



EMN BULLETIN

The EMN Bulletin provides policymakers and other practitioners with updates on recent migration and international protection policy developments at EU and national levels. This 22nd Edition provides information from January 2018 to March 2018, including the (latest) relevant published statistics.

The Bulletin is organised by policy theme. You can directly access your area of interest by clicking on one of the following themes:

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1. GENERAL POLICY DEVELOPMENTS

EU DEVELOPMENTS AND UPDATES

- ★ On 14th March, the European Commission [published](#) a progress report on the European Agenda on Migration, taking stock of the most important developments since the last report in November 2017 and following up on the roadmap set in December 2017 on how to reach an agreement on a comprehensive migration package by June 2018. Overall, although significant progress has already been made, more work needs to be done in saving lives, tackling root causes, strengthening control over external borders and enhancing cooperation with international partners.
- ★ On 6th-7th March, the fourth [meeting](#) of the European Migration Forum took place in Brussels with a focus on the integration of migrants into national labour markets in the EU. The Forum brought together representatives from NGOs, local and regional authorities, national governments, the European Commission and the European Economic and Social Committee (EESC), who also participated in workshops covering a wide range of issues.
- ★ On 14th March, the European Commission [published](#) a factsheet presenting what has been achieved in the past two years since the agreement of the EU-Turkey statement. According to the report, the implementation of the EU-Turkey statement has contributed significantly to the reduction in the number of lives lost in the Aegean Sea, through patrolling activities organised by the Turkish Border Guards, and resettlement of people from Turkey to EU Member States. While in 2016 434 persons were lost at sea, the number was reduced to 62 in 2017.

Judgment of the General Court of the EU - T-852/16 and 851/16 on the right to access documents in relation to the EU-Turkey statement

In its judgment of 8th February 2018, the General Court delivered its ruling on an appeal lodged against the Commission decisions to refuse access to documents related to the legal advice and/or analysis of the legality, under International and EU law, of the EU-Turkey statement. The Court recalled that the purpose of Regulation 1049/2001 (access to documents) is to give the public access as widely as possible to documents of the institutions, subject to certain limitations based on the grounds of public or private interest. The General Court found that the European Commission did not make a manifest error of assessment in refusing access to most of the documents, since these fell under the 'protection of international relations', enshrined in Article 4(1)(a) of Regulation No. 1049/2001. The General Court dismissed the action for annulment; however, partial access to two documents was granted, which were considered not to be related to international relations.

In addition, over 12,476 Syrian refugees have been resettled so far. Significant assistance is provided also through the Facility for Refugees in Turkey, under which more than 1.93 billion euro has already been disbursed out of the 3 billion euro available under the Facility. The European Commission continues to support the Greek authorities in the implementation of the Statement but is calling for acceleration of the procedures especially when it comes to returns.

NATIONAL DEVELOPMENTS

★ **Belgium:** In 2018, Belgium took over the rotating [presidency of the Council of Ministers of the Benelux Union](#). On 22nd January 2018, the priorities of the Belgian Presidency were presented by the Minister for Foreign Affairs. The two main themes on which the Belgian Presidency will focus will be sustainable development and digitalization. Other themes were also mentioned as priorities, including – among other – structural consultation on migration and asylum issues.

★ **Germany:** On 14th March, the German Bundestag re-elected Angela Merkel as Chancellor. The [coalition agreement](#) between the parties *Christian Democratic Union*, *Christian Social Union* and *Social Democratic Party* will form the basis of German migration policy and its laws until 2021. Key points of the agreement with regard to managing immigration are as follows:

- Refugee Policy: The number of immigrants shall not exceed the range of 180,000-220,000 annually. The fundamental right to asylum and the Geneva Refugee Convention remain untouched.
- Family reunification: As from 1st August 2018, family reunification for beneficiaries of subsidiary protection is limited to 1,000 persons per month.
- Labour Migration: a set of rules for managing immigration into the labour market and the associated right of residence and return in a legal framework oriented to the needs of the economy will be developed, combining the existing regulations and improving transparency and efficiency.
- Integration: The diverse integration measures will be bundled in a nationwide strategy based on the principle of “demand and support”.
- Asylum procedures: the processing of asylum application will be carried out in central reception, decision-making and repatriation facilities in which the Federal Office for Migration and Refugees (BAMF), the Federal Employment Agency, youth welfare offices, the judiciary, local foreigners’ authorities and others will work hand in hand.
- Return: Voluntary and forced return of irregular migrants remains important with voluntary return taking priority. Existing obstacles will be further reduced (e. g. determination of identity, strengthening of the Joint Centre for the Support of Return - ZUR).
- Algeria, Morocco, Tunisia and other countries with a regular asylum recognition rate of less than five percent will be designated as safe countries of origin.

★ **France:** On 21st February, the [draft law](#) for a managed migration and an effective right of asylum was presented to the French Council of Ministers. By reforming the Code on Entry and Residence of Foreign Nationals and Right of Asylum (CESEDA), the draft law has three main objectives for strengthening France’s capacity to manage the changes in migratory flows identified since 2015, namely: reducing the administrative processing time for the examination of asylum applications; strengthening the fight against illegal immigration; and improvement of the reception of third country nationals admitted for residence based on their skills and talents. The draft law will be examined by the National Assembly in April and by the Senate in May.

On 22nd January, a [decree](#) was issued for establishing the post of an inter-ministerial delegate responsible for the reception and integration of refugees. Under the authority of the French Minister of the Interior, the post will provide support for defining, animating and evaluating refugee reception and integration policy, will coordinate the actions of all involved ministries and is responsible for organising the reception operations decided by the government.

★ **Ireland:** The Office for the Promotion of Migrant Integration at the Department of Justice and Equality launched the [Communities Integration Fund](#). Funding of up to 5,000 euro is available to community organisations for eligible activities to promote migrant integration in their local community.

2. IMPLEMENTATION OF THE COMMON EUROPEAN ASYLUM SYSTEM

EU DEVELOPMENTS AND UPDATES

- ★ On 25th January EASO [published](#) a Country of Origin Information Report on Afghanistan, focusing on the networks in Afghanistan and the importance of them for individuals and families.

Relocation and Resettlement

- ★ According to the European Commission's most recent [Progress Report](#) on the European Agenda on Migration, as of 7th March, 21,847 people have been relocated from Greece (including 513 unaccompanied minors) and 11,999 people have been relocated from Italy (including 174 unaccompanied minors) since the start of the EU relocation scheme. Regarding the resettlement from Turkey under the EU-Turkey statement, since the [last Progress Report](#) issued in November, 1,122 people have been resettled, taking the total since the adoption of the Statement to 12,476.

Judgment of the European Court of Justice – [Case C-360/16 Hasan](#)

In its judgment of 25th January, the Court of Justice ruled on the interpretation of the [Dublin III Regulation](#). The Court found that Article 27(1) must be interpreted as not precluding that the court or tribunal of a transfer decision takes into account the factual situation at the time of the last hearing before the court or tribunal, or, where there is no hearing, at the time when that court or tribunal gives a decision on the matter. Furthermore, Article 24 must be interpreted as meaning that, in a situation in which a third-country national after having been transferred to the first Member State, travels back irregularly to the second Member State, a second transfer to the first Member State can only occur on the basis of new take back procedure.

