported on direct cooperation with other Member States, outside FRONTEX joint operations. **Austria** and **Italy** cooperated with **Spain**, with **Austria** providing support in narcotics control and **Italy** discussing the deployment of joint control devices for border surveillance operations. **Austria** also cooperated with neighbouring Member States (including **Hungary** and **Slovak Republic**) in patrolling their shared borders through 'mixed police patrols' and through common police cooperation centres. **Italy**, in April 2010, signed an agreement with **France**, concerning the creation of a rapid action border guard force at the Franco-Italian borders in 2011. **Greece** cooperated with **Italy** in view of increasing efficiency of border surveillance at selected ports of both countries and with **Bulgaria** in an effort to combat organised crime and irregular migration at the Greek-Bulgarian borders.

**Austria, Belgium, Bulgaria, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovenia, Spain, Slovak Republic, Sweden, United Kingdom** also listed their participation in FRONTEX operations and missions. Their inputs ranged from the deployment of staff, experts and technical equipment to the participation in risk assessments and training courses. Specific FRONTEX operations and initiatives included CRONOS, PULSAR, HYDRA, INDALO, AGELAU, ATTICA, POSEIDON, HERMES, HUBBLE, HAMMER, MINERVA, NEPTUNE, JUPITER, UNITY, the Focal Points and the European Patrols Network. **Austria, Belgium, Denmark, Estonia, Germany, Italy, Luxembourg, Netherlands, Poland, Portugal, Slovak Republic, Spain, Sweden** made specific reference to the deployment of border guards and immigration and return experts to **Greece** through the RABIT mechanism. On this matter, **Greece** particularly welcomed the signature of an operational plan with FRONTEX in October 2010, allowing for the deployment of experts and guest officers as part of RABIT and their cooperation with the Hellenic border control forces, to rapidly tackle irregular migration along the borders with Turkey and assist **Greece** in the surveillance of their external borders. In addition, **Greece** referred to the POSEIDON joint operation, which involves the deployment of patrol units of the 25 participating Member States, and the establishment of a pilot FRONTEX Operational Office within the premises of the Coast Guard at the Piraeus port, aiming to effectively combat irregular migration and dismantle organised smuggling networks in the South-Eastern Mediterranean region.

Other measures to ensure more effective border control were also mentioned by many Member States (**Austria, Belgium, Bulgaria, Cyprus, France, Germany, Greece, Hungary, Italy, Latvia,**

**Lithuania, Malta, Netherlands, Poland, Romania, Spain**). These included the acquisition of new equipment, the printing of a pocket book for border guards, improvements to informatic systems and creating linkages between different national systems, organising simulations, undertaking risk assessments, implementing legislative and procedural changes, developing comprehensive border management plans and strategies plus cooperation with neighbouring countries. For example, following the identification of deficiencies in exercising external border controls and given the increased pressure on its borders, **Greece** elaborated the National Action Plan ‘Greece-Schengen’ to enhance effective border controls. Member States also often referred to the European Border Fund (EBF) as a means of financing such activities. **Austria, Belgium, Bulgaria, Finland, Germany, Greece, Lithuania, Slovenia, Slovak Republic, Sweden** and **United Kingdom** also planned to further develop border control in the future, which ranged from the development of a State border protection programme, building new facilities at the external border crossing points, an increased focus on checking the authenticity of passports, further training, reorganisation of services and evaluation, to planned collaboration with other Member States and / or third countries.

**Austria, Bulgaria, Czech Republic, Cyprus, Finland Greece, Hungary, Italy, Latvia, Lithuania, Malta, Netherlands, Poland, Portugal, Slovak Republic** and **Sweden** organised and delivered training to increase the skills and competences of their existing staff. Such training was provided in different formats, including courses, workshops, seminars, online interactive training and training on the job, including practical and theoretical components. In the **Netherlands**, for example, a new Coaching & Supervision Department was established at Amsterdam Airport, which can also provide additional ad-hoc and other training, where necessary, to border guards. The focus of the training provided in the Member States ranged from ‘general’, basic training covering all aspects of border control, to training on very specific topics, such as the identification of forged documents, fingerprinting, search and rescue missions at sea, implementation of quality management systems, EU legislation, the use of new equipment and software and human rights. **Italy, Poland** and **Portugal** organised language training to enable better communication between border guards and third-country nationals. The beneficiaries of training were primarily border guards, but detention staff, immigration officials, police officers and other relevant staff, were also involved.

#### **5.1.1.2. Deployment of modern technological means for an effective integrated management of external border, including a better coordination of the different types of checks**

Most Member States referred to the deployment of modern technological means, particularly in order to facilitate the entry of bona fide travellers, to improve the effectiveness of border checks, to upgrade existing or introduce new border management systems and to improve border surveillance. **Austria, Belgium, Estonia, Finland, Germany, Hungary, Latvia, Lithuania, Netherlands, Spain, United Kingdom** took measures towards automated and electronic border crossing, such as testing Registered Traveller schemes (**Germany, Netherlands**). **Austria, Estonia, Germany, Hungary, Netherlands, Poland, Spain, United Kingdom** worked on automated border crossing points. **Estonia** indicated working on a ‘virtual check-in’ system to facilitate border crossings and **Finland** piloted a project introducing automated border control at its land borders. **Germany** and the **United Kingdom** specifically mentioned the expanding use of biometrics for facilitating border crossings, with **Germany** using iris scanning for their Registered Traveller test programme, whilst the **United Kingdom** started negotiations with an airport operator for a subscription based scheme whereby enrolled passengers can pass through biometrically enabled gates more rapidly.

**Austria, Belgium, Czech Republic, Estonia, Germany, Italy, Netherlands, Portugal, Slovak Republic, Sweden** and **United Kingdom** also implemented measures to improve the effectiveness and ‘scrutiny’ of border checks. These consisted of introducing and/or increasing the existing number of passport readers and other devices to verify travel and identification documents, or procedures, including verifying biometric information. The **United Kingdom**, for example, trialled

the entry of pre-screened passengers via “Smart Zones” at Luton Airport and Calais Coach Control, which reduced transit time by more than 50%.

The **Netherlands** and **Portugal** furthermore piloted and/or implemented new Passenger Information systems. **Cyprus, Finland, Greece, Hungary, Ireland, Latvia, Lithuania, Poland, Portugal, Slovenia, Slovak Republic, Spain** and **Sweden** also referred to the development, upgrading or inter-linking of national border management information systems, often making links to relevant upcoming EU systems, such as EUROSUR, and large-scale informatic systems, such as the Registered Traveller Programme and the Entry/Exit System. **Lithuania**, for example, noted that the modernisation of their border monitoring systems also took in account the future integration in EUROSUR and they are also preparing an electronic arrival and departure record keeping system, in line with the EU entry/exit system. **Denmark** chaired a Nordic Workshop on the potential gains and pitfalls of the entry-exit system to inform the Commission’s proposals. **Poland** confirmed that developments to their national systems aimed to ensure full integration, operability and compatibility with current and future EU Systems. **Portugal** implemented an entry and exit security system, whilst **Finland** has an entry / exit system already in place.

**Belgium, Finland, Greece, Italy, Lithuania, Malta, Romania, Slovenia, Spain** and **United Kingdom** described the deployment of modern technological means to improve border surveillance. This included the acquisition of high-tech border surveillance equipment, such as thermal imaging cameras day binoculars, x-ray devices and scanners, and procurement of patrol boats, vehicles and helicopters, often purchased with the support of the European Border Fund (EBF).

Several Member States reported on developments with regard to the implementation of automated border controls and improved border checks. For example, **Bulgaria**, since November 2010, operated a new National Coordination Centre which coordinates all the activities related to border management, while **Greece** undertook preparatory actions for setting up an Operational Coordination Centre for this purpose within the State Police Headquarters. **Hungary** and **Slovak Republic** started preparations for such centres. **France** and **United Kingdom** opened a Joint Operational Coordination Centre to control movement of people and goods between the two Member States, as part of their ‘Evian’ bilateral agreement, signed in July 2009 and updated in November 2010. **Luxembourg** outlined the importance of cooperation between cross-border airports. **Belgium** set up the ‘Maritime Information Cross Point’ to facilitate multi-agency data sharing (including participation of defence, police services and customs) and the **Netherlands** undertook preparations for joint border checks by border guards and customs. For this purpose, training courses were organised with the aim to conduct effective and efficient border checks on, for instance, luggage and freight. The implementation of an Automated Clearance Service, in addition to its already existing fast-track border gates, was also being considered in the **United Kingdom**.

#### **5.1.1.3. *Ensure that the SIS II and VIS systems become fully operational and the implementation of the Visa Code***

Most Member States (**Austria, Bulgaria, Cyprus, Denmark, Estonia, Finland, Germany, Hungary, Italy, Lithuania, Latvia, Luxembourg, Netherlands, Poland, Portugal, Romania, Slovenia, Slovak Republic, Spain, Sweden**) also reported on progress with regard to the implementation of the VIS, with most confirming to be in line with the EU timetable. **Estonia** and **Sweden**, for example, referred to the testing of the system, together with six other Member States, as part of OST (Operational System Test). **Sweden**’s national IT platform for VIS will also serve to control the entry and exit of third-country nationals requiring a visa. Other Member States referred to national developments, such as the purchasing and installation of the necessary equipment (**Bulgaria, Greece, Luxembourg, Spain**), legislative changes to accommodate the implementation of VIS (**Hungary**), the delivery of training courses to staff of embassy and consular offices

(**Greece, Latvia, Lithuania**), efforts to ensure the compatibility of national systems with VIS (Denmark, **Italy, Lithuania, Luxembourg**), and the organisation of testing phases to ensure compliance (**Finland, Luxembourg**). **Lithuania**, for example, implemented a project to develop a national Visa Information System, to link up to VIS.

**Malta** negotiated a contract with a private company for the further development of the SIS II, which would include testing and training activities, with the first test results considered as positive.

Following the entry into force of the Visa Code on 5<sup>th</sup> April 2010, **Austria, Estonia, France, Greece, Latvia, Malta, Netherlands** and **Poland** confirmed its implementation. In addition, **Czech Republic, Latvia, Poland, Slovenia, Slovak Republic** and **Romania** introduced legislative changes. In **Czech Republic**, these concerned internal regulations concerning the visa issuing process, as well as internal instructions and guidelines. **Cyprus** and **Lithuania** started gradually implementing the rules, regulations and practices in accordance with the Visa Code. **Czech Republic** and **Lithuania** reported on measures taken to increase awareness and understanding of the Visa Code. **Czech Republic** briefed its diplomatic missions and consular offices on the main changes well before its implementation. **Lithuania** organised centralised training on the implementation of the Visa Code in Vilnius, as well as five regional training sessions in the bigger diplomatic missions and consular offices (Kaliningrad, Moscow, Minsk, Kiev and Chicago). **Latvia** approved a Regulation setting out the competences of diplomatic and consular missions in order to comply with the Visa Code and also envisaged amendments to its Immigration Law, to regulate procedures for motivating refusal and appeal. In May 2010, **Poland** put forward an amendment to the Act of Foreigners to fully implement the Visa Code. **Romania** drafted amendments to its Law of Aliens' regime to transpose the Visa Code.

### 5.1.2 Additional national developments

As explained in the methodology, this section outlines additional, complementary developments in control and surveillance at external borders at Member State level which were outside the scope of the European Pact on Immigration and Asylum and the Stockholm Programme.

National developments included the updating and consolidation of national strategies and policies (**Bulgaria, Latvia, Portugal**), legislative and procedural changes (**Bulgaria, France, Lithuania, Latvia, Slovak Republic**) and institutional changes (**Bulgaria and Estonia**).

With respect to strategic policy developments, **Bulgaria** approved its updated *Strategy for Integrated Border Management*, up to 2013, to further strengthen border management and security. **Latvia** approved an agreement with Belarus on simplifying the mutual visits of residents that reside in the border territories, enabling those who hold a local border traffic permit to stay in the territory of the border area of the other party for 90 days during a six months' period. **Portugal** consolidated its *Integrated Border Management model*, focusing on cooperation with Member States and third countries, including the stationing of immigration liaison officers, as well as on measures to enhance border controls and surveillance and increased control over the circulation of third-country nationals in the national territory.

In terms of legislative and procedural changes, in **Bulgaria**, a legislative amendment introduced standards in line with the Schengen acquis. Linked to this, a mid-term evaluation of the *National Action Plan* showed that the Member State was progressing within the deadlines for implementation of the Schengen Acquis. **France** conceived a mechanism to better deal with mass arrivals of third-country nationals by sea, updating procedures which dated back to 2001, with future work aiming to include scenario development, a survey of current waiting areas and the assignment of other, ad-hoc waiting areas. This also included the drafting of legislation with respect to waiting areas. **Latvia** adapted its legislation, introducing compulsory comparison of biometric data of third-country

nationals during border and immigration control. With respect to the issuing of visas or residence permits, the Member State drew up a list of third-countries for which additional examination was to be undertaken. Legislative and procedural changes also included the introduction of a clause concerning the assessment of the potential security threat posed by third-country nationals and the coming into force of procedures related to border monitoring tasks at sea. In **Lithuania**, focus was placed on improving cooperation between national Ministries, agencies and services, to enhance border management and control. Finally, **Slovak Republic** started the preparation of a new *Act on Border Control and Stay of Aliens*, to ensure full harmonisation with EU law governing admission, residence and border control.

With respect to institutional changes, in **Bulgaria**, the *National Coordination Centre* started to operate at the end of 2010. **Estonia** merged the internal security authorities under the common management of the *Police and Border Guard Board*, to improve coordination and information exchanges. The Member State also established a national coordination centre to ensure better cooperation with Frontex and with other Member States.

The topics of debates varied in the Member States. In **Ireland**, NGOs criticised the lack of access to a normal appeal procedure for visa applicants who applied in Nigeria. In **Italy** and **Malta**, there was a political debate on the “Treaty of Friendship” between Italy and Libya of August 2008, caused by the fact that Libya had not signed the Geneva Convention and due to the closure of the UNHCR office in Tripoli. In these two Member States, debate in the media also concentrated on the reception of third-country nationals at sea.

### 5.1.3 Key statistics

Table 3 in the Statistical [Annex](#) gives an overview of the number of third-country nationals refused entry in 2010 and by type of border, including land, sea and air borders. The geographical position of Member States seems to be a major determining factor regarding the number of refusals, with Member States forming Europe’s external border having relatively higher number of refusals. The number of refusals by Member States in 2010 ranged from 290 045 (**Spain**), followed by 22 895 (**Poland**), down to 80 (**Denmark**). Member States refusing entry mostly at a land border were again **Spain** (281 750 or 97.1% of total) and **Poland** (22 255 or 97.2%) and then **Hungary** (10 215 or 97.5%). **Estonia** was the only one refusing entry primarily at a sea border (1 260 or 75.7% of all refusals). Member States who had all their refusals at an air border were **Czech Republic**, **Denmark**, **Malta** and **Sweden**, with **Belgium**, **Germany**, **Netherlands** and **Portugal** also having more than 95% of all their refusals at air borders.