Judgment of the European Court of Justice – [C-473/16 F](#)

In its judgment of 25th January, the Court of Justice ruled on the expert reports aiming to assist the national authorities in the assessment of the credibility of an asylum seeker's declaration in regards to his/her sexual orientation. The CJEU found that these reports, must be in line with the Charter of Fundamental Rights of the European Union and they should not be the sole basis for the decision taken by a court or tribunal. Moreover, national authorities are prohibited from preparing and using, in order to assess the veracity of a claim made by an applicant concerning his sexual orientation, of a psychologist's expert report the purpose of which is, on the basis of a projective personality test, to provide an indication of the sexual orientation of the applicant.

LATEST RELEVANT STATISTICS

- ★ According to latest [Eurostat statistics](#), 650,000 first time asylum seekers applied for international protection in EU Member States in 2017. This number is just over half of the applications registered in 2016, and slightly above the applications registered in 2014, before the peaks of 2015 and 2016. Syria was the most common country of origin for applicants, followed by Iraq and Afghanistan.

NATIONAL DEVELOPMENTS

- ★ **Austria:** On 7th March, the Constitutional Court repealed parts of the Needs-based Minimum Benefits Law in the province of Lower Austria. According to the Constitutional Court's decision, determining the actually granted amount to beneficiaries of international protection by the duration of their residency in Austria during the foregoing six years is not justified. Furthermore, the fact that the repealed provision provided a cap on the maximum amount of support to be granted was considered to conflict with (among others) the Austrian Federal Constitutional Law in the view of the Constitutional Court.¹ On 14th February, the Austrian Regulation on Countries of Origin was revised and the states Armenia, Ukraine and Benin were added to the list of safe countries of origin.²

With effect from 1st January 2018, the Federal Asylum Law 2005 was adapted. The current version also entitles beneficiaries of subsidiary protection and asylum seekers to integration support, provided that granting of international protection seems very likely according to empirical value. Furthermore, their identity needs to be proven.³

- ★ **Belgium:** On 24th March, the Council of Ministers approved a [new plan to reduce the number of reception places](#) for applicants for international protection: from 23,815 places (currently) to 16,629 reception places in 2019 (of which 10,044 are collective places and 6,585 individual reception places). With this plan, the reception network would return to its "structural" capacity, that is to say the capacity before the high influx of applicants for international protection in 2015 and 2016. To this end, in 2018, 6,454 reception places (both collective and individual) are planned to be closed.

¹ Constitutional Court, 7 March 2018, G136/2017

² BGBl. II Nr. 25/2018

³ BGBl. I Nr. 145/2017

- ★ **Croatia:** On 1st January, the [amendment to the Act on International and Temporary Protection](#) entered into force. This amendment appoints the Central State Office for Reconstruction and Housing Care as the responsible body for providing accommodation to asylum seekers and foreigners under subsidiary protection in housing units owned by the Republic of Croatia or housing units that Office uses on the basis of a lease contract with a third party. Moreover, it sets out criteria for termination of the right to the accommodation for the asylum seekers and foreigners under subsidiary protection.
- ★ **Greece:** On 13th February, a circular was issued regulating attribution of the Social Security Number (AMKA), according to pertinent legislation, to beneficiaries of international protection and asylum seekers. This means that through a facilitated process, asylum seekers are given a social security number and thus access to free of charge access to medical and health care services in public hospitals and health centres.⁴

On 3rd February, the Asylum Service amended its Regulation on operational and internal articulation issues.⁵ (Official Gazette, Issue B, no. 417 14-2- 2018, Decision No 3385).

- ★ **Finland:** In March, the Finnish Immigration Service conducted fact-finding missions to [Afghanistan](#) and [Somalia](#). The purpose of these visits was to create a contact network with international and national actors such as aid organisations, officials, researchers and local non-governmental organisations. The [report](#) on a fact-finding mission in 2017 to Iraq was published on 6th February.
- ★ **France:** On 20th March, the [law](#) allowing sound application of the Common European Asylum System and modifying the Code on Entry and Residence of Foreign Nationals and Right of Asylum (CESEDA) was published. It defines the significant risk of absconding and specifies under which conditions a foreign national presenting such a risk can be detained. Furthermore, the law harmonises and simplifies the house arrest regime for foreign nationals affected by the Dublin regulation.

On 12th January, an [instruction](#) on shortening the registration time of asylum applications in one-stop shops was issued. The overall objective is to reduce to six months the processing time for the examination of asylum applications from the moment of registration to the final decision. It also aims to gradually reduce the time need to register asylum applications to a maximum of three days by the end of 2018, as well as increasing the number of staff.

- ★ **Ireland:** On 6th March, the [European Union \(Dublin System\) Regulations 2018](#) came into effect.⁶ The Regulations give further effect to Regulation (EU) 604/2013 (the Dublin III Regulation) in Ireland and revoke the previous European Union (Dublin System) Regulations 2014 and the European Union (Dublin System) (Amendment) Regulations 2016.

The Irish Government has introduced a temporary [interim measure](#) to provide eligible international protection applicants access to the labour market from 9th February 2018 until the date of entry into force in the State of the EU (recast) Reception Conditions Directive.

- ★ **The Netherlands:** In January 2018, the Minister of Migration [informed](#) the Dutch Parliament on measures that have been adopted to improve the security screening for migrants applying for family reunification in the Netherlands with beneficiaries of international protection. These measures entail increased training of staff at the Dutch Immigration and Naturalisation Service that conducts the security screening, as well as measures to strengthen the skills of the staff at the Dutch embassies on the verification of the identity of family members.

Relocation and Resettlement

- ★ **Belgium:** Belgium plans to [resettle](#) 1,150 refugees in 2018, including 1,050 Syrian refugees, as well as 50 Congolese refugees and 50 refugees of the Central Mediterranean route.
- ★ **Estonia:** In March 2018, the government [stated](#) that it has fulfilled its obligations under the 2015 EU refugee quota policy for relocation and no new refugees will be accepted as part of that specific scheme. Estonia accepted 206 refugees (141 from Greece, 59 from Turkey and 6 from Italy).
- ★ **Ireland:** In March 2018, the final 129 asylum seekers [arrived](#) in Ireland from Greece under the EU's relocation programme. This signified the conclusion of Ireland's participation in the EU relocation programme in Greece. 1,022 asylum seekers have been relocated to Ireland in addition to 792 programme refugees.
- ★ **Portugal:** From January to March 2018, Portugal received 25 people from Italy, now comprising 1,547 refugees under the relocation programme since it started.

⁴ (Reference Number: 31547/9662)

⁵ Official Gazette, Issue B, no. 417 14-2- 2018, Decision No 3385

⁶ SI No. 62 of 2018

- ★ **Spain:** The relocation and resettlement processes continued to be carried out, leading to a total of 1,358 relocations and 1,424 resettlements to Spain as of 27th February.

3. UNACCOMPANIED MINORS AND VULNERABLE GROUPS

EU DEVELOPMENTS AND UPDATES

- ★ On 7th March EASO [published](#) the second edition of its Practical Guide on Age Assessment, providing updated guidance, key recommendations and tools on the implementation of the best interest of the child when assessing age.

NATIONAL DEVELOPMENTS

- ★ **Italy:** Further to an agreement signed in mid-January between the Ministry of the Interior, the Association of Italian Cities and Towns (ANCI) and the Italian Football Federation (FIGC), foreign minors and young adults residing in the Italian secondary reception system are given the opportunity to play football. The project aims at promoting integration using sport as a medium to promote socialisation with the receiving society and contact with young Italian nationals.

On 14th and 27th February, two more groups of vulnerable people reached Italy through the Humanitarian Corridor established in late 2017. A first such group arrived in Italy in December 2017 (see 21st EMN Bulletin). This time, the group counted 263 people identified in Libyan reception centres by the UNHCR and allowed legal entry into Italian territory. The opening of a Humanitarian Corridor results from an agreement passed between the Ministry for Foreign affairs and International Cooperation, the Ministry of the Interior, the Italian Episcopal Conference (CEI), and the Sant'Egidio Community on 12th January 2017.

On 18th January, a Memorandum of Understanding was signed to counter the phenomenon of disappearing foreign minors, which represent 67% of the total number of people disappearing in Italy. The agreement aims at improving the exchange of information between different branches of Italian National authorities.

- ★ **Norway:** On 1st February, Section 8-8 in the Norwegian Immigration Regulations, which concerns temporary residence permits for unaccompanied minors due to lack of proper care upon return (permits valid until the minors reach 18 years), was changed. The fact that a minor is referred to internal flight alternative (IFA) will not alone be sufficient to not limit the residence permit. Where a minor lacks a guardian, or the network or resources to settle in the internal flight (safe) area may, however, indicate that the residence permit should not be limited. Therefore, when assessing whether an unaccompanied minor should be granted an ordinary residence permit on humanitarian grounds or a time-limited permit (only valid until 18 years), one of the factors which is to be taken into consideration is whether the unaccompanied minor is referred to IFA, and does not have a guardian, network or resources in the area of internal flight.

In addition, a new temporary provision was adopted, according to which a limited group of persons who arrived in Norway as unaccompanied minors, and who were referred to IFA and (in the period between October 2016 – February 2018) granted a limited residence permit until the age of 18 years, may have their asylum application processed anew by the Norwegian Directorate of Immigration. In the new assessment, the higher threshold for limiting the residence permit when a minor is referred to internal flight, is to be applied.

EU DEVELOPMENTS AND UPDATES

- ★ On 14th March, the European Commission put forward a [proposal](#) to reform the EU Visa Policy and adapt it to the current security concerns and challenges related to migration, as well as include the opportunities offered by new technological developments. With a view, on the one hand, to facilitate tourism, trade and business, while on the other to strengthen security in Europe, the most important points included in the proposal concern:

- faster and more flexible procedures;
- multiple entry visas with longer validity;
- short-term visas issued directly at external borders;
- additional resources to reinforce security;
- New mechanism to trigger stricter conditions for processing visas, as a tool to improve cooperation on return and readmission.

The proposal was put on the table as a first step of the reform of the common EU visa policy and another proposal amending the Visa Information System (VIS) will follow later in spring 2018.

- ★ On 24th January, the Commission published a [toolkit](#) to assist Member States on how to make the best use of EU funds in regards to integration of migrants and asylum seekers. The purpose of the toolkit is to help set up local integration strategies supported by EU resources within the 2014-2020 budget period. The toolkit identifies five priorities for holistic and efficient long-term integration strategies: reception; education; employment; housing; and access to public services. It lists the most pressing challenges under these five priorities and suggests adequate support measures, each one of them matched with the right EU fund.

NATIONAL DEVELOPMENTS

- ★ **Austria:** On 1st January, the Austrian Regulation for Skilled Workers entered into force, determining for what understaffed professions in the year 2018 foreigners might be accepted as skilled workers according to the Act Governing the Employment of Foreigners.⁷ Those understaffed professions encompass for example roofers, carpenters and motor mechanics.

On 5th February, the Settlement Regulation entered into force. According to this regulation the maximum numbers of residence titles and work permits for temporary employed foreigners and foreign harvest workers are established for the year 2018.⁸

- ★ **Belgium:** As of 1st January, the [integration programme](#) of the German-speaking Community became mandatory for foreign nationals who (i) are above 18 years of age; (ii) registered at a municipality of the German-speaking Community from January 2018; (iii) have a residence permit valid for at least three months. However, several categories of migrants are exempted from this obligation. The integration programme is also open on a voluntary basis to other migrants and consists of four modules: primary reception, language course, integration course and socio-professional orientation.
- ★ **Croatia:** In January, following the changes of Foreigners Act, [amendments](#) to the Ordinance on mode of determining conditions for entry and residence in the Republic of Croatia of citizens of EEA Member States and their family members and family members of Croatian nationals came into force. This Ordinance no longer applies to third-country national family members of Croatian nationals.
- ★ **Czech Republic:** At the beginning of 2018, the Czech Republic expanded its policy on labour migration projects targeted at selected categories of migrants. The projects provide a scheme for the preferential intake of applications for long-term residence permits submitted by participants of these projects at the embassies of the Czech Republic abroad. The government increased the annual quota limiting the number participants of the project called “the System of Special Treatment for Skilled Employees from Ukraine” by double (i.e. 19,600 migrants per year). Similar projects for labour migrants from Mongolia and the Philippines will be launched in May (1,000 migrants per year in each project).
- ★ **Greece:** A National Strategy on Integration is currently under elaboration at the Ministry for Migration Policy. This strategy outlines the parameters of integration according to EU principles and directives, and emphasises the importance of integration in local societies. It proposes specific measures and actions and gives a list of interventions that together form part of an integrated approach. It encompasses nine policy areas, including the cooperation with local government, the reception of asylum seekers, education and targeted policies for vulnerable migrants.
- ★ **Estonia:** In February, the government [decided](#) not to raise the immigration quota cap in place, but to introduce additional exceptions (incl. highly-skilled specialists). The immigration quota limits the number of third-country nationals who can settle in Estonia. According to the Aliens Act, the total number should not exceed 0.1 per cent of the permanent population of Estonia annually.
- ★ **Finland:** On 20th March, a [proposal](#) to amend legislation on students and researchers from outside the EU was submitted to Parliament. Residence permits for researchers and students would be extended and job-seeking and entrepreneurship would be encouraged through a residence permit granted for this. The goal of this act implementing the EU Directive on students and researchers is that most students completing their degrees in EU countries stay and work in the Union.

On 30th January, the [introduction](#) of a new type of residence permit for growth or start-up entrepreneurs was announced. The application process for an extended permit will also be simplified, and the validity period of a first residence permit for specialists will be extended. The aim is to make it easier for entrepreneurs and experts to move to Finland, thereby promoting economic growth and employment.

⁷ BGBl. II Nr. 377/2017

⁸ BGBl. II Nr. 23/2018

- ★ **France:** On 26th February, the Ministry of the Interior published an [information note](#) on the required level of knowledge of French for the issuance of long term residence permits. From 7th March 2018, level A2 of the Common European Framework of Reference (CEFR) for languages is required, whereas previously a “sufficient” level of knowledge of French was adequate.

On 21st February, the Ministry of the Interior published a [ministerial order](#) detailing the list of diplomas and certifications attesting the required knowledge of French for obtaining a 10-year residence permit.

- ★ **Ireland:** On 26th March, the [Employment Permits \(Amendment\) Regulations 2018](#) came into effect.⁹ The Regulations make a number of amendments to the Employment Permit Regulations 2017, which provide for the issuing of employment permits to qualified non-EEA nationals in certain occupations experiencing skills shortages in the Irish labour market.
- ★ **Latvia:** On 15th February, the [Conceptual Report on Immigration Policy](#), recommending the necessary improvements in the area of immigration, was endorsed by the Cabinet of Ministers.