## 5.2 Cooperation with respect to border control

The following subsections describe cooperation in 2010 with respect to border control. Developments in relation to the European Pact and the Stockholm Programme are firstly outlined ([Section 5.2.1](#)) relating to the use of biometric visas and the cooperation between Member States consular authorities. [Section 5.2.2](#) then provides an overview of Member State actions within the national perspective.

### 5.2.1 Developments from the EU perspective in the context of the European Pact on Immigration and Asylum and Stockholm Programme

#### 5.2.1.1 Use of biometric visa and cooperation between Member State’s consular authorities

A number of Member States made progress with regard to the implementation of biometric visas and on consular cooperation. With regard to biometric visas, **Belgium**, **Bulgaria**, **Czech Republic**, **Denmark**, **Finland** **France**, **Germany**, **Greece**, **Hungary**, **Ireland**, **Italy**, **Latvia**, **Malta**, **Netherlands**, **Portugal** and **Slovak Republic** prepared for their issuing or started the issuing in a

selection of their consular offices mainly in North Africa, in line with EU guidelines. **France**, for example, and as of March 2010, equipped 169 of its 193 consular offices to issue biometric visas and **Slovak Republic** equipped all its embassies with fingerprinting devices. **Czech Republic** expected to have around 180-200 fingerprinting visa workstations in total. **Italy** started the testing in two North-African States, whilst **Ireland** started in Nigeria and **Portugal** established a visa centre in Cape Verde, fully capable of collecting and issuing biometric visas. **Latvia** envisaged a testing phase in their consular office in Egypt. The **United Kingdom**, not participating in VIS, also required people applying for visas to register a digital photograph and fingerprint.

A few Member States referred to cooperation between consular offices. **Estonia**, for example, indicated that visa representation agreements were signed with **Denmark, France and Poland**, whilst the **Slovak Republic** was negotiating such agreements with **Czech Republic, Estonia, France, Germany, Latvia, Lithuania, Poland and Spain**. Their Ministry of Foreign Affairs also mandated its embassies to start negotiations concerning the possible establishment of joint consular services. **Czech Republic** reported that, since 2010, **France, Portugal and Spain** represented it in more than 30 third countries, whilst it, at the same time, respectively represented **France and Spain** in Ukraine and Moldova. Following the signing of representation agreements, **Greece** is represented by **Austria, Belgium, France, Germany, Hungary, Italy, Lithuania, Netherlands, Portugal, Spain, and Sweden** while it represents **France and Hungary**. **Cyprus** is currently analysing the costs and benefits of signing visa representation agreements with other Member States, prior to engaging into new negotiations. **Lithuania** signed visa representation agreements with Denmark, **Germany, Greece, Latvia** and Norway and planned to sign an agreement with the **Slovak Republic**. With the adoption of the Visa Code, **Luxembourg** confirmed the continuation of most of the existing representation agreements. **Poland** signed visa representation agreements with **Estonia, Netherlands and Sweden**, to represent these Member States in several third countries and to be represented in others. The **Slovak Republic** signed agreements with **Hungary, Austria and Slovenia**. The latter will also be represented by the **Slovak Republic** in **Cyprus, Romania** and Ukraine. **Sweden** is representing Estonia in Cuba and South Africa and Finland in Zambia. Norway agreed to represent **Sweden** in Bulgaria and Poland is representing it in Algeria. **Belgium**, in cooperation with **Sweden**, established a Common Application Centre in Kinshasa, DR Congo in April 2010. **Luxembourg** participated in Common Application Centres in Chisinau (Moldova), Praia (Cape Verde) and Podgorica (Montenegro).

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

#### *5.2.1.2. Cooperation with countries of origin and transit in order to strengthen control of the external border*

In addition to the signature of readmission agreements, several Member States (**Austria, Cyprus, Estonia, Greece, Italy, Lithuania, Portugal, Romania, Slovenia**) also concluded bilateral or multi-lateral agreements with countries of origin or transit, in view of strengthening external border control or combating irregular immigration. **Austria** signed bilateral police cooperation and security agreements with Georgia, Moldova, Albania and Bosnia and Herzegovina. **Cyprus** signed a bilateral cooperation agreement to combat organised crime, including irregular migration, with South Africa and negotiated similar agreements with Syria and Qatar. **Estonia** agreed on a bilateral action plan with the State Border Guard of Belarus in May 2010 and signed a bilateral cooperation agreement with the State Border Guard of Moldova in November 2010. **Greece** established contact points in third countries for the exchange of information and developed further police cooperation with Albania, including the conduct of joint operations with the Albanian Border Police. **Italy** signed special police cooperation agreements with Libya, Tunisia, Nigeria, Algeria, Niger, Ghana, Egypt, Senegal and Gambia. As part of the agreement with Niger, for example, **Italy** provided off-

road vehicles, metal detectors and organised training sessions for the Nigerian police to improve border controls. In **Lithuania**, the agreement with Belarus on the legal regime at the state border entered into force. **Portugal** signed bilateral agreements with Cape Verde and Brazil and negotiated agreements with Angola, Guinea-Bissau, São Tomé & Príncipe, Mozambique and East Timor. **Romania** signed a bilateral agreement with Moldova, for the regulation of small border traffic, and negotiated a similar agreement with Serbia, as well as a draft cooperation protocol for opening a joint border-crossing point with the latter. **Romania** also discussed agreements on cooperation and countering organised crime with Moldova, the Russian Federation, Syria and Ukraine. Under the agreement related to border transport and cooperation signed with Croatia, **Slovenia** adopted additional measures to strengthen control of the external border.

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

### 5.2.2 Additional national developments

As explained in the methodology, this section outlines additional, complementary developments in cooperation with respect to border control at Member State level which were outside the scope of the European Pact on Immigration and Asylum and the Stockholm Programme.

In **Austria**, police cooperation consisted of mixed patrols with neighbouring Member States **Hungary**, **Slovak Republic** and **Slovenia**. A new police cooperation was founded by **Austria**, **Slovenia** and Croatia. **Italy** cooperated with several other Member States, to further detect irregular border crossings and to organise joint patrolling of international trains.

**Lithuania** hosted a meeting of the *Ministers of the Interior* of the three Baltic States, to discuss inter-state cooperation. The Member State also signed an agreement with **Poland** concerning

cooperation to combat crime in the border territories. The **United Kingdom** cooperated with **Ireland** to secure the external Common Travel Area from common threats.

## **6. INTERNATIONAL PROTECTION, INCLUDING ASYLUM**

[Section 6.1](#) provides certain policies undertaken by Member States from the EU perspective (European Pact on Migration and Asylum and Stockholm Programme), including the establishment of a European support office as well as procedures to deal with the influx of asylum applicants. Additional national developments are presented in [Section 6.2](#). Finally [Section 6.3](#) outlines the key statistics relating to international protection.

The information related to the developments from the EU perspective in the context of the European Pact on Migration and Asylum and the Stockholm Programme is broadly as per the text of the Commission Staff Working Paper accompanying the 2<sup>nd</sup> Annual Report on Immigration and Asylum, with some subsequent additions, updates and/or corrections provided by the EMN NCPs after its publication in May 2011.

### **6.1 Developments from the EU perspective in the context of the European Pact on Immigration and Asylum and Stockholm Programme**

#### ***6.1.1 Establishment of the European Asylum Support Office***

**France, Malta** and **Sweden** reported having contributed to the establishment of the European Asylum Support Office (EASO). **France** worked on creating a full and detailed specification, with a practical and proactive approach to priorities. The authorities in **Malta** and the Commission collaborated to establish EASO in Malta, in particular by making the necessary alterations at the premises of the Office. The Management Board of EASO convened in Malta for its inaugural meeting in November 2010. **Sweden** contributed to the start-up of EASO, in particular concerning the plans for transferring the European Asylum Curriculum project.

#### ***6.1.2 Solidarity with Member States facing specific and disproportionate pressure on their national asylum systems***

Several Member States (**Belgium, Germany, Hungary, Austria, Portugal, Sweden, United Kingdom**) reported having set up or taken part in initiatives to help other Member States facing a massive influx of asylum applicants. These Member States mentioned initiatives specifically aimed at providing support to **Greece (Denmark, Germany, Italy, Hungary, Austria, Sweden, United Kingdom), Cyprus (Hungary), Malta (Hungary, United Kingdom)** and **Poland (Belgium)**. These included provisions of specific training (**Germany, Austria, United Kingdom**), capacity building (**Germany, Hungary, Austria, United Kingdom**), exchanges of asylum officers (**Belgium, Germany**), secondment of staff (**Hungary, Sweden, United Kingdom**), signature of Memorandum of Understanding (**Austria**), support for the fast and efficient implementation of **Greece's** Action Plan for Migration Management (**Denmark**), participation in migration missions focusing on the situation of Member States under particular pressure (**Hungary**) and organisation and/or funding of specific pilot projects (**United Kingdom**). In addition, **Hungary** participated in migration missions in **Greece, Cyprus** and **Malta**. **Denmark** also indicated having forwarded the curriculum vitae of 14 asylum experts to the European Asylum Support Office asylum expert pool.

With regard to specific training, three Member States (**Germany, Austria, United Kingdom**) provided specific training to **Greece** on asylum procedures (**Germany**) and quality assurance (**Austria, United Kingdom**). **United Kingdom** also provided training in language analysis to officers in **Malta**.

Four Member States (**Germany, Hungary, Austria, United Kingdom**) developed capacity building measures. **Germany** offered **Greece** the possibility to access their Information System on Countries of Origin and the GDISC Pool of Interpreters. **Hungary** and **Austria** provided support to **Greece** to improve Refugee Status Determination Procedures (**Hungary**) and their related quality assurance (**Austria**). **United Kingdom** provided support to **Malta** in processing asylum applications and language analysis as part of the Interpreters Pool Project. This project offers support to Member States lacking capacity by providing interpreters via video-conferencing. Since April 2010, **United Kingdom** provided interpretation capacity on three occasions. **Malta** particularly welcomed this initiative. As a Member State facing specific and disproportionate pressures on its national asylum system, **Cyprus** referred to the Project ‘Particular Pressures Cyprus’, which aimed to strengthen and enhance its asylum system. Within this project, **Cyprus** benefitted from the expertise of the Dutch Immigration and Naturalisation Service and Central Agency for the Reception of Asylum Seekers. Visits were also organised in **Ireland, Cyprus** and **Netherlands** to exchange experiences with regard to the implementation of accelerated asylum procedures, interview techniques and the handling of particular target groups, such as unaccompanied minors and vulnerable persons. **Greece** mentioned the funding of emergency measures by the European Refugee Fund and the experts’ missions organised for the implementation of the National Action Plan for the Reform of the Asylum System and the Management of Migration Flows, adopted in August 2010.

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

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

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

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

### **6.1.3 Participation in coordinated reallocation measures**

Six Member States (**Germany, France, Luxembourg, Portugal, Slovenia, United Kingdom**) relocated beneficiaries of international protection in the framework of the EUREMA (European Re-allocation for Malta) pilot project in 2010. In addition, four Member States (**Hungary, Poland,**

**Romania, Slovak Republic**) agreed to relocate beneficiaries of international protection from **Malta** also via this project.

The numbers of beneficiaries of international protection relocated from **Malta** to other Member States in 2010 ranged from 102 (**Germany**) and 93 (**France**) to 10 (**United Kingdom**), 8 (**Slovenia**) and 6 (**Luxembourg, Portugal**). **Hungary, Poland, Romania** and **Slovak Republic** agreed to relocate from 10 (**Hungary, Slovak Republic**) to 6 (**Poland, Romania**) beneficiaries of international protection. In total, **Malta** indicated that approximately 255 beneficiaries of international protection would be relocated within the framework of the EUREMA pilot project.<sup>58</sup>

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

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

#### **6.1.4 Participation in resettlement procedures**

Ten Member States (**Czech Republic, Denmark, Germany, Ireland, France, Italy, Portugal, Finland, Sweden, United Kingdom**) resettled refugees from different regions of the world, mainly in cooperation with the UNHCR. **Spain** adopted an annual resettlement programme for the first time, after the entry into force of the new national Asylum Act in 2009.

Refugees resettled in EU Member States included Burmese refugees from Thailand (**Czech Republic, Ireland, Netherlands, Finland**), Malaysia (**Czech Republic, Netherlands**) and Bangladesh (**United Kingdom**), Iraqi refugees from Syria (**Germany, Ireland, Finland, Sweden, United Kingdom**), Jordan (**Germany, Ireland, Sweden**) and Lebanon (**Netherlands, Sweden**), Congolese refugees from Rwanda (**Finland, Sweden, United Kingdom**), Afghan refugees from Iran (**Finland, Sweden**), Iranian refugees (**Germany, Sweden**), Syrian refugees (**Ireland**), Ethiopian refugees (**Ireland, Netherlands, Sweden, United Kingdom**), Eritrean refugees (**Netherlands, Sweden**), Somali refugees (**Sweden, United Kingdom**), Palestinian refugees from Al-Tanf camp (**Italy**) and Bhutanese refugees from Nepal (**Netherlands, United Kingdom**).

Four Member States (**Ireland, France, Finland, Sweden**) favoured the resettlement of emergency cases (**Finland**), medical cases (**Ireland**) and/or the resettlement of particular categories of refugees, such as catholic nationals from Iraq (**France**), refugees from the East and Horn of Africa (**Sweden**) and stateless refugees (**Sweden**).

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

The size of the annual quota of persons accepted for resettlement varies from one Member State to another (e.g. on annual basis, SE resettles around 2 000 persons, **Finland** and **United Kingdom** each resettle 750 persons, **Ireland** accepted 200 persons, **France** had 100 files, **Netherlands** promised to resettle 2 000 refugees from 2008 to 2011, while **Denmark** has a 3-year flexible quota of 1 500 refugees). The quota agreed by **Spain** under the 2010 annual resettlement programme was 75. While it has not set a fixed quota, **Germany** resettled more than 2 500 persons in 2009 and 2010.

<sup>58</sup> The first phase of the EUREMA project is expected to be concluded in June 2011.

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

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

### *6.1.5 Providing training to border guards with regard to rights and obligations pertaining to international protection*

Most Member States (**Belgium, Czech Republic, Denmark, Germany, Estonia, Spain, Italy, Cyprus, Latvia, Lithuania, Hungary, Netherlands, Austria, Poland, Portugal, Romania, Slovak Republic, Finland, Sweden, United Kingdom**) also provided training to personnel responsible for external border controls on international protection.

With regard to the categories of staff trained, many Member States (**Belgium, Germany, Estonia, Italy, Cyprus, Latvia, Lithuania, Hungary, Netherlands, Austria, Poland, Finland, Sweden, United Kingdom**) referred to the training of border officials and/or police officers (**Slovak Republic, Sweden**).

The content of the training varied, covering issues such as rights and obligations under international protection (**Belgium, Germany, Italy, Cyprus, Lithuania, Netherlands, Portugal, Slovak Republic, Finland, Sweden, United Kingdom**), asylum proceedings (**Estonia**), identification and interview of asylum applicants (**Latvia, Netherlands**), management of stressful situations (**Hungary**), specific training on vulnerable applicants (**Spain**) and unaccompanied minors (**Austria**).