On 20th February, the Cabinet of Ministers approved [Regulation No. 108](#) "Specialties (professions) where a significant shortages of labour are forecast and where foreigners can be invited to work in the Republic of Latvia", listing 237 professions and specialties. This is necessary to reduce short-term labour shortages, which significantly limit the economic growth of Latvia, especially in such sectors as manufacturing industry and information and communication technologies, as well as to promote productivity in sectors with high added-value.

- ★ **Lithuania:** In March, the Government of the Republic of Lithuania agreed on the principles of a reform of the migration system. This foresees the establishment of a sole institution responsible for all migration questions, in addition to a new Migration Commission. The Migration Department is in the process of preparing the legal amendments necessary to implement the reform.

Starting from 2018, Lithuania adopted new policies meant to ease and accelerate the immigration procedures for third-country nationals wanting to work in Lithuania. The companies that employ such workers can now apply to the so-called "Whitelist" (the list of confirmed companies) and benefit from fewer administrative requirements.

The Ministry of Interior presented a proposal to the Parliament to allow foreign students that graduated in Lithuania to remain in the country for nine months (instead of six months). Additionally, foreigners that were issued a residence permit on the basis of studies and, accordingly, graduated and earned a higher education qualification in Lithuania, were proposed to be allowed to benefit from more favourable conditions regarding obtaining a permanent residence permit.

- ★ **Luxembourg:** The [Law of 8th March 2018](#) modifies 1) the amended electoral Law of 18 February 2003; 2) the amended Law of 4 February 2005 on the referendum at the national level. It brings about a number of changes relevant for third-country nationals. In order to register for the electoral roll for municipal elections or to be a candidate for the municipal elections, of the five required years of residence, only the last year of residence directly preceding the registration or application must be uninterrupted. Furthermore, the law foresees that foreigners can register on the electoral roll for municipal and European elections electronically.

On 2nd February, the [bill](#) approving the agreement between Azerbaijan and the Benelux states on the exemption of the visa obligation for service passport holders was introduced into Parliament.

On 15th March, a consultation debate took place in Parliament on the upcoming multiannual national action plan on integration. The [draft plan](#) was elaborated by the Inter-ministerial Committee for Integration under the coordination of the Welcome and Integration Agency (OLAI) in the last quarter of 2017. After consultations with various stakeholders, the draft will undergo further revision by OLAI and the inter-ministerial committee. The plan is based on two axes: the reception and follow-up of applicants for international protection and the integration of non-Luxembourgish residents.

A [bill](#) modifying the amended law of 29th August 2008 on the free movement of people and immigration was introduced to Parliament on 29th January 2018. It proposes to include representatives of foreign media accredited in Luxembourg in the list of people who do not require a work authorisation for a stay of less than three months.

- ★ **Malta:** During the reporting period, the Integration Unit within the Ministry for European Affairs and Equality began the implementation of the [Migrant Integration Strategy and Action Plan](#) (Vision 2020) which was launched on 15th December 2017. As a result, a solid foundation for future integration governance was established, including the launch of the “I Belong” programme outlined in the Strategy.

⁹ SI No. 70 of 2018

This programme demands that a third-country national submits a formal request to integrate in Malta which will set in motion the integration support provided by the government. The decision for the introduction of the integration request track is inspired by the conviction that such an important decision in the life of an individual as well as for Maltese society needs to be explicitly formalised.

- ★ **The Netherlands:** In the first quarter of 2018, intensified controls were [launched](#) to verify whether employers that act as recognised sponsors for migrants fulfil their obligations as such. If the authorities find that the recognised sponsor does not live up to his obligations, a [fine](#) can be imposed or the status of 'recognised sponsor' can be withdrawn.

In February, the Minister of Social Affairs and Labour [decided](#) to phase out the oral exam concerning 'orientation on the Dutch labour market' conducted in the framework of the obligatory integration exam for new permanent migrants, as the high number of asylum seekers led to a significant increase of the waiting time to take the exam.¹⁰

- ★ **Slovenia:** In January, an [agreement](#) on the employment of Serbian citizens in Slovenia was signed. The agreement will help to increase the legal security of Serbian migrant workers. Among other things, the agreement sets out the conditions of employment, the procedures for granting permission to enter the Slovenian labour market and the obligations of employers to migrant workers.

In January, Slovenia [added](#) two additional occupations to the list of occupations that are chronically in deficit on the Slovenian labour market: chef and electro-mechanics. Based on this list,

adopted by the Minister of Labour, access to the Slovene labour market is made easier for employment of foreigners in these professions, since a prior labour market test is not necessary for their employment.

- ★ **Spain:** In January 2018, the extension of the regulation of the collective management of recruitment for seasonal agricultural workers from third-countries that Spain has signed with Morocco, was approved ([Official State Gazette publication as of 30th December 2017](#)).
- ★ **Sweden:** On 1st March 2018, the government tasked the [Swedish Agency for Economic and Regional Growth](#) to facilitate contacts and networking between foreign-born women, in particular newly arrived women, and employers. The aim of [this initiative](#) is to enable companies, especially private entrepreneurs, to better avail themselves of the competencies and potentials of migrant women in Sweden.

The background to this task, which has a duration of several years, is that foreign-born women work to a lesser degree than foreign-born men. To raise the employment rate among women is a highly prioritised political goal of the Swedish government.

Further to this, the Swedish government intends to introduce a new type of state-subsidised job ([etableringsjobb](#)) for newly arrived migrants and other residents, who have been unemployed for a long time. These jobs shall make it easier for new arrivals and long-term unemployed people to establish themselves in the Swedish labour market, while at the same time increasing the supply of workers to Swedish employers with a strong demand for labour.

Judgment of the European Court of Justice - Case [C- 240/17 E](#)

In its judgment of 16th January, the Court of Justice ruled on the interpretation of Article 25(2) of the Convention implementing the Schengen Agreement (CISA). The Court ruled that the consultation procedure must in principle be initiated only after an alert for the purposes of refusing entry has been entered in the Schengen Information System. The Court also found that Article 25(2) allows a return decision accompanied by an entry ban to be enforced while the consultation procedure is still ongoing, if the third-country national is considered a threat to public order or public security. Moreover, according to the ruling, after a reasonable time from the initiation of the consultation procedure and in the absence of a response from the Contracting State consulted, the Contracting State issuing the alert must withdraw it and, if necessary, put the third-country national on its national list of alerts. Finally, the CJEU ruled that a third-country national may rely before the national courts on the legal effects resulting from the consultation procedure laid down in Article 25(2) of the CISA.

¹⁰ Up to 15 weeks.

4. MANAGEMENT OF THE EU EXTERNAL BORDERS

EU DEVELOPMENTS AND UPDATES

- ★ On 1st February, Frontex [launched](#) the new Joint Operation Themis which replaced Operation Triton. While the search and rescue operations remain a central element, the new Operation Themis seeks to better reflect the changing patterns on migration and cross border crime through an enhanced law enforcement focus.

NATIONAL DEVELOPMENTS

- ★ **Croatia:** On 23rd February, given the increase in the number of irregular migrants coming from Bosnia and Herzegovina, Ministers of the Interior discussed the possibility of strengthening bilateral police co-operation, including the continuation and strengthening of co-operation during the upcoming tourist season. Considering the importance of effective management of migration movements, the Ministers discussed the importance of the implementation of the Agreement between the Government of the Republic of Croatia and the Council of Ministers of Bosnia and Herzegovina on the readmission of persons whose entry or stay is illegal and the Protocol on the Implementation of Readmission Agreements and their unified implementation at all borders.
- ★ **Finland:** On 25th January, a new [act](#) to lay down provisions on combating crime at the Finnish border was adopted. The Finnish Border Guard will focus on traffic crossing the external border of the Schengen area, particularly on the combating of crime involving illegal entry into the country. This is done as part of border management. The Border Guard will also monitor compliance with the Water Traffic Act, the Hunting Act and the Fishing Act.

Italy: In late March 2018, the two-year pilot programme “International Training at Egyptian Police Academy” started. A total of 360 police officers from 22 African countries will be trained on migration issues and border controls by experts from the Italian State Police, Egyptian Police and international and European organisations.

On 12th January 2018, Italian and Libyan authorities established a joint committee to combat transnational crime, trafficking of human beings, migration smuggling and terrorism, an initiative announced early December last year (see 21st EMN Bulletin). Such a committee should reinforce the Rule of Law in Libya and guarantee full respect of human rights. The agreement foresees the exchange of information and the training of Libyan investigators.

- ★ **The Netherlands:** As of 29th January 2018, a transit visa was [introduced](#) for Cuban nationals who are travelling via the Netherlands to a non-Schengen country. This measure was introduced as a result of an [increased](#) influx of Cuban [asylum seekers](#) claiming asylum on grounds of sexual orientation or gender identity since September 2017.
- ★ **Poland:** On 30th March, 30 border guard officers departed from the Specialist Training Centre of the Border Guards in Luban for its eleventh mission in Macedonia. Poland's engagement is highly appreciated by Macedonian border services. This time, Polish Border Guards supported local services in controlling the influx of immigrants by inter alia preventing illegal border crossings and checking the authenticity of documents and registration of international protection applications.

5. IRREGULAR MIGRATION AND RETURN

EU DEVELOPMENTS AND UPDATES

- ★ According to the European Commission's [Progress Report](#) of 14th March, 2,164 returns have been carried out under the EU-Turkey statement since March 2016. Of these, 563 were the result of a second instance negative judicial decision on an asylum application. Under the **Assisted Voluntary Return and Reintegration Programme** implemented by the International Organization for Migration (IOM), 5,656 migrants returned to their country of origin in 2017, including 1,683 from the Greek islands. From January to 1st March 2018, this helped 760 migrants return home, including 242 from the Greek islands.
- ★ The EMN published the Synthesis Report of the 2017 Study on [“The effectiveness of return practices in EU Member States”](#). Against the background of the European Commission's 2015 EU Action Plan on Return and the subsequent 2017 Communication on a more effective return policy, this study investigates good practices and challenges in Member States' application of EU rules on return and equivalent standards.

NATIONAL DEVELOPMENTS

★ **Austria:** On 1st February, an agreement between the Republic of Austria and the Federal Republic of Germany entered into force, establishing a “Joint Centre” in Passau that aims at deepening the cooperation between the two states in regards to crime control, protection of public order and security as well as fighting against irregular migration under the conditions of the common Schengen area. Amongst other measures, this includes supporting the competent authorities with a view to returning third-country nationals in compliance with the agreements established between the two states.¹¹

★ **Belgium:** On 26th February, the Belgian Minister of Home Affairs and the Belgian State Secretary for Asylum Policy and Migration met with the British Home Secretary in London. They agreed to [further collaborate on the issue of transit migration](#), including through an information campaign to fight against the smuggling of migrants, as well as the creation of a Single Point of Contact on transit migration.

On 8th February, the [report](#) of the Commissioner General for Refugees and Stateless Persons (CGRS) on “respecting the principle of non-refoulement when organising the return of persons to Sudan” was presented to the Government. The report is the result of an independent enquiry on the risks in case of return to Sudan carried out by the CGRS at the request of the Deputy Prime Minister Jan Jambon at the end of December 2017.

In February, the State Secretary for Asylum Policy and Migration carried out an official [visit to Guinea](#), in order to – inter alia – launch a prevention campaign on irregular migration towards Europe and Belgium. The issue of the return of Guinean nationals (including rejected applicants for international protection) to their country of origin was also discussed.

★ **Estonia:** The Police and Border Guard Board [purchased](#) nine ELIX-XL type military drones, which will be used to monitor the EU external border and to react to border incidents.

★ **Lithuania:** In March 2018, an [Order](#) of the Migration Department came into force setting exemplary criteria to evaluate whether there are well-founded grounds to consider that a foreigner represents an illegal migration threat and, therefore, should not be issued or prolonged his/her residence permit.

In 2017, Lithuania continued to register a decrease in irregular migration from Vietnam. State border guards detained 120 Vietnamese nationals in 2017, compared to 226 in 2016 and 382 in 2015. One of the reasons for such a decrease is more effective work of law enforcement agencies – both in detention and organising expulsion. Employment of new observation systems within the Lithuanian border area have also proved to be a particularly effective measures of prevention.

★ **Luxembourg:** A [bill](#) modifying the amended Law of 29th August 2008 on the free movement of people and immigration proposes to modify the monetary penalties that are applied to air traffic companies that enable third-country nationals to disembark in Luxembourg who do not have a valid travel document, do not have the required visa as well as those applied to air traffic companies who did not transmit the required data, did not transmit it within the foreseen time period, or transmitted incomplete or false data.

The same bill also introduces a number of modifications with regard to return. For instance, it proposes that the best interests of the child will be individually evaluated by a multidisciplinary team, in the context of taking a decision regarding the return of an unaccompanied minor.

It also proposes to enable the Grand Ducal Police to access the place of residence of a foreign resident, after being duly authorised by the President of the Luxembourg District Court, if the latter is refusing access to this place in order to prevent his or her removal.

★ **Poland:** As of 12th January, [amendments](#) introduced into the Act on Foreigners provide new provisions regarding, inter alia, the issue of detaining and returning foreigners, as well as medical and psychological care to foreigners who have not been placed in a guarded centre or remand centres for foreigners on health grounds.

★ **Sweden:** On 15th March, a [bill](#) was submitted to the Parliament to expand the possibilities of the police to carry out risk-based inspections at workplaces to detect illegal employment. So far, the Police needed a concrete suspicion of criminal activity in order to carry out checks on workplaces.

¹¹ BGBl. III Nr. 18/2018

The Police shall now be entitled to conduct random controls. Such inspections shall be focused on sectors where there is an elevated risk of illegal employment, such as the hotel and restaurant businesses as well as hairdressers and beauty parlours. The government also intends to double the special fee (a financial sanction) that employers of persons who do not have the necessary permits have to pay.

6. ACTIONS ADDRESSING TRAFFICKING IN HUMAN BEINGS

EU DEVELOPMENTS AND UPDATES

- ★ On 6th March, the European Commission launched a targeted call for expressions of interest to participate in the EU Civil Society Platform against trafficking in human beings, with deadline 25 April 2018. The participation of civil society actors from across all EU Member States is important, and geographical balance has been one of the selection criteria in previous calls. Amongst current participants, civil society organisations from Denmark, Estonia and Malta are not represented, or a place has become otherwise available; the call hence targets civil society organisations that are legally based in these three EU Member States. The Commission launched the Platform in 2013, as an action of the EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016.