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

Three Member States (**Spain, Romania, United Kingdom**) indicated that the training provided was fully in line with the European Asylum Curriculum, whilst **Germany, Romania** and **United Kingdom** also mentioned their participation in FRONTEX Border Guards training programmes. LT and HU referred to the involvement of UNHCR in delivering the training.

## **6.2 Additional national developments**

As explained in the methodology, this section outlines additional, complementary developments relating to international protection at Member State level which were outside the scope of the European Pact on Immigration and Asylum and the Stockholm Programme.

In terms of numbers, **Belgium, Germany, Lithuania** and **Luxembourg** saw a rise in asylum applications in 2010. **Finland, Ireland, Netherlands, Slovak Republic** and **Spain** reported a decrease in asylum applications. **Belgium** stated that it ranked third with regard to the total number of asylum applications lodged in the EU-27 (after Cyprus and Sweden) pro capita. The

**Netherlands** reported that, in the first three months of 2010, they ranked sixth regarding the total number of applications in the EU. In **Luxembourg** there was a notable increase in applications for asylum, coming in particular from Serbian nationals in the last quarter of 2010. In **Sweden**, the flow of asylum applicants showed that numbers from Serbia and the Former Yugoslav Republic of Macedonia rose sharply, as well as from Afghanistan and Eritrea, whilst the number of asylum-seekers from Somalia remained steady. The first half of 2010 saw an increase in the number of asylum-seekers of Somali origin, mainly because of the internal armed conflict in the Mogadishu area. A dominant phenomenon in the **Czech Republic** was a high share of repeated applications, constituting 45.7% of total number of applications for international protection. Regarding decisions, **Germany** reported a decline in positive decisions, whereas **Spain** experienced a significant increase in the number of positive decisions.

Concerning the main countries of origin of asylum seekers, Afghanistan ranked first in several Member States (**Estonia, Germany, Ireland and Sweden**), after the Russian Federation (**Czech Republic, Estonia, Germany**), Serbia (**Germany, Sweden**), Former Yugoslav Republic of Macedonia (**Germany, Sweden**), Somalia (**Germany, Sweden**), and Nigeria (**Ireland, Spain**). **Czech Republic** reported on large numbers from Ukraine, Mongolia, Belarus, **Germany** from Iraq, Iran, Syria and Turkey, **Ireland** from China, Pakistan and the Democratic Republic of Congo, and **Spain** from Cuba, Algeria, Guinea and Cameroon.

### 6.2.1 *Legislative and/or policy developments*

**Belgium, Bulgaria, Finland, Germany, Hungary, Ireland, Italy, Latvia, Malta, Netherlands, Slovenia** and the **United Kingdom** implemented legislative changes and/or reported on policy developments related to international protection.

**Belgium, Finland, Hungary, Latvia, Malta, Netherlands, Portugal, Slovenia** adopted new legislation and/or introduced amendments. In **Belgium, Finland, Hungary, Portugal and Sweden** these changes were linked to the transposition of EU legislative instruments, including Article 11 of the Reception Directive (Directive 2003/09/EC) regulating access to the labour market of asylum seekers (**Belgium, Finland, Latvia, Slovenia**)<sup>59</sup>, Regulation 862/2007 on Community Statistics on Migration and International Protection (**Hungary**), the implementation of technical assistance under the European Refugee Fund and the European Integration Fund (**Portugal**), the Asylum Procedures (2005/85/EG) Directive (**Sweden**) and the Qualification (2004/83/EG) Directive (**Sweden, and Belgium** Articles 4§4 and 4§5). In **Belgium, Bulgaria, Finland and Latvia**, legislation regarding the reception and care of asylum applicants was also amended. In **Belgium**, the Royal Decree, adopted on 12<sup>th</sup> January 2010, changed the right to reception and/or material aid for certain categories of asylum applicants and other third-country nationals, including the possibility to exclude applicants who applied for international protection more than three times (with the exception of people receiving medical treatment); specifying the end terms of material aid for asylum applicants and certain other categories of third-country nationals; defining the conditions for the prolongation of material aid to asylum applicants, as well as allowing, in exceptional

<sup>59</sup> In **Belgium**, the Royal Decree, adopted on 12 January 2010, stipulated that asylum applicants who had applied for asylum after 31.05.2007 and who had not received a negative decision in their asylum case six months after lodging their asylum application, would be entitled to apply for a work permit C. In **Finland**, the Decree, which entered into force on 1 August 2010, stipulated that an asylum applicant would be entitled to engage into paid employment without a residence permit after residing in the country for a minimum of three months provided that the person in question held a valid travel document. If an asylum seeker does not hold a valid travel document, he/she may engage in paid employment without a residence permit after residing in the country for a minimum of six months. In **Latvia**, the Regulation adopted in June 2010, foresaw the insertion on the asylum applicant's documents of the following document: '*permitted to work without a work permit*' during the first year after submission of an application in anticipation of a decision. In **Slovenia**, international protection applicants were given the right to access the labour market nine months after submitting the application, instead of 12 months.

circumstances, the possibility to assign asylum applicants to a local public centre for social welfare. **Bulgaria** published the *Ordinance for the Order of temporary accommodation of foreigners*, extending the possibility of meetings between accommodated asylum-seekers with lawyers and close relatives and a daily provision of legal advice. **Finland** issued an amended Decree on allowances paid in cash, stipulating that the cash proportion of the basic living allowance paid to an asylum applicant should be 30% lower than other residents of Finland. In **Latvia**, different regulations were adopted in 2010 regulating expenses related to food, hygiene and basic necessities for asylum applicants and the related reimbursement procedures.

In **Belgium, Hungary** and the **Netherlands**, legislative measures were adopted to increase the efficiency and/or quality of the asylum procedure. In **Belgium**, the Commissioner General for Refugees and Stateless Persons implemented a special programme to enhance its efficiency in examining international protection applications, which included the introduction of accelerated procedures for applicants coming from specific countries of origin, such as Serbia, Former Yugoslav Republic of Macedonia and Armenia. In **Hungary**, the Refugee Authority continued collaborating with the UNHCR in a project aimed at fostering the quality of the asylum procedure. In the **Netherlands**, the Improved Asylum Procedure entered into force on 1<sup>st</sup> July 2010, extending the general asylum procedure in the application centre to eight days, to leave more time for asylum applicants to benefit from legal aid and introducing a period of rest and preparation prior to the start of the asylum procedure to identify the asylum applicant and to carry out possible medical examinations. It also reduced the extended asylum procedure by approximately eight weeks. The new legislation also stipulated that, after rejection of an application for international protection, an asylum applicant would be given four weeks to leave the country. The **United Kingdom** commenced an Asylum Improvement Project which has sped up the processing of asylum applications, improved the quality of decisions and delivered more sustainable decisions.

Several Member States adopted policies and measures specifically related to the reception of applicants and/or beneficiaries of international protection, especially regarding the financing and planning of their accommodation (**Belgium, Finland, Latvia, Italy, Netherlands**), evaluating the accommodation system and/or conditions (**Hungary, Ireland, Italy, Poland**) and optimising the accommodation of vulnerable applicants and/or beneficiaries of international protection (**Finland, Ireland, Italy, Netherlands**). In March 2010, **Belgium** allocated an additional 40 million euro to address the reception crisis of asylum applicants, after Fedasil did not have sufficient financial resources and capacity to accommodate more than 6 000 eligible persons in 2010. In October 2010, a second tranche of funding was made available. In **Finland**, a national strategy was developed to assign the accommodation of asylum applicants and beneficiaries of international protection to municipalities and a decree was issued in December 2010 to reimburse the municipalities for the costs incurred. In **Latvia**, new regulations were adopted to define the standards and internal procedures for the reception of asylum applicants, especially for those who were accommodated in the premises of the State Border Guard. **Italy** adopted a decree, stipulating that the National Fund for Asylum Policies and Services would finance 3 000 accommodations for applicants and beneficiaries of international protection for the period 2011-2013. In the **Netherlands**, a decree was adopted by the Cabinet to increase the reception capacity for asylum applicants who had exhausted all legal remedies and who had submitted an application on medical grounds, being entitled to a residence permit. As for the evaluation of the reception system, the findings of an evaluation of the protection system for asylum applicants and refugees in **Italy** showed that services provided on the territory had doubled, allowing more specific services for vulnerable persons, including unaccompanied minors, pregnant women and/or persons with disabilities and/or mental illness. The evaluation also demonstrated that the quality of reception was higher in small municipalities, rather than in bigger cities. In **Ireland**, a ‘Value for Money Review’ looking at expenditure on the provision of full-board accommodation services for asylum applicants by the Reception and Integration Agency (RIA), during 2005-2008, was published in 2010. The review confirmed the effectiveness of the programme and recommended to further reduce excess capacity, to achieve an

estimated saving of 3.9 million euro per year. In **Hungary**, the UNHCR published a report on refugee homelessness, analysing the situation of Somali refugees in the Member State. In **Poland**, given the rising tensions between nationals and applicants for international protection, decision was made to close three reception centres in November 2010.

With respect to vulnerable groups, in **Finland**, the Ministry of Interior's Immigration Department launched a project which set quota for the number of vulnerable beneficiaries of international protection to be hosted in municipalities and which focused on better tailoring reception facilities to the needs of beneficiaries. As part of the National Fund for Asylum Policies and Services, **Italy** decided to dedicate 500 accommodation places (out of 3000) to highly-vulnerable persons, 50 being reserved to those with mental disabilities. In **Ireland**, a report by FLAC, an independent human rights organisation, entitled 'One size does not fit all', looked at 10 years of reception services and recommended that a greater level of care needed to be provided to persons with special needs. With regard to minor asylum applicants, the *Minister of Justice* in the **Netherlands** decided that failed asylum applicant families with minor children would not be rejected from reception centres in cases where their departure from the Member State could not be enforced immediately.<sup>60</sup>

**Bulgaria, Finland, Hungary** and **Latvia** introduced initiatives to promote the social inclusion and integration of applicants and beneficiaries of international protection. **Bulgaria** prepared its National Programme for the integration of refugees and beneficiaries of international protection 2011-2013, while **Finland** amended the Act on the Integration of third-country nationals. In **Hungary**, the Refugee Authority implemented a pilot project focusing on the vocational integration of beneficiaries of international protection. **Latvia** adopted regulations ensuring access to education for minor asylum applicants and set up a procedure for granting and paying an allowance to beneficiaries of international protection to learn Latvian.

With regard to other legislative developments, **Finland** regulated the procedure to issue a personal document for an asylum applicant, the adoption of a displacement document template for persons granted temporary protection and defined the reunification procedure for family members of a beneficiary of international protection. In the **Netherlands**, a decree was adopted which made it possible to discontinue the processing of an asylum application if the asylum applicant had left for an unknown destination during the asylum procedure. With regard to future legislative measures, the **Netherlands** was envisaging to transfer the procedure for family members joining asylum applicants, later on in the asylum procedure, to the regular family reunification procedure. **Slovenia** also planned to implement major changes to its legislation on international protection, modifying the international protection status determination procedure and increasing the rights of international protection applicants in general, of minors, as well as the rights of beneficiaries of international protection.

With regard to policy developments, in **Germany**, the restrictions on the mobility placed on asylum applicants and persons whose removal had been suspended were loosened in some Federal States. In Berlin and Brandenburg, ordinances stipulated that such persons could be granted permission to reside in other Federal States, under certain preconditions. In August 2010, **Malta** reviewed its national policy regarding the granting of temporary humanitarian protection to former applicants for international protection.<sup>61</sup> Whereas each case would be assessed individually on the basis of its own merits, compulsory and additional criteria were defined to grant such status.<sup>62</sup> In the **Netherlands**,

<sup>60</sup> In the **Netherlands**, critical reactions were also experienced from civil organisation relating to the Cabinet's agreements advocating strict asylum and migration policy. These plans also led to extensive debate in the media.

<sup>61</sup> For more information on the group protection policy in the Netherlands, please refer to the EMN Synthesis Report on 'The different national practices concerning the granting of non-EU harmonised protection statuses', p.37.

<sup>62</sup> A former applicant for international protection would be required to have lodged their application for international protection at least 4 years ago and to provide evidence of their stay in Malta during this period. In addition, these

in response to the unusually high numbers of nationals from Georgia in the last few months of 2009, with a peak of approximately 180 in March 2010, actions were taken to monitor and reduce this flow. This included detention measures and the temporary suspension of financial support to their repatriation. In 2010, the policy of protection of certain categories of asylum applicants<sup>63</sup> applied to asylum applicants from Ivory Coast (until 3 September 2010) and non-Arab population groups from the federal states of North, West and South Darfur in Sudan. The **United Kingdom** produced new guidance on sexual orientation and gender identity for decision makers, following a ruling of the Supreme Court. The guidance set out how to implement the ruling and helped decision makers to determine applications brought on the grounds of sexual orientation in a sensitive manner, which acknowledged the difficulties, trauma and alienation that people bringing these claims might have experienced in their country of origin. Mandatory training for all decision makers was rolled out nationally.

In **Austria**, the Constitutional Court decided that the transfer of asylum seekers to Greece under the Dublin II Regulation was inadmissible, due to insufficient accommodation and health provisions. Similarly, the Federal Constitutional Court in **Germany** was asked whether, in special cases, temporary legal protection should be granted against transfers under the Dublin II Regulation. Against the background of the proceedings in front of the Constitutional Court and the developments in Greece, the *Federal Minister of the Interior* decided, at the beginning of 2011, that third-country nationals should not be transferred back to Greece under the Dublin II Regulation for one year. However, neither of the two Member States officially stated that the transfer would be stopped entirely, though both planned to help Greece to implement improvements. **Austria** confirmed that applications were examined on a case-by-case basis, and **Germany** deployed a liaison official of the *Federal Office for Migration and Refugees* to Athens.

Regarding intra-EU relocation, following the *Act on Changes and Amendments to the IPA* in **Slovenia**, the possibility of receiving persons in Slovenia under the burden-sharing principle was extended to persons who were granted the subsidiary protection status. In addition, the new Article 100.a of IPA determines additional special rights of persons admitted in Slovenia under the yearly quotas or the burden sharing principle.

**Belgium** was condemned by the European Court of Human Rights in Strasbourg for the detention of four children and their mother in the closed detention facility known as “Transit Centre 127bis.” The ECHR ruled that the detention of the children constituted a violation of Article 3 European Convention on Human Rights and awarded the family compensation for damages.

### 6.2.2 Debates related to international protection

National debates related to international protection mainly referred to the reception services provided to applicants for international protection (**Austria, Belgium, Ireland, Poland, Sweden**). Political debate in **Austria** focused on the proposed legislation to introduce a “compulsory attendance” requirement in a first reception centre for asylum applicants upon arrival. In **Belgium**, the reception capacity crisis for asylum applicants dominated public debate. This resulted from *Fedasil* not being able to provide reception to all asylum applicants, with 6 284 eligible persons not being able to receive any form of reception in 2010. In **Ireland**, the issue of direct provision of accommodation prompted media and parliamentary debate, particularly regarding a dispersal plan to relocate 150 residents in the Mosney Accommodation Centre to different hostels in July 2010. Criticism regarding the move centred on the short notification time and mass transfer, which did not

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persons might be asked to provide relevant documentary evidence demonstrating their integration efforts and their employment track record.