NATIONAL DEVELOPMENTS

- ★ **Estonia:** In February, the Istanbul Convention entered into force in Estonia.¹² This prompted an amendment to the Penal Code "criminalising the buying of sex from the victims of trafficking in human beings (THB)". The objective of criminalisation is to discourage the demand leading to THB and to protect the rights of victims.
- ★ **Greece:** An [inter-agency meeting](#) was convened by the Parliamentary Committee on human trafficking. The meeting discussed the GRETA recommendations on the implementation of the Council of Europe Convention on Action against trafficking in human beings.
- ★ **Finland:** In March, Finland published the latest review of the Assistance System for Victims of Human Trafficking (in Finnish). The review showed that in 2017, the [number of clients](#) in the Assistance System for Victims of Human Trafficking was higher than ever before. At the end of 2017, 322 people fell within the scope of the system's services, including underage children in the care of clients (2016: 233). 34 of them entered the assistance system as minors.
- ★ **Italy:** On 6th February, the President of Lazio's Territorial Commission for the recognition of international protection and the Regional counsellor for Social Policies, Sport and Security officially launched a pilot project for the identification of victims of human trafficking and exploitation amongst asylum seekers. Such a project is part of a wider initiative led by the National Commission for Asylum and aims at creating standard operating procedures for the identification, referral and protection of victims of trafficking.
- ★ **Luxembourg:** The [Law of 28th February 2018](#) strengthening the fight against the exploitation of prostitution, procuring and trafficking of human beings for the purpose of sexual exploitation grants impunity of irresponsibility to the victims and introduced new infractions to the Penal Code. These infractions penalise clients of child victims of sexual exploitation, vulnerable people, victims of sexual exploitation, procuring and human trafficking for the purpose of sexual exploitation with the possibility of not having to conduct public prosecution against the client under certain conditions.
- ★ **Malta:** In the framework of the 4th National Action Plan against Trafficking in Persons, a series of effective actions specifically targeting the areas of sexual exploitation and child trafficking have been taken. Moreover, preparations to conduct a second national study on human trafficking amongst migrant women and children living in open centres in Malta have been initiated.
- ★ **The Netherlands:** In January, a [pilot project](#) was introduced to assess the likeliness of human trafficking in individual cases where the criminal proceedings relating to human trafficking have led to a dismissal or an acquittal. This assessment is carried out by a newly established multi-disciplinary commission composed of [experts](#) from different disciplines and can be used by the Dutch immigration and Naturalisation Service in its decision on whether to grant a residence permit to (possible) victims of human trafficking. The [purpose](#) of this pilot project is to examine if the commission is able to assess whether a person has been a human trafficking victim and whether this assessment has added value for other authorities, such as the Dutch Immigration and Naturalisation Service, shelters and victims.

¹² The Istanbul Convention was ratified in Estonia on 26th October 2017.

- ★ **Poland:** In March, an information [campaign](#) was launched in Radom, Poland, highlighting the threats associated with the crime of human trafficking (modern slavery). The aim of the campaign was to raise public awareness and protect potential victims from various forms of human trafficking.
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- ★ **Portugal:** The Portuguese Observatory on Trafficking in Human Beings (OTSH) contributed to the increase of knowledge on trafficking in human beings (THB) with data to statistical reports, e.g. for the Annual Report on National Security. Responsible institutions also presented national good practices on the National Referral Mechanism and Indicators used to flag potential situations of THB, namely in the labour sector, to the UN Special Rapporteur on Trafficking in Persons. The Council of Ministers approved the [IV National Action Plan on the Prevention and Combatting of Trafficking in Human Beings 2018-2021](#) (currently on public consultation), which aims to improve the system of protection for victims through a comprehensive national strategy in line with international guidelines on this subject.
- ★ **Sweden:** In February 2018, the Swedish government adopted a [National Action Plan for combatting prostitution and trafficking in human beings \(THB\) for sexual and other purposes](#). The Action Plan focuses on preventive work, stronger protection for victims, strengthened knowledge, and the development of methods for professionals who work with victims of THB.


On 1st January, a new state agency was established in Sweden, the [Swedish Gender Equality Agency](#). The Swedish government has transferred all functions related to coordinating action against trafficking in human beings (THB) from the County Administrative Board of Stockholm to this new Agency, which now has the authority to work against trafficking for all forms of exploitation.. The Agency's mandate includes, inter alia, support to authorities and NGOs, the National Task Force against Prostitution and Trafficking (NMT), and the regional anti-THB coordinators.

7. EXTERNAL DIMENSION

EU DEVELOPMENTS AND UPDATES

- ★ On 23rd February, the EU, African Union and the G5 Sahel hosted a [high-level International Conference](#) in Brussels on security and development in the Sahel, focusing on the stability and stabilisation of the peripheral, cross-border and fragile zones of the Sahel.
- ★ On 26th February, a new [programme](#) on voluntary return and evacuation was adopted within the EU Emergency Trust Fund for Africa. This programme is worth 115 million euro and continues to provide support to the UN Refugee Agency (UNHCR) and the International Organization for Migration (IOM).

NATIONAL DEVELOPMENTS

- ★ **Belgium:** On 8th February, the Federal Reception Agency Fedasil [signed a framework agreement](#) with the Belgian development agency, Enabel. This agreement creates a basis for cooperation between the two Belgian public institutions in the field of asylum and migration and development cooperation. Specific agreements will be concluded depending on the needs of the two partners (e.g. mobilisation of Fedasil experts for Enabel projects - and vice versa - or mobilisation of the European or local partners of the other institution).
- ★ **Czech Republic:** The interdepartmental working group of the Medical Humanitarian Programme (MEDEVAC) met in February to assess the activities of the programme in 2017 and discuss the scope of activities and budget of the programme in 2018. The  priority regions for humanitarian and development aid have been identified as the Middle East, the wider Sahel region and eastern Ukraine. Financial donations through partner organisations totalling 20 million CZK (0.8 million euro) aimed at strengthening local health infrastructure will be made in Libya, Niger, Iraq and eastern Ukraine. The overall budget of the MEDEVAC programme for 2018 will remain 60 million CZK (2.4 million euro). For the next two years a photographic exhibition documenting MEDEVAC's missions has been launched and will be travelling across relevant Czech embassies as well as hospitals participating in the programme. The exhibition is part of an effort to increase the visibility of the MEDEVAC programme.

In February, the financial aid priorities for 2018 within the *Programme of the Ministry of the Interior for the Assistance to Refugees in Regions of Origin and Prevention of Large Migration Flows* (newly called "Aid in Place") were discussed by the interdepartmental working group. Among the suggested priorities are the Middle East region and the Balkan region (especially the Republic of Macedonia). A financial donation of CZK 40 million (around 1.6 million euro) shall be allocated to the Sahel and North Africa regions.



During March, the proposed priorities were submitted to the Czech Government for approval. The overall budget of the Programme for 2018 amounts to CZK 150 million (around 6 million euro). This programme was established in September 2015 as a special tool to address the refugee/migration situation in Europe and its neighbourhood.