<sup>63</sup> For more information on the group protection policy in the Netherlands, please refer to the EMN Synthesis Report on ‘The different national practices concerning the granting of non-EU harmonised protection statuses’, p.23.

appear to take into account individual circumstances. In **Poland**, the controversy over the reception centre for asylum applicants in Łomża, occupied mainly by Chechen nationals (see [Section 6.2.1](#) above for more information), was massively relayed by the national media. In **Sweden**, the large number of asylum applicants from Serbia and the related accommodation shortages, were also given considerable media attention.

### 6.2.3 *Other developments in relation to international protection*

Other developments in relation to international protection related to court decisions on international protection applications (**Finland, Netherlands, Germany**), the decision-making process (**Spain**) awareness-raising events (**Estonia, Malta, Portugal**), participation in ERF projects (**Bulgaria, Latvia, Malta, Portugal**), continuation of the resettlement programme with the United States (**Malta**), the relocation of asylum applicants (**France**), agreement to support the asylum procedure in third countries (**Belgium**) and improvements in national asylum processing procedures (**United Kingdom**).

With regard to decisions on international protection applications, major developments occurred in **Finland, Germany, Netherlands, Spain** and **Sweden**. In **Finland**, the Supreme Administrative Court ruled that the Finnish Immigration Service should have granted 17 Iraqi nationals (whose applications were previously rejected) subsidiary protection, following the ECJ ruling in the Elgafaji case, based on the interpretation of the Qualification Directive (Directive 2004/83/EC). In the **Netherlands**, a decree adopted in December 2010 brought the Dutch policy on alternative protection in line with Article 8 of the Qualification Directive and case law of the European Court of Human Rights (ECHR). More detailed provisions were included, in particular, regarding a protection alternative in the case of threat as a result of an exceptional situation as referred to in Article 15(c) of the Qualification Directive. In **Germany**, following a decision of the Federal Minister of Interior, 50 nationals from Iran, in need of protection,<sup>64</sup> were granted residence in Germany on the basis of ‘upholding the political interest of Federal Republic of Germany’.<sup>65</sup> **Spain** highlighted the high level of consistency between the UNHCR criteria and the criteria used by the Inter-ministerial Committee for Asylum and Refugee. Out of the 2 896 decisions adopted in 2010, the UNHCR expressed a diverging on only 17 occasions. In **Sweden**, "Aktion 2010", a grouping consisting of several Christian churches and committed individual citizens, with the support of the *Christian Council of Sweden*, put forward a demand in early 2010 that the *Swedish Migration Board* should alter its assessment of Iraqi minorities' need for protection.

Awareness-raising events related to international protection were organised in **Estonia, Malta** and **Portugal**. In **Estonia**, a study on ‘*Awareness and attitudes of the people of Estonia in relation to refugee issues*’ was carried out to explore the attitude of Estonian citizens towards asylum applicants, refugees and migrants in general. The study concluded that the prevailing opinion of citizens was that migration and asylum flows had a negative impact on the Estonian society. In **Malta** and **Portugal**, several events, including conferences and seminars, were organised at the occasion of the World Refugee Day. The aim of these events was to inform the public on the asylum process as well as to raise awareness on the difficulties that refugees faced in their countries of origin and in exile. **Bulgaria, Latvia, Malta** and **Portugal** also participated in various ERF-projects, focusing on the setting up of an NGO support system for the inclusion of asylum applicants and refugees (**Latvia**), resettled individuals (**Portugal**), as well as on the preparation of

<sup>64</sup> These nationals from Iran had fled abroad, after exercising professions involving the expression of political opinion, such as human rights attorney, journalists, etc.

<sup>65</sup> For more information on the permit granted on the ground of ‘upholding the political interest of the Republic of Germany’, please refer to the EMN Synthesis Report on ‘The different national practices concerning the granting of non-EU harmonised protection statuses’, p.81.

asylum applicants for interviews and document analysis in the asylum determination process (**Malta**). **Malta** also continued benefitting from the United States Resettlement Programme, with a total of 244 beneficiaries of international protection being resettled from Malta to the United States in 2010. Similarly to 2009, **France** accepted 93 refugees from Malta for relocation, according to pre-determined selection criteria. In March 2010, **Belgium** signed an agreement with the authorities of Burundi, stipulating that experts from the Belgian Office of the Commissioner General for Refugees and Stateless Persons (CGRS) would train and support representatives of the Burundian National Office for the Protection of Refugees and Stateless persons, in view of reinforcing the asylum procedure in Burundi. In March and October 2010, the Belgian Prime Minister and the competent State Secretary carried out missions in Serbia and Former Yugoslav Republic of Macedonia to discourage citizens from these countries to apply for international protection in Belgium and raising awareness on the criteria for granting international protection. On 15<sup>th</sup> December 2010, the Advisory Commission on Aliens Affairs in the **Netherlands** concluded, in its advisory report ‘External processing,’ that it was not yet feasible to assess asylum applications outside Europe.

### 6.3 Key statistics<sup>66</sup>

Table 4 in the Statistical [Annex](#) gives an overview of the number of Asylum Applicants (including new applications submitted) plus First Instance Decisions by outcome in 2010. While in 2009 Member States recorded a total of 266 400 asylum applications (including new applications), the number in 2010 was 260 210, a slight decrease of 2.5%. **Germany** (48 590), **France** (52 725) and **Sweden** (31 940) had the highest number of applications, while **Estonia** (35), **Latvia** (65) and **Portugal** (160) had the lowest number. As a proportion of the total population, however, this was highest for **Cyprus** (1 320 applicants per million inhabitants), **Sweden** (990) and **Belgium** (765) and lowest for **Estonia** (5), **Portugal** (5) and **Latvia** (10). The most important countries of citizenship of asylum-seekers in the EU were, in order: Afghanistan (20 580), Russia (18 500), Serbia (17 715, excluding Kosovo), Iraq (15 800) and Somalia (14 350).

In terms of decisions, positive decisions granted on the basis of Refugee Status were largest for **Germany** (7 755 or 74.2% of all positive decisions), **United Kingdom** (4 445 or 69%) and **France** (4 080 or 80.1%). For subsidiary protection, the largest positive decisions were granted by **Sweden** (5 970 or 70.1% of all positive decisions), **Netherlands** (4 010 or 50.1%) and again **United Kingdom** (1 850 or 28.7%). For those Member States granting protection for Humanitarian Reasons, these were largest for **Netherlands** (3 180 or 39.7% of all positive decisions), **Germany** (2 145 or 20.5%) and **Italy** (1 225 or 28.4%).

In the context of the Pilot Project for intra-EU re-allocation from Malta - EUREMA, 93 beneficiaries left for **France**, 6 for **Luxembourg**, 10 beneficiaries for the **United Kingdom**, 102 left for **Germany**, 6 for **Portugal**, 8 for **Slovenia**. **Spain** approved the Programme for Refugee Resettlement, authorising the reception of 75 refugees as a sign of solidarity with states that receive massive influxes of refugees. Concerning resettlement agreements with UNHCR, **Czech Republic**, **Finland**, **France**, **Ireland**, **Sweden**, and **United Kingdom** reported on having received relocated refugees. **Czech Republic** resettled 81 Burmese refugees from Thailand and Malaysia from 2008 to 2010. **Finland** received 200 Iraqi refugees from Syria, 150 Myanmar and urban refugees from Thailand and 150 Congolese refugees from Rwanda, 150 Afghan refugees from Iran as well as 100 emergency cases. In October 2010, **France** resettled 35 Iraqi Catholic Nationals after the bombing of the catholic cathedral in Bagdad. Finally, a trilateral agreement from August 2010 transferred 98 Palestinian refugees from Iraq to **Slovak Republic** who were then further resettled to other countries.

<sup>66</sup> The figures presented here are based on the published data from Eurostat, March 2011, available from [http://epp.eurostat.ec.europa.eu/cache/ITY\\_OFFPUB/KS-QA-11-005/EN/KS-QA-11-005-EN.PDF](http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-QA-11-005/EN/KS-QA-11-005-EN.PDF).

With regard to annual quota, **Finland** reports on having an annual quota of 750 resettled refugees, **Ireland** 200, **Sweden** 1900, and **United Kingdom** 750 refugees.

## **7. UNACCOMPANIED MINORS (AND OTHER VULNERABLE GROUPS)**

Though no explicit reference is made to unaccompanied minors in the European Pact on Migration and Asylum, this section provides an overview of developments in 2010 from the EU perspective in relation to provisions from the Stockholm Programme ([Section 7.1](#)) as well as additional national developments ([Section 7.2](#)). Key statistics concerning unaccompanied minors within the EU in 2010 are then presented in [Section 7.3](#).

The information related to the developments from the EU perspective in the context of the European Pact on Migration and Asylum and the Stockholm Programme is broadly as per the text of the Commission Staff Working Paper accompanying the 2<sup>nd</sup> Annual Report on Immigration and Asylum, with some subsequent additions, updates and/or corrections provided by the EMN NCPs after its publication in May 2011.

### **7.1 Developments from the EU perspective in the context of the Stockholm Programme**

**Austria, Belgium, France, Germany, Portugal** and **Sweden** commented on their support of the implementation of the Action Plan on unaccompanied minors. For example, **Austria** reported on training provided for officials from the *Federal Asylum Office*, funded by the European Refugee Fund, on a number of topics, including best practices of other Member States and the specific psychological components and requirements of officials during preliminary proceedings. **France** described their commitment following the adoption of the Action Plan to better coordinate at national level the reception and care of unaccompanied minors. In **Germany**, a decision published by the Bundesrat in July 2010 considered the Action Plan on Unaccompanied Minors to be positive. The Bundesrat, however, added that additional common rules on the reception of, and support for, unaccompanied minors were not necessary, in view of the comprehensive EU acquis.

In 2010, conferences were hosted by **Belgium** and **Slovak Republic**. Furthermore, **Lithuania** and **Spain** organised other events relating to unaccompanied minors and vulnerable groups. At the initiative of Caritas, a discussion was held in **Lithuania** on unaccompanied minors and trafficking in human beings, which was attended by experts of the Government, the State Border Guard Service and other law enforcement institutions and non-governmental organisations. **Spain** co-chaired a seminar on vulnerable groups in July 2010 in Rabat, as a preparatory event for the third Ministerial Conference on Migration and Development, to be held in Dakar in 2011. The meeting was attended by representatives from 18 African countries, 11 European countries, the European Union, ECOWAS, UNFPA, UNHCR, IOM and UNDP.

In addition to Member State cooperation at conferences, **Sweden** was involved in the safe return and reintegration of unaccompanied minors to their country of origins, often in close cooperation with other Member States. Moreover, in May 2010, **Sweden** initiated a new project through the *Migration Board* entitled “European Return Platform for Unaccompanied Minors (ERPUM)” in cooperation with the **Netherlands**, Norway and the **United Kingdom**. The project, funded by the European Return Fund, aims to develop models for a human and well-organised return of unaccompanied minors. Furthermore, **Greece** focused on inter-institutional cooperation at both national and transnational level, through the continued implementation of the bilateral agreement with Albania for the protection and assistance to minor victims of trafficking.

## 7.2 Additional national developments

As explained in the methodology, this section outlines additional, complementary developments relating to unaccompanied minors at Member State level which were outside the scope of the European Pact on Immigration and Asylum and the Stockholm Programme.

**Bulgaria, Denmark, Estonia, Finland, Hungary, Malta and Greece** reported on legislative developments in relation to unaccompanied minors. These developments related to the inclusion of a definition of ‘unaccompanied minor’ in national legislation in relation to the Return Directive (**Estonia**); the improvement of criminal law for minor offenders; prevention and treatment of victimisation and juvenile delinquency, including *inter alia* unaccompanied minors (**Greece**); the amendment of the *Criminal Code*, in order to include provisions to protect minors including measures preventing the exploitation of minors (**Malta**); restriction of the grounds to grant a residence permit to unaccompanied minors if they have the possibility to return to a reception and care centre in the country of origin (Denmark); the modification of hosting facilities by conferring a major role to child protection authorities (**Hungary**); and the introduction of provisions concerning the age assessment of an asylum applicant through medical examination when doubts arose regarding the applicant’s age (**Finland**), as well as the intensification of the use of age testing measures (Denmark). In the **Netherlands**, the *Improved Asylum Procedure* was applied to unaccompanied minors in 2010. Changes in legislation on international protection also took effect in **Slovenia**, with an increase in the level of protection of unaccompanied minors. These provisions included the extension of the right of legal representation, by defining the requirements for appointing a legal representative, and improved access to education and healthcare.

Thirteen Member States (**Belgium, Finland, France, Greece, Ireland, Italy, Malta, Netherlands, Poland, Slovak Republic, Slovenia, Spain, United Kingdom**) mentioned policy developments occurring in 2010. These developments included the establishment of a task force which examined possible actions to minimise the risk for unaccompanied minors, including cooperation between different authorities (**Belgium**);<sup>67</sup> the setting up of an advisory group to address the issue of education entitlement for unaccompanied minors (**Malta**); the continued implementation of a Joint Protocol on missing children; the production of reports proposing, amongst others, better coordination and management of unaccompanied minors’ rights and their protection (**Finland, France**); and the development of information and prevention activities through information campaigns (**Poland**). In **Ireland**, a national policy regarding unaccompanied minors came into force, which provided that minors over 12 years should be assessed for a specified amount of time in a centre in Dublin, prior to them being placed in foster care. In the **Netherlands**, the improved asylum procedure entered into force which, in addition to extending the application procedure, included provisions providing unaccompanied minors with a longer period of rest and preparation with a target time of approximately three weeks. **Slovenia** established an interdepartmental working group on unaccompanied minors whose main tasks are to examine and assess the existing problems related to unaccompanied minors, prepare guidelines and recommendations, as well as guarantee adequate protection and provision of care and assistance to unaccompanied minors with the possibility to involve NGOs and local authorities. Concerning vulnerable persons in general, a new Action Plan 2010-2014 to combat domestic violence was approved in **Belgium**.

**Greece, Italy and United Kingdom** developed their policies concerning unaccompanied minor asylum applicants. These developments concerned the introduction of institutional plans to shift competence for minor asylum applicants (**Italy**), the provision of particular care for minor asylum applicants as part of the revised asylum system and asylum seekers’ social integration projects

<sup>67</sup> The task force published its final report which addressed to the responsible Minister several recommendations concerning the detection, identification and protection of unaccompanied minors. The task force also elaborated a “cartography” to facilitate the cooperation between different entitled authorities.

(**Greece**), and enhancement of policy guidance to ensure the best interests of the child are fully considered throughout the asylum process (**United Kingdom**).