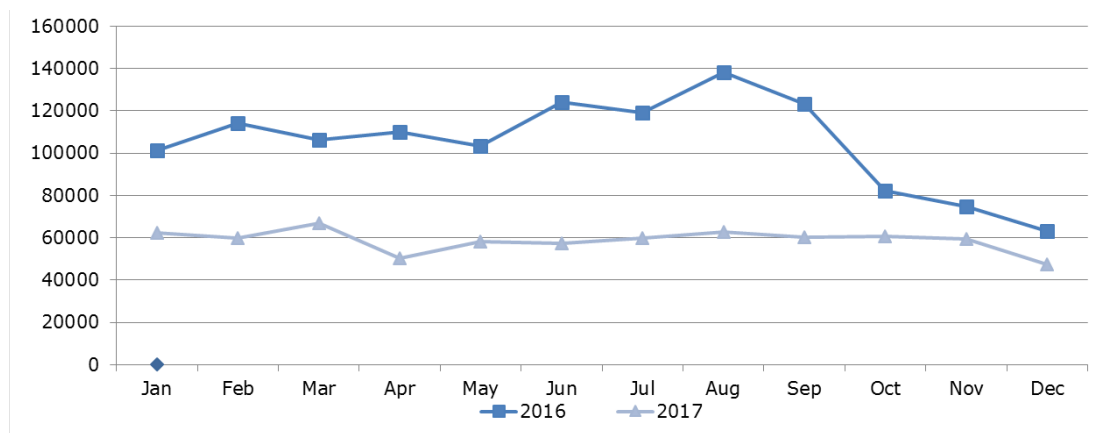
In January 2018, the Government of the Czech Republic approved the financial contribution of 8.75 million euro to the North Africa Window of the EU Trust Fund for Africa (an equal share of an overall amount of 35 million euro provided by the Visegrád Four states (Czech Republic, Hungary, Poland and Slovakia). The money allocation is dedicated to the implementation of the second phase of the program – Support to Integrated Border and Migration Management in Libya. The total contribution of the Czech Republic to the EU Trust Fund for Africa from its establishment is 10.42 million euro.

- ★ **Poland:** During the reporting period, Beata Kempa was [appointed](#) Minister for Humanitarian Aid. This is the first time such a post was established and underlines the importance of humanitarian aid for the Polish government.
- ★ **Spain:** The Second Hispano Moroccan Forum on Migration and Integration was held on 20th-21st March in Morocco, with the participation of a Delegation headed by Ms. Marina del Corral, Secretary General for Immigration and Emigration.

ANNEX: EU & COMPLEMENTARY STATISTICS, ADDITIONAL INFORMATION, OTHER EMN OUTPUTS AND UPCOMING EVENTS

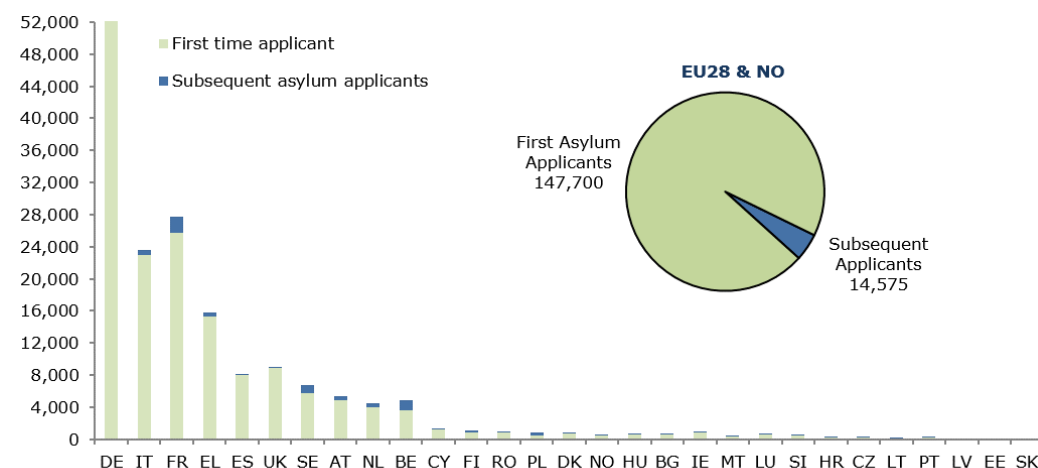
EU Figures

Figure 1a: Asylum applications in the EU-28, January 2016 – December 2017.



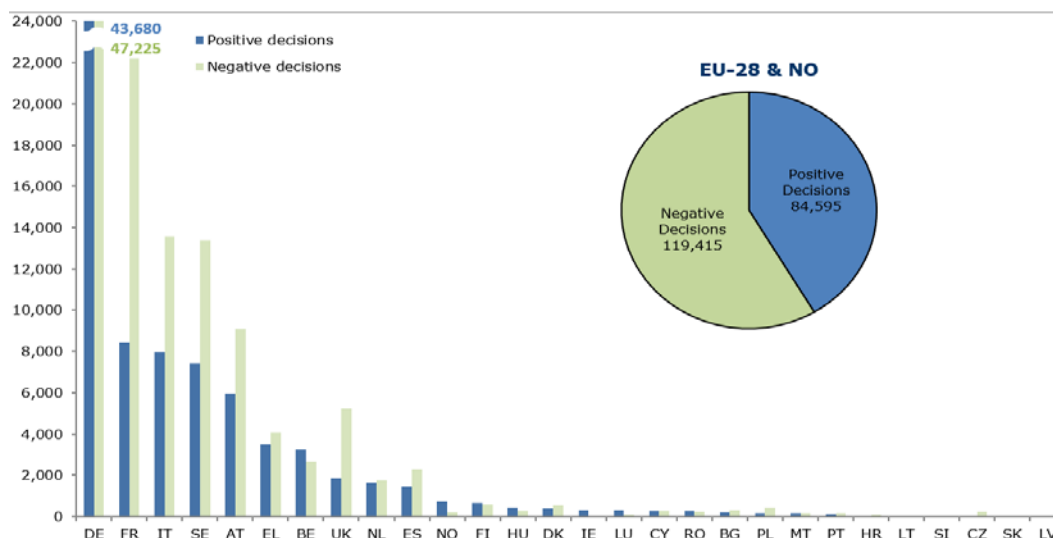
Source: Eurostat [[migr_asyappctzm](#)], total asylum applicants, accessed on 30th March 2018.

Figure 1b: First time asylum applicants and subsequent applicants (together, total asylum applicants) in the EU-28 and Norway, Q4 2017 (quarterly data)



Source: Eurostat [[migr_asyappctzm](#)], accessed on 30th March 2018.

Figure 2: First instance asylum decisions in EU-28 and Norway for non-EU citizens, Q4 2017



Source: Eurostat [[migr_asydcfstq](#)], accessed on 30th March 2018.

Figure 3a: Illegal border crossing – Top nationalities (in %)

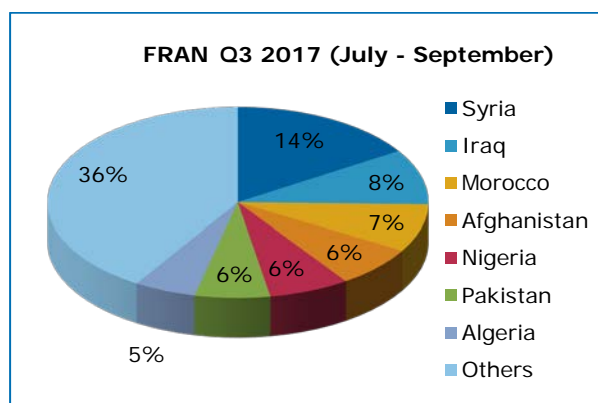


Figure 3b: Refused entry – Top nationalities (in %)

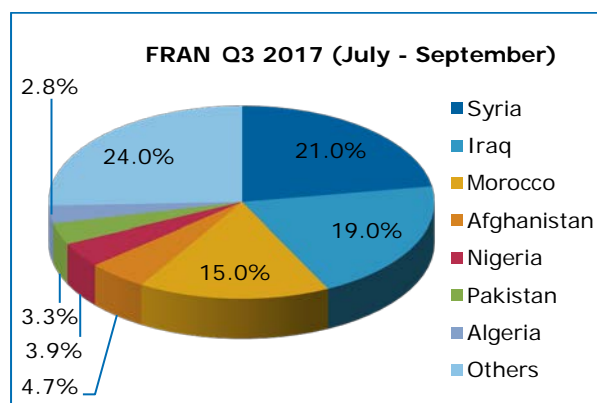


Figure 3c: Illegal stay – Top nationalities (in %)

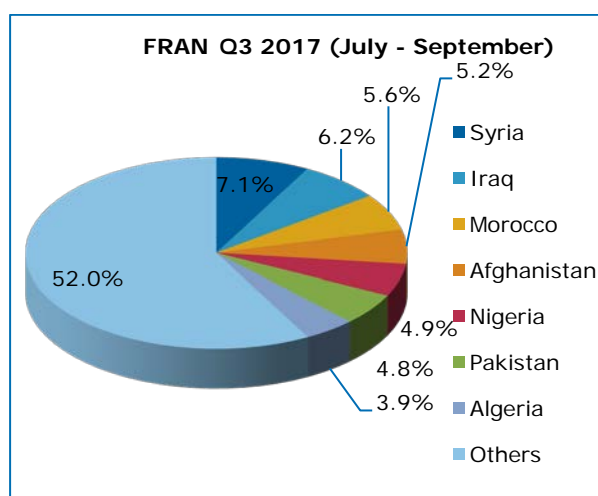
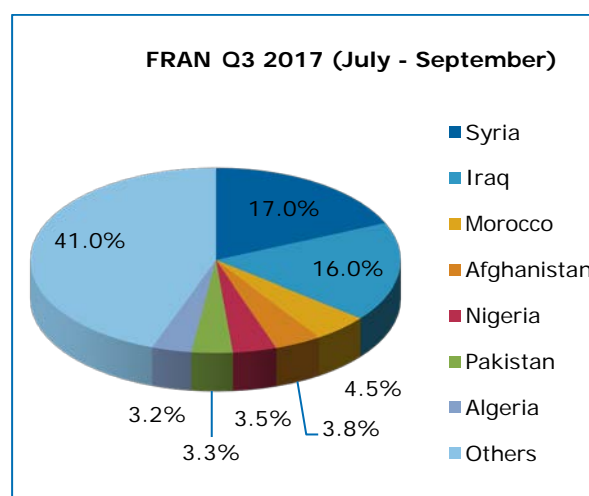


Figure 3d: Effective return – Top nationalities (in %)



Source: [FRONTEX FRAN Quarterly Report Q3 2017](#) (July - September 2017)

Latest available national statistics

IMPLEMENTATION OF THE COMMON EUROPEAN ASYLUM SYSTEM

- ★ **Austria:** The Federal Ministry of the Interior has published the [annual statistics on asylum for 2017](#). According to the report, the number of asylum applications in Austria decreased in 2017 to 24,735, which is a drop of 41.50 percent compared to 2016. The top three nationalities were Syria, Afghanistan, and Pakistan. Regarding unaccompanied minors, a similar decrease from 3,900 asylum applications in 2016 to 1,352 in 2017 has been reported.
- ★ **Slovak Republic:** The Migration Office of the Ministry of Interior published its [2017 Statistical Report](#) which contains an overview of the number of asylum applications, number of granted asylum or subsidiary protections and granted citizenships in 2017. The statistical report also includes data on nationalities, citizenships, age and on unaccompanied minors.

Actions addressing trafficking in human beings

- ★ **Lithuania:** In 2017, 60 cases of human trafficking and use of forced labour were [registered](#) in Lithuania. 40 nationals of the Republic of Lithuania, 18 nationals of Federal Democratic Republic of Nepal and 2 nationals of the Republic of Ukraine were identified as victims of these crimes. Foreigners (all of them male) constituted to 34.5% of all victims in 2017.

LEGAL MIGRATION AND INTEGRATION

- ★ **Slovak Republic:** The Bureau of Border and Aliens Police of the Police Force Presidium published [the Statistical Overview of Legal and Illegal Migration in the Slovak Republic](#) for the year 2017 which provides data on both legal and irregular migration including returns.

Updates on EU legislation transposition

IMPLEMENTATION OF THE COMMON EUROPEAN ASYLUM SYSTEM

- ★ **Belgium:** On 12th March, the [law](#) of 21st November 2017 modifying the Immigration Act was published in the Belgian Gazette. It aims at – inter alia – finalising the transposition of the European asylum Directives (see EMN Bulletin October-December 2017).

LEGAL MIGRATION AND INTEGRATION

- ★ **Belgium:** On 2nd February, in the framework of the transposition of the Single Permit Directive in Belgian legislation, the different competent Belgian entities (i.e. Federal State, Flemish Region, Walloon Region, Brussels-Capital Region and the German-speaking Community) adopted a cooperation agreement on the coordination of the policies on work permits and residence permits and the norms regarding the employment and residence of foreign workers. In March 2018, several [legislative texts](#) have been adopted by the Parliament at the federal and regional level to approve this cooperation agreement. The cooperation agreement has not yet entered into force.
- ★ **Hungary:** On 1st January, modifications on the 2007 Act on the entry and residence of third-country nationals as regards legal migration entered into force.¹³ The aim of these modifications was to transpose the [EU Students and Researchers Directive](#) ((EU) 2016/801). A specific permit for migrant entrepreneurs was also introduced and the amendments also affected procedural issues.
- ★ **Poland:** On 12th January, the [Act of 24th November 2017](#) on amendments to the Act on Foreigners and certain other acts was published. The main objective is to transpose the [Intra-Corporate Transferee Directive](#) (2014/66/EU).

On 1st January, the [Act of 20th July 2017](#) amending Act of 20th April 2004 on the promotion of employment and labour market institutions and certain other acts was enacted.¹⁴ In particular, this amendment was intended to implement the [Seasonal Workers Directive](#) (2014/36/EU) in the Polish national legislation. This Act introduced seasonal work permits. In addition, it reconstructed and strengthened the legislation on access to the Polish labour market in the area of so-called short-term work.

Other EMN outputs and upcoming events (see also the [EMN website](#))

- ★ **Belgium:** The Belgian Contact Point of the EMN produced a short [video](#) on the illegal employment of third-country nationals in Belgium and in the EU, in the framework of the EMN study dedicated to this topic, as well as the events organized at national and European level.
- ★ **Spain:** On 14th March a “Workshop on online follow-up hate speech” organised by the Spanish Observatory for Racism and Xenophobia (OBERAXE) took place in the premises of the General Secretariat for Immigration and Emigration.

The transnational project “*Proximity policing against racism, xenophobia and other forms of intolerance*” that leads the General Secretariat for Immigration and Emigration through the Spanish Observatory for Racism and Xenophobia ([OBERAXE](#)), initiated in April 2017, with the aim of identifying best practices at local level, completed its first phase in the first trimester of 2018.

¹³ Act CXLIII of 2017

¹⁴ Journal of Laws 2017, item 1543



European
Commission