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

Developments also occurred in **Belgium, Ireland, Lithuania** and **Spain**, relating to the reception of unaccompanied minors. In **Belgium**, an additional 128 places for unaccompanied minors in federal reception structures were created. In **Ireland**, following the entry into force of the national policy for unaccompanied minors and its emphasis on making use of foster care, two hostels closed in July 2010, with the remaining two hostels closing in December 2010. In **Lithuania**, the *State Border Guard Service* concluded a contract for the provision of legal services, under which lawyers would provide counselling to detained unaccompanied minors. **Spain** granted a direct subsidy of €15 million to the Canary Islands for the reception and transfer of unaccompanied minors, as these were greatly affected by the high number of unaccompanied minors entering the territory. In **Sweden**, the *Swedish Migration Board* started a new project in tandem with the *Swedish Association of Local Authorities and Regions* entitled the “National Plan of Action for the fitting reception of unaccompanied minors.” Concerning the reception of unaccompanied minors, **Hungary** outlined the difficulties experienced concerning age assessment and family tracing, as well as the pressure placed on child protection facilities to host unaccompanied minors.

Institutional developments occurred in 2010 in **Slovenia** and **Sweden**. In **Slovenia**, an Inter-Governmental Working Group on unaccompanied minors was established in order to examine and assess existing problems relating to unaccompanied minors. The Working Group also aimed to guarantee a comprehensive provision of adequate protection, care and assistance to unaccompanied minors with the possibility of working with NGOs and local communities. **Sweden** appointed a coordinator charged with working alongside the *Swedish Migration Board* in 2010 in order to influence politicians to increase the number of reception places allocated to unaccompanied minor refugees.

**Austria** and **Germany** experienced changes relating to provisions of the *UN Convention on the Rights of the Child* in 2010. In **Austria**, debates related to the implementation of the Convention in the Constitution of Austria. In **Germany**, the reservation of the UN Convention on the Rights of the Child was withdrawn. While this did not entail any direct amendments within the legal framework, the Federal Minister of Justice envisaged changes in practice in the area of detention for the purpose of removal and social and medical treatment of unaccompanied minors. In **Ireland**, the issue of “aged-out” minors turning 18 years continued to prompt significant debate in 2010 with NGOs calling for additional support for unaccompanied minors upon turning 18 years and their transfer from care to direct provisional accommodation. Parliamentary and media debate regarding the removal of unaccompanied minors from State schools in Dublin upon turning 18 years also took place.

**Spain** approved a Cooperation Agreement between the *Ministry of Labour and Immigration* and the Regional Government of Andalucía on the care of unaccompanied minors in 2010. Some Member States (**Finland, France, Greece, Hungary, United Kingdom**) reported on the implementation of future measures relating to unaccompanied minors. Such measures related to the adoption of future legislation concerning accommodation of minors (**Finland, Hungary**), the increase of the accommodation capacity for minors (**Greece**), as well as the establishment of specific reception

areas for minors in airports (**France**) and programmes for reception and reintegration assistance for unaccompanied minors in return countries (**United Kingdom**).

With regard to the most prominent countries of origin, **Denmark** and **Germany** reported that Afghanistan remained the country of origin of most minors travelling alone in 2010. Additionally, the **United Kingdom** launched a call for proposals to establish reception arrangements, including reintegration and family tracing, in Kabul for returning male unaccompanied minors. **Sweden** experienced a dramatic rise in the number of unaccompanied minor asylum applicants from Serbia in 2010.

### 7.3 Key statistics

Table 5 in the Statistical [Annex](#) gives an overview of the provisional number of unaccompanied minors including, when possible, those who did not apply for asylum plus those unaccompanied minor who did apply for asylum in 2010. On the basis of these provisional data, **Italy** (4 438), **Spain** (3 800) and **Sweden** (2 395) had the highest total number of unaccompanied minors, while **Germany** (1 950), **United Kingdom** (1 585) and **Belgium** (1 080) came after **Sweden** (2 395) in regard to the highest number of unaccompanied minors' asylum applicants in 2010.

**Finland**, **Czech Republic** and **Netherlands** experienced an overall decrease in the number of unaccompanied minor asylum applicants in 2010. For example, in the **Czech Republic**, only four unaccompanied minors applied for international protection, representing a two-thirds decrease from the previous year. The **Netherlands** experienced a decrease of 33% in asylum applications from the previous year.

Concerning unaccompanied minors disappearing from care, 11 unaccompanied minors went missing from care in **Ireland** in 2010.

## 8. GLOBAL APPROACH TO MIGRATION

The following subsections describe the developments occurring in 2010 with regard to the global approach to migration, with [Section 8.1](#) providing an overview of developments from the EU perspective in relation to the European Pact on Migration and Asylum and the Stockholm Programme. Additional national developments are presented in [Section 8.2](#).

The information related to the developments from the EU perspective in the context of the European Pact on Migration and Asylum and the Stockholm Programme is broadly as per the text of the Commission Staff Working Paper accompanying the 2nd Annual Report on Immigration and Asylum, with some subsequent additions, updates and/or corrections provided by the EMN NCPs after its publication in May 2011.

### 8.1 Developments from the EU perspective in the context of the European Pact on Immigration and Asylum and Stockholm Programme

#### 8.1.1 *Conclude EU-level or bilateral agreements with countries of origin and transit with clauses related to legal migration, control of irregular migration, readmission and development*

Several Member States continued participation in the EU Mobility Partnerships, including those with the Republic of Moldova (**Bulgaria, Cyprus, Germany, Greece, Italy, Poland, Portugal, Slovak Republic, Sweden**), Georgia (**Belgium, Bulgaria, Estonia, Germany, Greece, Latvia, Sweden, United Kingdom**) and Cape Verde (**France, Luxembourg, Portugal, Spain**). As part of the Mobility Partnership with Cape Verde, **Portugal** implemented a project called CAMPO (Centre

to Support Immigrants in the Country of Origin), together with **Spain**, to promote legal mobility between Cape Verde and the EU.

**Austria, Cyprus, Denmark, France, Greece, Italy, Latvia, Lithuania, Poland, Romania, Sweden, Spain and United Kingdom** concluded new agreements with third countries, or planned to conclude these (**Bulgaria, Poland**), at national level, including in relation to labour migration. **Denmark**, for example, signed a bilateral Social Security Agreement with India to enhance the existing legal framework and improve the conditions for overseas Danish and Indian workers. **France** concluded a new bilateral agreement with Lebanon and **Cyprus** signed a bilateral agreement to combat organised crime with South Africa and negotiated similar agreements with Syria and Qatar. The Member State also started the concrete application of the agreement signed with Senegal in 2006, which meant that measures were put in place to facilitate legal migration, cooperation to combat irregular migration and the implementation of development initiatives to benefit poor areas and sources of migration in the country of origin. **Italy** reported that readmission agreements had been strengthened in order to include provisions for the labour market, such as the reservation of quotas, as well as the drafting of worker lists with relevant qualifications. It was also negotiating an agreement on labour migration with Tunisia. **Lithuania** and **Slovak Republic** outlined their Youth Exchange Agreements concluded with Canada, which included specific provisions for issuing Canadian citizens with a national “D” visa or residence and work permits if they satisfy immigration requirements for the duration of their authorised stay (**Lithuania**), and increased possibilities for young citizens of both countries to complete their higher vocational education, university education or training connected to internships and work placement in each others' country (**Slovak Republic**). Moreover, the **Slovak Republic** prepared an agreement with New Zealand on a working holiday scheme which would allow citizens of both states to be employed for up to six months by a single employer without a work permit, while also allowing enrolment in educational or study courses not exceeding six months. **Poland** negotiated with Ukraine and Moldova agreements on coordination of social security to foster and control the movement of economic migrants, as well as signed a local border traffic agreement with Belarus.

**Austria** concluded new agreements with Albania, Bosnia-Herzegovina, Georgia and Moldova, which focused on combating organised crime, smuggling and human trafficking, as well as support measures for visa liberalisation for the agreements with Albania and Bosnia-Herzegovina. **Greece** further enhanced police cooperation with Albania in the field of intelligence gathering and in combating organised crime, irregular migration, trafficking in human beings and smuggling of drugs and weapons. Similarly, **Latvia** signed bilateral agreements with Albania and Armenia, centred on counter-terrorism, combating organised crime and drugs trafficking and fighting sexual abuse and exploitation of, in particular, minors. **Romania** negotiated bilateral project agreements with Serbia, Syria and the Russian Federation and a trilateral project agreement with Ukraine and Moldova on cooperation and combating organised crime. **Sweden** referred to its ongoing discussions with the Russian Federation and India, and on its intentions to conclude agreements with these countries, as well as with Armenia in the near future. **Spain** signed a cooperation agreement with Cambodia, in February 2010. The **United Kingdom** also mentioned interest in an EU Mobility Partnership with Ghana.

### *8.1.2 Offer nationals of partner countries to the East and South of Europe opportunities for legal migration*

**Bulgaria, Hungary and Portugal** referred to the EU Mobility Partnerships with Moldova and Georgia as a tool to facilitate labour migration. In relation to this, **Bulgaria, Hungary and Poland** described their participation in a project to strengthen Moldova's capacity to manage labour and return migration, including the provision of information to potential migrants about legal immigration opportunities in the EU and the risks of irregular migration. Other Member States

reported on agreements with third countries (**France, Greece**), specific projects (**Italy, Netherlands**), new regulations (**Poland**) and their wider national policy (**Sweden**).

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

### ***8.1.3 Pursue policies of cooperation with the countries of origin and of transit in order to deter or prevent irregular immigration***

Many Member States (**Austria, Belgium, Denmark, Estonia, Finland, Germany, Greece, Hungary, Ireland, Italy, Lithuania, Netherlands, Poland, Portugal, Romania, Slovak Republic, Spain, Sweden, United Kingdom**) co-operated with countries of origin and/or countries of transit.

**Austria**, for example, in cooperation with **Romania** and **Slovenia**, established Law Enforcement Coordination Units in Albania and Serbia, focusing on combating organised crime, including irregular immigration resulting from smuggling and trafficking in human beings. Through a number of projects implemented in several third-countries located at the EU’s eastern border, as well as in Ghana and Kenya, Denmark contributed to the effective implementation of the Global Approach to Migration by enhancing cooperation with countries of origin and transit. **France** has 15 ongoing agreements promoting concerted management of migration flows, with the majority of these focusing on the prevention of irregular immigration. **Greece** referred to increased police cooperation, including joint operations and intelligence gathering, with Albania in order *inter alia* to prevent and combat irregular migration, as well as to efforts made in order to improve cooperation with Turkey in preventing irregular migration. **Ireland** operated a visa office in Nigeria, which cooperates with the national immigration authorities in Sub-Saharan Africa. **Italy** lead the “Sahara Med” police cooperation project with Libya, aimed at preventing and managing irregular migration from the Sahara desert to the Mediterranean Sea. **Lithuania** signed the *Guidelines for Strategic Partnership* with Ukraine, which would cover the period 2011- 2013. The *Minister of Interior* also visited Georgia. The border guard services in **Poland** cooperated with a number of third countries to deter or prevent irregular migration, including Belarus, Ukraine, Georgia, Russia, Vietnam and Azerbaijan. **Romania** carried out cooperation activities to deter or prevent irregular migration with Moldova, including organisation of study visits of Moldovan experts in **Romania**. **United Kingdom** has capacity-building projects in China, Vietnam, Turkey and Ukraine, providing support to authorities in border control, migration flow management and reception and detention.

### ***8.1.4 More effective migration and development policies***

**Belgium, Denmark, France, Germany, Hungary, Ireland, Italy, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Slovak Republic, Spain, Sweden** and **United Kingdom** undertook activities to integrate migration and development policies effectively. This included

participation in international platforms and agreements with third countries (**Germany, Finland, France, Portugal, Spain, United Kingdom**) and other relevant activities, such as studies.

**Germany** and **Spain**, for example, mentioned their active involvement in the EU cooperation platforms on migration and development with Ethiopia, as well as their participation in a Joint Expert Group under the EU-Africa Partnership on Migration, Mobility and Employment, where **Spain** actively co – chairs, on behalf of the EU, the MME EU - Africa VII Partnership. **Denmark** supported a Study on Migration and Development, which started in 2008 and will end in 2011, to understand the relation between migration and development and inform Danish development policies and pilot projects. **France** noted that their concerted management of migration flows agreements with various third countries, clearly linked migration and development objectives, for example, through the funding of local development projects managed by migrants' associations and the support provided to diasporas. **Luxembourg** mentioned development elements within the Mobility Partnership with Cape Verde, in which **Spain** is one of the key partners. Elsewhere, **Finland, Greece, Portugal, Spain** and **United Kingdom** referred to their involvement in the Global Forum on Migration and Development (GFMD), with, for example, **Spain** substantially involved at the GFMD Puerto Vallarta meeting, as co-chair of the Round table 3.3. and as rapporteur of Table 3.

#### *8.1.5 Developing initiatives relating to the transfer of remittances*

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

#### *8.1.6 Fostering the involvement of diaspora in the development of their country of origin*

**Belgium, Germany, Ireland, Italy, Luxembourg, Netherlands, Spain, Sweden** and **United Kingdom** reported on activities supporting diaspora groups in enhancing the development in their countries of origin, including networks, dialogue and remittance projects.

**Belgium** continued supporting the IOM Programme 'Migration for Development in Africa' (MIDA) which promotes the transfer of knowledge, remittances and other resources by the

diasporas from Burundi, the Democratic Republic of Congo and Rwanda living in Europe to their countries of origin. **Italy** also participates in MIDA, as well as in the programme ‘Migration for Development in Latin America’ (MIDLA). In **Ireland**, for example, a global network of identified, influential members of the Diaspora was established as ‘The Global Irish Network’, launched in February 2010. **Greece**, as chair of the 2009 Global Forum for Migration and Development, disseminated relevant recommendations in 2010, suggesting, inter alia, to further include diaspora data into migration profiles and engage diaspora organizations in development planning. An evaluation of pilot projects on remittances in **Spain** also included findings on the key characteristics of migrant communities in Spain and their relationship with their country of origin. The study also found that the migrant population was relatively recent and it was therefore not yet possible to speak of diasporas. Follow-up research is planned, as well as support to migrants’ associations to engage in initiatives aimed at their respective communities. **Spain** also participated in a technical seminar in Mali on the contribution of diaspora to development. Within the Mobility Partnership with Cape Verde, **Luxembourg** developed a micro-finance project, gathering the savings of its Cape Verde Diaspora with the aim of both improving the financing of the sector and reinforcing the relationship with this country. The **Netherlands** organised its annual meeting with Diaspora groups. **Sweden** has several ongoing projects, one using foreign-born nationals as a resource in trade promotion. In the **United Kingdom**, the Department for International Development (DFID) supports diaspora groups to work on development programmes in their countries of heritage and works with diasporas as appropriate, for example after the floods in Pakistan.

## 8.2 Additional national developments

As explained in the methodology, this section outlines additional, complementary developments regarding the global approach to migration at Member State level which were outside the scope of the European Pact on Immigration and Asylum and the Stockholm Programme.

Specific efforts at national level were made to ensure that migration and development were jointly taken into account in policymaking (**Denmark, Estonia, Ireland, Netherlands, Portugal, Spain, Sweden**). Strategic directions were developed by Denmark, **Estonia** and **Portugal**. **Denmark** adopted a new national development strategy including a number of elements making the bridge between migration and development. **Estonia** drafted its new *Development Cooperation and Humanitarian Aid Plan 2011 – 2015*, which set out the Member State’s priorities, geared towards achieving the UN Millennium Development Goals. **Portugal** adopted the *Portuguese Strategy for Multilateral Cooperation*, defining the approach towards cooperation with Portuguese speaking countries, including migration issues.

Other national policy developments were identified, for example, in **Ireland**, where the Cross-departmental Inter-departmental Committee on Development (IDCD), including a representative of the Department of Justice and Law Reform, continued to meet in 2010. The **Netherlands** is funding three PhD candidates, to gain a better insight into options to improve the integration of migration and development policy. **Sweden** issued a Communication to the national Parliament on “Meeting Global Challenges – Government communication on policy coherence for development”, which examined how it had contributed to the objective of equitable and sustainable global development, placing emphasis on the remittances and the transfer of skills and knowledge to third countries. In addition, the government decided to develop a policy for migration in its development cooperation. **Sweden** also established a network of organisations to exchange experience on migration and development.

Member States (**Bulgaria, France, Italy, Latvia, Slovak Republic, United Kingdom**) also engaged in programmes, projects and other initiatives related to development and migration. In **Bulgaria**, for example, a new regional process was set up for the Balkans and Ukraine, aimed at developing and deepening cooperation on migration and employment. This included the

organisation of an international expert conference on “Migration and Employment – European and Regional Perspectives,” in November 2010. **France** drew attention to its unprecedented levels of financial support to development, involving all relevant development partners in the Member State and in countries of origin. With respect to migration, France’s initiatives were designed to also take on board sustainable development, employment, local development and security. In addition to Migration Initiatives already launched in third countries, France started an initiative in 2010 in Peru and identified Ukraine and Cameroon as possible third countries in which such initiatives could be launched in the future. **Italy**, in its *Inter-Ministerial Plan for Integration and Security*, reinforced its approach to signing bilateral labour agreements with third countries as a means of selecting third-country nationals who could come to Italy for the purpose of employment, placing them outside the quota system. **Latvia** set up a development project with Moldova, aimed at strengthening the rule of law, democracy and administrative capacity of the latter. Further financial support to development cooperation projects was limited due to a lack of funds. The **Slovak Republic** implemented development projects with a specific migration element, including assistance to the integration of resettled families in Georgia and support to Bosnian, Serbian and Croat third-country nationals who lived in areas with landmines. The **United Kingdom** volunteered to lead on the work stream related to capacity building under the EU-US Platform for Cooperation on Migration and Refugee issues.

## 9. IMPLEMENTATION OF EU ACQUIS

This Section first provides details of Member States’ transposition of EU Immigration and Asylum Acquis ([Section 9.1](#)) and then outlines the experiences and debates which have arisen in some Member States in relation to the transposition ([Section 9.2](#)).

### 9.1 Member States’ Transposition of EU Immigration and Asylum Acquis

**Bulgaria, Estonia, Italy, Latvia, Lithuania, Netherlands, Slovenia** and **Sweden** aimed to adopt legislation in 2010 in order to transpose one or more EU legislative instruments while **Austria** planned the adoption of legislation in 2011. For example, **Bulgaria** harmonised national legislation with international and European instruments through the *Law on Combating Trafficking in Human Beings*. In **Slovenia** and **Lithuania**, a proposal was made for a new *Aliens Act* which aimed to transpose certain provisions of European Directives into national law. **Sweden** undertook a revision of the *Aliens Act 2006* in order to bring it in line with the EU Directives entering into force.

**Ireland** suffered some delays in the transposition of EU legislation, since the *Immigration, Residence and Protection Bill 2010* lapsed with the dissolution of the Parliament in February 2011, which subsequently delayed the transposition of legislation.

With regard to the transposition of specific EU legislation, [Section 9.1.1](#) below describes Member States’ actions to transpose EU legislation relating to asylum. [Section 9.1.2](#) relates to the transposition of EU legislation relating to irregular migration; [Section 9.1.3](#) outlines the transposition of EU legislation relating to legal migration and finally [Section 9.1.4](#) describes Member States’ transposition of EU legislation relating to borders. A full overview of all transposition activities in 2010 is provided in [Annex 1](#).

#### 9.1.1 *The transposition of EU legislation relating to Asylum*

Some Member States (**Belgium, Bulgaria, Ireland, Luxembourg, Netherlands, Slovenia, Sweden**) transposed EU Directives relating to Asylum. Concerning [Regulation 343/2003](#) establishing the criteria and mechanisms for determining the Member State responsible for

examining an asylum application,<sup>68</sup> lodged in one of the Member States by a third-country national, **Bulgaria** amended the *Ordinance for the responsibility and coordination of state bodies engaged in activities* under the Regulation in order to optimise the cooperation between the *State Agency for Refugees*, the *General Directorate of the Border Police* and the *Migration Directorate* through the creation of joint action teams.

The *Immigration, Residence and Protection Bill* in **Ireland**, though not enacted into law by the end of 2010, aimed to transpose [Council Directive 2001/55/EC](#) on minimum standards for giving temporary protection in the event of a mass influx of displaced persons,<sup>69</sup> as well as [Directive 2005/85/EC](#) on minimum standards and procedures in Member States for granting and withdrawing refugee status.<sup>70</sup>

Concerning [Regulation 439/2010](#), establishing a European Asylum Support Office (EASO),<sup>71</sup> under a resolution of 20<sup>th</sup> October 2010, **Lithuania** granted powers to the *Minister of the Interior* for the formation of the reserve list of national asylum experts, the designation of the national contact point responsible for communication with the EASO and the designation of a member, and alternate member, of the Management Board of the EASO.

With regard to [Directive 2004/83/EC](#) on minimum standards for the qualification and status of third-country nationals or stateless persons as refugees or as persons who otherwise need international protection,<sup>72</sup> otherwise known as the “Qualification Directive”, **Belgium** undertook further transposition of this Directive in 2010 with the *Law of 28<sup>th</sup> April 2010* transposing Article 4(4) of the Directive into national law. The new provisions outlined that, once it was proven that an applicant had been subjected to persecution in the past, there was serious indication of the applicant’s well-founded fear of persecution or a real risk of suffering serious harm. Moreover, Article 4(5) of the Directive was transposed into national law indicating the conditions for the applicability of the “benefit of the doubt” principle. **Sweden** also introduced changes to their legislation as a result of the implementation of the Qualification Directive and [Directive 2005/85/EC](#) on minimum standards on procedures in Member States for granting and withdrawing refugee status, otherwise known as the “Asylum Procedure Directive.” The **Netherlands** also brought its legislation in line with Article 8 of the Qualification Directive, with more detailed provisions particularly regarding a protective alternative, in the case of a threat as a result of exceptional situations, as provided in Article 15 of the Directive.

### 9.1.2 The transposition of EU legislation relating to irregular migration

Concerning the transposition of [Directive 2009/52/EC](#) (Employer Sanctions Directive), **France** transposed the Directive, with **Latvia** partially transposing it. Other Member States (**Austria**, **Czech Republic**, **Estonia**, **Finland**, **Germany**, **Greece**, **Italy**, **Lithuania**, **Luxembourg**, **Netherlands**, **Poland**, **Slovak Republic**) undertook legislative developments with a view to transposition. For example, **Austria** planned to transpose Directive 2009/52/EC by amending the *Aliens Employment Act*, for which entry into force was tabled for 1<sup>st</sup> May 2011. In **Finland**, a government bill was under preparation, expected to be tabled before the Parliament in Spring 2011, which has as its aim the transposition of Directive 2009/52/EC. In the **Netherlands**, Directive 2009/52/EC was essentially transposed as part of the *Bill on Modern Migration Policy*, which was adopted in July 2010 but had not yet entered into force.

<sup>68</sup> Available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:050:0001:0010:EN:PDF>

<sup>69</sup> Available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2001:212:0012:0023:EN:PDF>

<sup>70</sup> Available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2005:326:0013:0034:EN:PDF>

<sup>71</sup> Available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:132:0011:0028:EN:PDF>

<sup>72</sup> Available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004L0083:EN:HTML>

With regard to [Directive 2008/115/EC](#) laying down common standards and procedures in Member States for returning illegally staying third-country nationals, otherwise known as the “Return Directive”<sup>73</sup>, legislation adopted in 2010 transposed (**Bulgaria, Estonia, France, Slovak Republic**) or partially transposed the Directive (**Belgium**). Following its transposition of the Return Directive, **Estonia** introduced a definition of “unaccompanied minors” into its national legislation. Other Member States (**Austria, Finland, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Slovenia**) developed their respective legislation, through the introduction of draft laws or the preparation of draft laws with a view to transposing the Directive. For example, **Austria** made amendments to the *Aliens Act* in 2010 in order to transpose the Directive, with its entry into force planned for 1<sup>st</sup> July 2011 and 1<sup>st</sup> December 2011. **Greece** submitted a draft law to parliament for the incorporation of the Directive and other matters in December 2010, with a planned adoption in January 2011. **Luxembourg** attempted to transpose Article 6 of the Return Directive into national law, relating to the possibility of granting a residence authorisation for humanitarian or other reasons. However, it was considered that the transposition of the specific article would soften the existing legislative conditions, as the conditions of regular stay and sufficient resources would be abolished for a third-country national applying for authorisation to reside on humanitarian grounds. The legislation foresaw that the maximum duration of the authorisation would increase from one to three years. **Sweden** experienced delays in its transposition of the Directive.<sup>74</sup>

In **Slovenia**, an agreement was prepared for the European Commission regarding the transposition of the [Directive 2004/81/EC](#) on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been subject of an action to facilitate irregular migration, who cooperate with the competent authorities.<sup>75</sup>

With regard to [Directive 2002/90/EC](#) defining the facilitation of unauthorised entry, transit and residence,<sup>76</sup> though this legislation is transposed in **Lithuania**, it was proposed to stipulate additional measures through a draft Law amending the *Code of Administrative Offences* in order to impose administrative liability on persons for provision of false data for the purpose of verification of letters of invitation for third-country nationals to enter the territory.

Concerning [Directive 2001/51/EC](#) supplementing provisions of Article 26 of the Convention implementing the Schengen Agreement,<sup>77</sup> **Belgium** amended its legislation, increasing the fines for carriers illegally transporting third-country nationals. Legislation provided that the punishment would be adapted proportionally, with the aim of improving the effort of carriers to prevent the entrance of persons, using inadequate or falsified documents.

### 9.1.3 The transposition of EU legislation relating to legal migration

Concerning the transposition of [Directive 2009/50/EC](#) (Blue Card Directive), the Directive is to be transposed into national law by the Member States by 19<sup>th</sup> June 2011. The Directive was transposed into national legislation in **Bulgaria, Czech Republic, France, Latvia and Netherlands**.<sup>78</sup> **Belgium, Latvia, Lithuania and Greece** were in the process of transposing the Directive while

<sup>73</sup> Available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:348:0098:0107:EN:PDF>

<sup>74</sup> The Directive is still being processed within the legislative procedure of the Swedish Parliament.

<sup>75</sup> Available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004L0081:EN:HTML>

<sup>76</sup> Available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2002:328:0017:0018:EN:PDF>

<sup>77</sup> Available at [http://eur-lex.europa.eu/smartapi/cgi/sga\\_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=EN&numdoc=32001L0051&model=g\\_uichett](http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=EN&numdoc=32001L0051&model=g_uichett)

<sup>78</sup> Similarly to Directive 2009/52/EC, Directive 2009/50/EC was transposed as part of the *Bill on Modern Migration Policy*, which was adopted in July 2010 but had not yet entered into force.

**Austria** and **Germany** initiated the legal steps to transpose the directives by the deadline. In **Latvia**, the *Office of Citizenship and Migration Affairs* prepared a draft law amending the *Law on Status of Permanent Residence of the European Community in the Republic of Latvia* in order to transpose the provisions of Directive 2009/50/EC, as well as align terminology with the Treaty for the Functioning of the European Union.

In **Lithuania** and **Malta**, particular corrections were made to the provisions of national legislation implementing [Directive 2003/109/EC](#) on long-term residence.<sup>79</sup> For example, amendments were made in **Malta** to the national *Status of Long-term Residents Regulation*, whereby integration measures were introduced in connection with the acquisition of such status. Moreover, **Lithuania** aimed to modify certain provisions of national legislation relating both the Directive 2003/109/EC as well as to [Directive 2004/38/EC](#) on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States through the *Law on the Legal Status of Aliens*.

Concerning [Regulation 380/2008](#) on the uniform format for residence permits, **Germany** aimed to substantiate its national law and aligned it with the regulation by means of an act, entering into force on 1<sup>st</sup> September 2011. In **Estonia**, amendments were made to the *Identity Documents Act* to issue uniform format residence permit cards as of 1<sup>st</sup> January 2011.

#### 9.1.4 *The transposition of EU legislation relating to Borders*

Concerning [Regulation 562/2006](#) establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code),<sup>80</sup> the law passed in **Lithuania** on 9<sup>th</sup> November 2010 amended the provisions of the *Law on the State Border and Protection* thereof prohibiting persons from staying without personal documents in the Member State.

With regard to Schengen, the law amending and supplementing the Aliens Act in **Bulgaria** transposed Article 96 of the Convention implementing the Schengen agreement relating to the submission of the signal for the purposes of refusing entry into the Schengen Information System. **Hungary** introduced necessary legislative amendments, to be able to issue biometric residence permits containing a digital portrait and a fingerprint by 20<sup>th</sup> May 2011, though the taking of fingerprints began already in 2010. **Poland** transposed the Schengen agreement through its amendment of the *Act on Foreigners* of 13<sup>th</sup> June 2003 which entered into force on 28<sup>th</sup> December 2010. **Lithuania** also planned to implement the Schengen Regulation through provisions of the draft *Law on the Legal Status of Aliens*.

## 9.2 Experiences, debates in the (non-) implementation of EU Legislation

Debates occurred concerning both the implementation of different EU legislation ([Section 9.2.1](#)), as well as the effects of case law on both EU and national legislation ([Section 9.2.2](#)).

### 9.2.1 *Debates related to EU legislation*

**Bulgaria, Czech Republic, Estonia, Hungary, Italy, Luxembourg, Slovenia** outlined debates which occurred regarding the implementation of EU legislation. Both **Czech Republic** and **Estonia** experienced debates relating to the transposition of the “Blue Card Directive.” In the **Czech Republic**, Directive 2009/50/EC (Blue Card Directive) was mentioned in the media and often compared with the national Green Card Scheme. In **Estonia**, during discussions relating to the transposition of the Blue Card Directive, debates were held on whether or not to lower the salary

<sup>79</sup> Available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:016:0044:0053:en:pdf>

<sup>80</sup> Available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:105:0001:0032:EN:PDF>

threshold for third-country nationals entering the territory. Due to a lack of support from the government, the proposals were rejected. In **Czech Republic**, the significant amendment to the *Asylum Act* and the *Aliens Act* was also accompanied by discussions in the media and among experts, though these discussions were more concerned with the new national measures rather than with the implementation of EU Legislation.

There was much discussion in **Bulgaria**, **Hungary** and **Slovenia** on the implementation of Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States.<sup>81</sup> **Hungary** undertook a number of legislative tasks in reaction to criticism on the implementation of Directive 2004/38/EC and therefore aligned its legislation in order to comply with the relevant EU acquis. **Slovenia** held a bilateral meeting with the European Commission during which the shortcomings of Directive 2004/38/EC were explained. The remarks of the European Commission relating to the inadequate transposition of the Directive were taken into consideration in preparing the new *Aliens Act*. The European Commission's notes and comments were also accepted by **Bulgaria** concerning the transposition of the Free Movement Directive. Discussions were ongoing concerning a proposal for the amendments to the *Law on entering, residing and leaving the Republic of Bulgaria* by EU citizens and their family members.

The Federal Equality Body (CEOOR) in **Belgium** organised an expert colloquium to discuss the challenges and opportunities related to the implementation of the Return Directive. Central themes of the discussion related to the risk of absconding, the situation of third-country nationals who cannot be moved and the benefits of voluntary return in contrast to forced return. Discussions also related to the entry ban provided in the Directive, with the CEOOR recommending applying the tool in extraordinary cases only. **Bulgaria** also held a debate in the *National Assembly* relating to the transposition of the Return Directive. NGOs submitted a declaration during the first reading of the draft legislation, stating that the national legislation was in breach of international and Union legislation concerning human rights and fundamental freedoms, with this view accepted by the Parliament.

In the **Czech Republic**, NGOs discussed the implementation of the Return Directive, as attention was drawn to the prolonging of time limits for detention, which was criticised by many. **Italy** also experienced public and political debates relating to the Return Directive. NGOs in **Luxembourg** also contested the Directive, since they considered that it introduced barriers to the freedom of movement of persons who were not citizens of the Union. The main focus of the critiques related to the lengthening of the maximum period of detention to 18 months, the possibility of placing minor children in detention and an entry ban following a forced return for a maximum of five years.

In **Greece**, discussions in the parliament and the media focused on the financial and administrative burden and the challenges to social cohesion that result from the highly mixed immigration flows and the attempt from the vast majority of third-country nationals to illegally enter the EU through the Greek borders. In this context, a lot of criticism was expressed about the Dublin II Regulation, which was considered as leading to unfair pressure on Member States located at the external borders of the EU. Political parties and media called for the amendment of the Dublin II Regulation

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<sup>81</sup> Discussion on the implementation of Directive 2004/38/EC following case law from the European Court of Justice, particularly the *Metock* judgment, on the application of the Directive in the Member States. The *Metock* judgment concerned the right of free movement and residence of Union citizens and their spouses in the territory of the Member States. The European Court of Justice held that third-country national spouses of Union citizens did not have to be legally resident in another Member State of the EU before exercising free movement with their EU-citizen spouse. The European Court of Justice applied Directive 2004/38/EC and held that restricting the third-country national spouse from moving to another Member State of the EU would hinder the EU-citizen's right to free movement, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:62008J0127:EN:HTML>.

to achieve more concrete solidarity and fair sharing of responsibility among the EU Member States.

### 9.2.2 Debates relating to case law

With regard to the implementation of the Qualification Directive in **Germany**, the *Federal Administrative Court* made some basic statements on granting protection under European law in a judgment of 27<sup>th</sup> April 2010, with the court ruling that Article 4(4) of the Qualification Directive would, in principle, apply if a person had already suffered prosecution or serious damage. Moreover, after a referral by the Federal Administrative Court, the European Court of Justice on 9<sup>th</sup> November 2010 held that membership in an organisation using terrorist methods should not automatically result in a person being excluded from qualifying for refugee status. The European Court of Justice placed emphasis on the need to examine the circumstances of the individual case. Moreover, with regard to Article 9(1)(a) of the Qualification Directive relating to religious freedom, the Federal Administrative Court in **Germany** referred the interpretation of the provision to the European Court of Justice. A number of cases also arose in **Ireland**, relating to the transposition of the Qualification Directive. These judgments related to applicants seeking judicial review following negative decisions of the *Refugee Appeals Tribunal* in their claims for refugee status. Moreover, in *Izevbekhai v the Ministry for Justice, Equality and Law Reform*, the High Court examined the discretion conferred on the *Minister for Justice, Equality and Law Reform* to grant subsidiary protection and the extent to which this discretion could extend when reconsidering removal orders.

In addition, in **Finland**, the Supreme Administrative Court held that the *Immigration Service* should have granted 17 nationals from Iraq, whose asylum applications were previously rejected, subsidiary protection, following the European Court of Justice's *Elgafaji* judgment,<sup>82</sup> based on the interpretation of the Qualification Directive.

Concerning asylum procedures, the European Commission referred **Belgium** and **Ireland** to the European Court of Justice for failing to complete the implementation of EU rules on asylum procedures. This led to the *Minister for Justice and Law Reform* in **Ireland** planning to introduce legislation in 2011, to give effect to the Asylum Procedure Directive in Irish law, particularly regarding the conducting of personal interviews, the provision of interpreters and the treatment of unaccompanied minors in the asylum system.

With regard to naturalisation and citizenship, **Germany** considered whether the *Rottmann* judgment of the European Court of Justice relating to the revocation of naturalisation,<sup>83</sup> might affect the application or interpretation of the "option provision" under German nationality law.

In **Finland**, the *Aliens Act* was amended regarding the free movement of EU citizens and their family members following the *Metock* judgment<sup>84</sup> and the European Court of Justice's interpretation of the Directive. The legislative amendment provided that family members of an EU citizen entering Finland directly from a third country were within the scope of application of the Directive and would be granted a family member's EU residence card instead of a residence permit.

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<sup>82</sup> C-465/07 *Elgafaji v. Staatssecretaris van Justitie*: Judgment relating to the scope of subsidiary protection under Article 15(c) of the Qualification Directive. The Court affirmed the autonomy of EU law and held that EU provisions must be given an independent interpretation. The European Court held that subsidiary protection, in particular Article 15(c), should be given their full effect.

<sup>83</sup> C-135/08 *Janko Rottmann v Freistaat of Bayern*: The judgment confirmed that a Member State of the European Union may withdraw its nationality, acquired by way of naturalisation, from a citizen of the Union, when that person has obtained it by deception, even if as a consequence the person loses their citizenship of the Union because they no longer possess nationality of a Member State.

<sup>84</sup> Case C-127/08 *Blaise Behetan Metock and Others v Minister for Justice, Equality and Law Reform*:

## ANNEX 1: Overview of equivalent national laws to transpose EU legislation

Overview of equivalent national laws which have been (in force), or steps taken in order to begin to be (not yet passed), implemented during 2010 only in order to transpose EU legislation<sup>85</sup>

EU Legislation	Equivalent National Law ( <i>status</i> )
<a href="#">Directive 2009/52/EC</a> (Employers' Sanctions Directive)	<p><b>Austria:</b> Amendments to Aliens Employment Act  <b>Belgium:</b> in progress  <b>Czech Republic:</b> Act 427/2010 amending Act on Residence of Foreign Nationals 1999 (<i>in force</i>)  <b>Estonia:</b> Draft Aliens Act (<i>not yet passed</i>)  <b>Finland:</b> Government Bill (<i>not yet passed</i>)  <b>France:</b> Law adopted on 12<sup>th</sup> October 2010 (<i>in force</i>)  <b>Germany:</b> In progress  <b>Greece:</b> In progress  <b>Italy:</b> Draft bill 'regulations to fulfil obligations for IT being part of the EU' (<i>not yet passed</i>)  <b>Latvia:</b> Partly transposed by Labour Law (<i>in force</i>)            Rest of Directive will be transposed by law amending Labour Law, Criminal Law, Associations and Foundations Law (<i>not yet passed</i>)  <b>Lithuania:</b> Draft Law on the Legal Status of Aliens and Draft Law on Prohibition of Undeclared Work (<i>not yet passed</i>)  <b>Luxembourg:</b> Law amending Law of 29<sup>th</sup> August 2008 (<i>not yet passed</i>)  <b>Netherlands:</b> Bill on Modern Migration Policy (<i>passed, but not yet entered into force</i>)  <b>Poland:</b> Legislation under preparation  <b>Slovak Republic –</b> Act on illegal work and illegal employment (<i>not yet passed</i>)</p>
<a href="#">Directive 2009/50/EC</a> (Blue Card Directive)	<p><b>Austria:</b> Amendment to the Settlement and Residence Act and Aliens' Employment Act, entry into force 1<sup>st</sup> July 2011 and 1<sup>st</sup> May 2011 (<i>not yet passed</i>)  <b>Bulgaria:</b> Law amending Aliens Act (<i>in force</i>)  <b>Czech Republic:</b> Amending Act 427/2010 (<i>in force</i>)  <b>Estonia:</b> Draft Law amending Aliens Act 2010 (<i>not yet passed</i>)  <b>Finland:</b> Government Bill (<i>not yet passed</i>)  <b>France:</b> Draft Law of 12<sup>th</sup> October 2010 (<i>in force</i>)  <b>Greece:</b> In progress  <b>Italy:</b> Draft Regulations to fill obligations for Italy being part of the EU "EU Law 2010" (<i>not yet passed</i>)  <b>Latvia:</b> Draft Law amending Immigration Law (<i>not yet passed</i>)  <b>Lithuania:</b> Draft Law on the Legal Status of Aliens (<i>not yet passed</i>)  <b>Luxembourg:</b> Amendment to Law of 29<sup>th</sup> August 2008 (<i>not yet passed</i>)  <b>Poland:</b> Draft Bill (<i>not yet passed</i>)  <b>Netherlands:</b> Bill on Modern Migration Policy (<i>passed, but not yet entered into force</i>)  <b>Slovenia:</b> Draft Aliens Act 2010 (<i>not yet passed</i>)  <b>Slovak Republic:</b> Act on Stay of Aliens (<i>not yet passed</i>)</p>
<a href="#">Directive 2008/115/EC</a> (Return Directive)	<p><b>Austria:</b> Amendments to Aliens' Police Act (<i>not yet passed</i>)  <b>Belgium:</b> Royal Decrees pertaining to the organisation of detention centres for irregular migrants (<i>partially in force</i>)  <b>Bulgaria:</b> Law amending Aliens Act (<i>in force</i>)  <b>Czech Republic:</b> Act 427/2010 amending Act on Residence of Foreign Nationals 1999 and Act on the Public Defender of Rights (<i>in force</i>)  <b>Estonia:</b> Amendments to Aliens Act and Obligation to Leave and Prohibition on Entry Act (<i>in force</i>)  <b>Finland:</b> (<i>not yet passed</i>)  <b>France:</b> Law adopted on 12<sup>th</sup> October 2010 (<i>in force</i>)  <b>Germany:</b> Draft Law in preparation (<i>not yet passed</i>)  <b>Greece:</b> Draft Law submitted to Parliament for vote in December 2010</p>

<sup>85</sup> Note that this summarises the changes or developments which occurred in 2010 only.

EU Legislation	Equivalent National Law ( <i>status</i> )
	<p><b>Hungary:</b> New legislation introducing a two step approach (<i>not yet passed</i>)</p> <p><b>Italy:</b> Draft bill 'regulations to fulfil obligations for IT being part of the EU' (<i>not yet passed</i>)</p> <p><b>Latvia:</b> Draft Law amending the Immigration Law (<i>not yet passed</i>)</p> <p><b>Lithuania:</b> Draft Law on the Legal Status of Aliens (<i>not yet passed</i>)</p> <p><b>Luxembourg:</b> Bill amending Law of 29<sup>th</sup> August 2008 on the free movement of persons and immigration (<i>not yet passed</i>)</p> <p><b>Netherlands:</b> Bill amending Aliens Act 2000 (<i>not yet passed</i>)</p> <p><b>Poland:</b> Legislation under preparation</p> <p><b>Slovenia:</b> Draft Aliens Act 2010 (<i>not yet passed</i>)</p> <p><b>Slovak Republic:</b> Act 594/2009 amending Act 48/2002 on Stay of Aliens (<i>in force</i>)</p>
<p><a href="#">Directive 2005/85/EC</a> (minimum standards for granting and withdrawing the refugee status)</p>	<p><b>Ireland:</b> Immigration, Residence and Protection Bill 2010 (<i>not yet passed</i>)</p> <p><b>Luxembourg:</b> Royal Decrees adopted on 18<sup>th</sup> August 2010 (<i>in force</i>)</p> <p><b>Slovenia:</b> Draft Aliens Act 2010 (<i>not yet passed</i>)</p> <p><b>Sweden:</b> Amendments to Aliens Act 2005 and Act concerning Special Controls in Respect of Aliens 1991 (<i>in force</i>)</p>
<p><a href="#">Directive 2004/83/EC</a> (minimum standards for the qualification as refugee)</p>	<p><b>Belgium:</b> Law of 28<sup>th</sup> April 2010 transposed Article 4(4) of Directive (<i>further transposition</i>)</p> <p><b>Sweden:</b> Amendments to Aliens Act 2005 and Act concerning Special Controls in Respect of Aliens 1991 (<i>in force</i>)</p>
<p><a href="#">Directive 2004/114</a> (conditions of admission of third country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary services)</p>	<p><b>Bulgaria:</b> Law amending Aliens Act (<i>in force</i>)</p>
<p><a href="#">Directive 2004/38/EC</a> (right of citizens of the Union and their family members to move and reside freely within the territory of the Member States)</p>	<p><b>Bulgaria:</b> Law on entering, residing and leaving the Republic of Bulgaria by EU Citizens and their family members (<i>in force</i>)</p> <p><b>Czech Republic:</b> Amending Act 427/2010 (<i>in force</i>)</p> <p><b>Hungary:</b> legislative changes to further align national legislation</p> <p><b>Slovenia:</b> Legislative changes in draft Aliens Act to further align national legislation</p>
<p><a href="#">Directive 2004/82/EC</a> (Carriers Liability)</p>	<p><b>Ireland:</b> Immigration, Residence and Protection Bill 2010 (<i>not yet passed</i>)</p>
<p><a href="#">Directive 2003/86/EC</a> (right to the reuniting of families)</p>	<p><b>Bulgaria:</b> Law amending Aliens Act (<i>in force</i>)</p>
<p><a href="#">Council Directive 2002/90/EC</a> defining the facilitation of unauthorised entry, transit and residence</p>	<p><b>Ireland:</b> Immigration, Residence and Protection Bill 2010 (<i>not yet passed</i>)</p>
<p><a href="#">Council Directive 2001/40/EC</a> on mutual recognition of decisions on the expulsion of third-country nationals</p>	<p><b>Ireland:</b> Immigration, Residence and Protection Bill 2010 (<i>not yet passed</i>)</p>
<p><a href="#">Directive 2001/55/EC</a><sup>86</sup> (minimum standards for giving temporary protection in the event of a mass influx of displaced persons)</p>	<p><b>Ireland:</b> Immigration, Residence and Protection Bill 2010 (<i>not yet passed</i>)</p>
<p><a href="#">Council Directive 2001/51/EC</a> (Carriers Liability)</p>	<p><b>Belgium:</b> Amendment of Legislation</p>
<p><a href="#">Regulation 265/2010/EU</a> amending the</p>	<p><b>Lithuania:</b> Draft Law on the Legal Status of Aliens (<i>not yet passed</i>)</p>

<sup>86</sup> See <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2001:212:0012:0023:EN:PDF>

EU Legislation	Equivalent National Law ( <i>status</i> )
Convention Implementing the Schengen Agreement and Regulation 562/2006/EC as regards movement of persons with a long-stay visa	<b>Slovenia:</b> Harmonisation of legislation in process
<a href="#">Regulation 444/2009/EC</a> (standards for security features and biometrics in passports)	<b>Czech Republic:</b> Amending Act 197/2010 ( <i>in force</i> ) <b>Lithuania:</b> Draft Law on the Legal Status of Aliens ( <i>not yet passed</i> )
<a href="#">Regulation 810/2009/EC</a> (Visa Code)	<b>Bulgaria:</b> Law amending and supplementing the Aliens Act ( <i>in force</i> ) <b>Czech Republic:</b> Amending Act 427/2010 ( <i>in force</i> ) <b>Estonia:</b> Amendment to the Aliens Act ( <i>in force</i> ) <b>Hungary:</b> ( <i>in force</i> ) <b>Latvia:</b> Immigration Law ( <i>in force</i> ) <b>Lithuania:</b> Draft Law on Legal Status of Aliens ( <i>not yet passed</i> ) <b>Poland:</b> Amendment to the Act on Foreigners of 13 <sup>th</sup> June 2003 (act of 9 <sup>th</sup> April 2010) ( <i>in force</i> ) <b>Slovenia:</b> Harmonisation of legislation in process
<a href="#">Regulation 380/2008/EC</a> amending Regulation 1030/2002 laying down a uniform format for residence permits for third-country nationals	<b>Czech Republic:</b> Amending Act 427/2010 ( <i>in force</i> ) <b>Lithuania:</b> Draft Law on the Legal Status of Aliens ( <i>not yet passed</i> ) <b>Germany:</b> National law will be substantiated and aligned with the regulation by means of an Act (full entry into force on 1 <sup>st</sup> September 2011) <b>Estonia:</b> Identity Documents Act (full entry into force as of 1 <sup>st</sup> January 2011)
<a href="#">Regulation 767/2008</a> concerning the Visa Information System and the exchange of data between Member States on short-stay visas	<b>Lithuania:</b> Draft Law on the Legal Status of Aliens ( <i>not yet passed</i> )
<a href="#">Council Regulation (EC) No 380/2008</a> (uniform format for residence permits for third-country nationals)	<b>Czech Republic:</b> Amending Act 427/2010 ( <i>in force</i> ) <b>Finland:</b> Government Bill ( <i>not yet passed</i> )
<a href="#">Regulation 1931/2006/EC</a> laying down rules on local border traffic at the external land borders of the Member States	<b>Lithuania:</b> Agreement signed between the Government of the Republic of Lithuania and the Government of the Republic of Belarus on local border traffic on 20 <sup>th</sup> October 2010 ( <i>not yet in force</i> )
<a href="#">Regulation 343/2003</a> <sup>87</sup> (criteria and mechanisms for determining Member State responsible in asylum applications)	<b>Bulgaria:</b> Amendment of Ordinance for the responsibility and coordination of state bodies engaged in activities under Regulation 343/2003 ( <i>in force</i> )
<a href="#">Regulation 1030/2002/EC</a> (uniform format for residence permits)	<b>Bulgaria:</b> Law on Bulgarian identity documents ( <i>in force</i> ) <b>Estonia:</b> Adoption of relevant technical descriptions <b>Finland:</b> Government Bill ( <i>not yet passed</i> ) <b>Latvia:</b> Draft Law on Personal Identification Documents Law ( <i>not yet in force</i> )

<sup>87</sup> See <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:050:0001:0010:EN:PDF>

**ANNEX 2: Statistics**

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.<sup>88</sup>

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

**Table 1: Provisional statistics on legal migration – first residence permits granted for education, remunerated activities and other reasons, including, when available, family reunification, in 2010**

Member State	Total	Education reasons	Remunerated activities	Other reasons
BE	24 656	5 601	3 026	16 029
BG	17 308	5 741	2 128	9 439
CZ	11 551	3 865	4 391	491
DK	NA	NA	NA	NA
DE	125 978	42 775	25 015	58 188
EE	3 551	459	941	2 151
IE	NA	NA	NA	NA
EL	15 782	1 188	13 610	984
ES	290 813	22 068	26 706	242 039 (includes family reunification)
FR	189 500	58 000	17 000	114 500 (includes family reunification)
IT	326 000	12 500	200 500	113 000 (includes family reunification)
CY	18 648	2 682	12 857	3 109
LV	1 499	206	450	843
LT	1 738	426	592	710 (includes family reunification)
LU	6 945	507	1 917	4 521 (includes family reunification)
HU	12 909	4 421	4 386	4 102
MT	1 874	134	290	1 450 (excludes for international protection)
NL	NA	NA	NA	NA
AT	30 763	3 735	2 923	24 105 (includes family reunification)
PL	21 210	6 261	11 604	3 345
PT	37 010	5 414	10 869	20 727 (includes family reunification)
RO	5 444	3 119	1 674	651 (Residence permits for family reasons not included)
SI	9 717	829	5 951	75

<sup>88</sup> With regard to data, each Member State was asked to provide some key statistics to be presented in the Commission's Staff Working Paper. Though most EMN NCPs provided data on the majority of themes and topics covered, some of them could only present provisional statistics in their National Report. The data, published by Eurostat in May 2011, is presented in this report and may, in some cases, differ from the provisional data presented in the National Reports.

Member State	Total	Education reasons	Remunerated activities	Other reasons
<b>SK</b>	4 381	321	1 797	2 263
<b>FI</b>	16 335	4 490	2 987	2 649
<b>SE</b>	35 695	14 188	21 507	NA
<b>UK</b>	550 105	268 525	116 670	164 905

Notes:

1. "NA" means data are Not Available at the time this report was published.
2. "Other Reasons" groups together all other permits issued, including *inter alia* family reunification (indicated in the Table above), for unremunerated trainees, volunteers. Owing to the different and inconsistent manner in which the data for these other reasons were available at the time this report was published, they have all been grouped together in this one column.
3. Statistics are for first nine months of 2010 (IT) and up to 20 December (PL).
4. For ES, UK data are for 2009, and thus highlighted in Grey, and for UK rounded to the nearest 5.
5. BE figures relate to issued long term visa; figures on residence permits are not available yet.
6. CZ figures refer to the number of long-term visa (type D) issued to third-country nationals in 2010. Statistics are based on national definitions.
7. DE data come from the "Wanderungsmonitoring" by the Federal Office for Migration and Refugees.
8. LU figures include both first permits and renewals.
9. PT data as available in August 2011.

**Table 2: Statistics on irregular migration – third-country nationals apprehended, ordered to leave and returned (including both forced and voluntary return) in 2010**

Member State	Third-country nationals apprehended	Third-country nationals ordered to leave	Third-country nationals returned following an order to leave (Returned to a third country)	Third-country nationals returned as part of forced return measures	Third-country nationals returned as part of voluntary return measures
BE	12 115	28 195	4 415 (4 200)	1 668	2 745
BG	1 705	1 705	295 (210)	NA	NA
CZ	2 655	2 915	920 (920)	NA	NA
DK	665	NA	520 (385)	511	NA
DE	50 250	19 190	13 895 (10 875)	NA	NA
EE	860	110	80 (40)	39	7
IE	4 325	1 495	805 (805)	NA	460
EL	115 630	132 525	51 785 (51 785)	52 469	420
ES	70 315	78 920	21 955 (19 860)	NA	6 780
FR	56 220	76 590	17 045 (13 235)	15 496	2 422
IT	46 955	46 955	4 890 (4 890)	10 600	NA
CY	8 005	2 845	4 065 (4 060)	3 097	966
LV	195	210	190 (190)	94	16
LT	1 345	1 345	1 235 (1 230)	137	55
LU	215	150	75 (70)	59	143
HU	3 255	2 405	1 360 (1 120)	1 360 (Police HQ) 659 (Aliens Police)	426
MT	245	245	270 (police and voluntary returns) (270)	231 (police returns only, not necessarily escorted)	42 (41 of which were police related cases)
NL	7 580	29 870	10 355 (9 345)	NA	NA
AT	15 220	11 050	6 335 (5 355)	2 166	4 167
PL	4 005	10 700	6 770 (6 620)	508	1 622
PT	10 085	9 425	1 335 (1 150)	587	562
RO	3 525	3 435	3 015 (3 015)	290	51
SI	3 415	3 415	1 940 (1 085)	NA	NA
SK	1 440	870	600	605	130

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

Notes:

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

**Table 3: Statistics on border – third-country nationals refused entry in 2010**

Member State	Total refused	Refused at the land border	Refused at the sea border	Refused at the air border
<b>BE</b>	1 855	Not Applicable	85	1 770
<b>BG</b>	3 070	2 550	60	455
<b>CZ</b>	330	Not Applicable	Not Applicable	330
<b>DK</b>	80	Not Applicable	NA	80
<b>DE</b>	3 550	Not Applicable	150	3 395
<b>EE</b>	1 665	395	1 260	15
<b>IE</b>	2 790	560	240	1 985
<b>EL</b>	3 805	3 225	165	415
<b>ES</b>	290 045	281 750	230	8 065
<b>FR</b>	9 840	1 060	600	8 175
<b>IT</b>	4 215	Not Applicable	1 270	2 945
<b>CY</b>	685	Not Applicable	85	605
<b>LV</b>	815	440	25	350
<b>LT</b>	1 965	1 870	40	55
<b>LU</b>	NA	Not Applicable	Not Applicable	NA
<b>HU</b>	10 475	10 215	Not Applicable	265
<b>MT</b>	130	Not Applicable	0	130
<b>NL</b>	2 810	Not Applicable	65	2 745
<b>AT</b>	400	85	Not Applicable	315
<b>PL</b>	22 895	22 255	50	590
<b>PT</b>	2 060	Not Applicable	15	2 050
<b>RO</b>	4 750	3 470	105	1 175
<b>SI</b>	7 845	7 635	0	210
<b>SK</b>	840	830	Not Applicable	15
<b>FI</b>	1 185	995	15	180
<b>SE</b>	90	Not Applicable	0	90
<b>UK</b>	16 365	1 510	2 305	12 555

Notes:

1. Data are rounded figures (to nearest 5) and as provided by Eurostat, August 2011. "NA" means Not Available at the time this report was published, whereas "Not Applicable" means that such data are not relevant, e.g. because a Member State does not have an external EU land and/or sea border.

**Table 4: Published statistics on asylum applicants and on first instance decisions by outcome in 2010<sup>89</sup>**

		First instance decisions on asylum applications					
Member State	Asylum Applicants (incl. New)	Total Decisions	Total Positive	Refugee status	Subsidiary protection	Humanitarian reasons	Rejected
BE	26 560 (21 815)	16 665	3 510	2 700	805	-	13 160
BG	1 025 (NA)	510	140	20	120	-	375
CZ	790 (390)	500	175	75	75	20	335
DK	5 100 (NA)	3 300	1 345	660	520	170	1 950
DE	48 590 (41 330)	45 400	10 450	7 755	545	2 145	34 955
EE	35 (30)	40	15	10	5	-	25
IE	1 940 (1 920)	1 600	25	25	5	-	1 575
EL	10 275 (NA)	3 455	105	60	20	30	3 350
ES	2 745 (2 550)	2 785	610	245	350	15	2 175
FR	52 725 (48 030)	37 610	5 095	4 080	1 015	-	32 515
IT	10 050 (10 050)	11 325	4 305	1 615	1 465	1 225	7 015
CY	2 875 (2 835)	2 440	425	30	370	25	2 015
LV	65 (60)	50	25	5	20	-	25
LT	495 (370)	190	15	0	15	-	175
LU	785 (NA)	360	70	55	15	-	485
HU	2 105 (NA)	1 040	260	75	115	70	785
MT	175 (145)	350	220	45	165	15	125
NL	15 100 (13 290)	17 580	8 005	810	4 010	3 180	9 575
AT	11 060 (NA)	13 780	3 450	2 060	1 390	-	10330
PL	6 540 (4 330)	4 420	510	80	195	230	3 910
PT	160 (160)	130	55	5	50	-	75
RO	885 (NA)	425	70	40	30	0	355
SI	245 (195)	115	25	20	0	-	95
SK	540 (315)	295	90	5	55	30	205

<sup>89</sup> As provided by Eurostat, August 2011.

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<b>Member State</b>	<b>Asylum Applicants (incl. New)</b>		<b>Total Decisions</b>	<b>Total Positive</b>	<b>Refugee status</b>	<b>Subsidiary protection</b>	<b>Humanitarian reasons</b>	<b>Rejected</b>
<b>FI</b>	3 675 (NA)		4 880	1 595	165	1 240	190	3 285
<b>SE</b>	31 940 (31 870)		27 715	8 510	1 935	5 970	605	19 205
<b>UK</b>	23 745 (22 090)		26 720	6 440	4 445	1 850	140	20 280
<b>TOTAL (EU-27)</b>	<b>260 210 (NA)</b>		<b>NA</b>	<b>NA</b>	<b>27 040</b>	<b>20410</b>	<b>NA</b>	<b>168 280</b>

Notes:

1. These are rounded figures (to nearest 5) and as published by Eurostat, August 2011. "NA" means Not Available at the time this report was published and figures in brackets in the second column correspond to new asylum applicants in 2010.
2. Note that there is no direct correlation between New Asylum Applicants and Decisions made in a particular year, since, for example, some decisions may have been made on asylum applicants which were submitted prior to 2010.
3. "-" means that Humanitarian reasons are not applicable in BE, BG, EE, IE, FR, LV, LT, LU, AT, PT and SI.
4. For IT, due to a technical error, there is an underestimation of the share of minor asylum applicants. The number of first instance rejections is overestimated. See Eurostat report for further details.
5. For AT, according to their national annual statistics (Jahresstatistik 2010), there are some differences from Eurostat, with Total Asylum applicants being 11 012; Total Decisions 13 785; Total Positive 3 453; Refugee Status 2 077; Subsidiary protection 1 376, Rejected 10 332.
6. For LU, statistics were provided by the EMN NCP in August 2011, as they were not available through Eurostat.

**Table 5: Statistics on unaccompanied minors in 2010**

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

**Notes:**

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