

The European Migration Network (EMN) is co-ordinated by the European Commission with National Contact Points (EMN NCPs) established in each EU Member State plus Norway.

Migration and Asylum in the EU: Recent trends and policy developments



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Welcome

Marie Bengtsson
EMN NCP Co-Chair and NCP Sweden

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Key Note Presenter

Cécile Kashetu Kyenge
MEP

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Session one: International Protection and Asylum

Session 1 of 3

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Session one: Overview presentation of main trends and developments

- ***ICF (EMN Service Provider)***



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*Migration and Asylum in the
EU: Recent trends and policy
developments*

EMN Annual Policy Report on Immigration and Asylum 2016

Overview of key findings

Maria Duro Mansilla
EMN Service Provider, ICF

Version 1.0 (2017)

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Introduction

- APR synthesis report elaborated on the basis of contributions from **24 NCPs & COM**
- Description of **main migration & asylum developments and trends** at the EU/ national level in 2016
- Further info available in **national reports** at the EMN website: https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/reports/nationalreports_en



Key policy areas

1. International Protection and Asylum

2. Irregular Migration

3. Legal Migration

Key policy areas

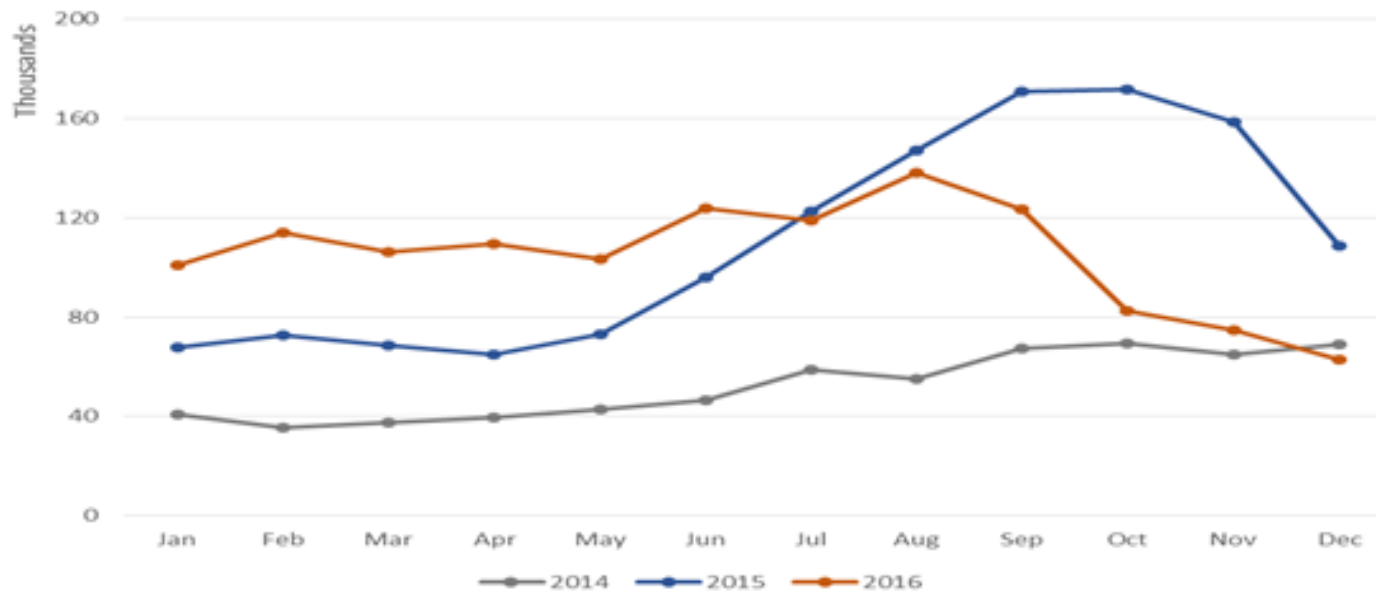
1. International Protection and Asylum

2. Irregular Migration

3. Legal Migration

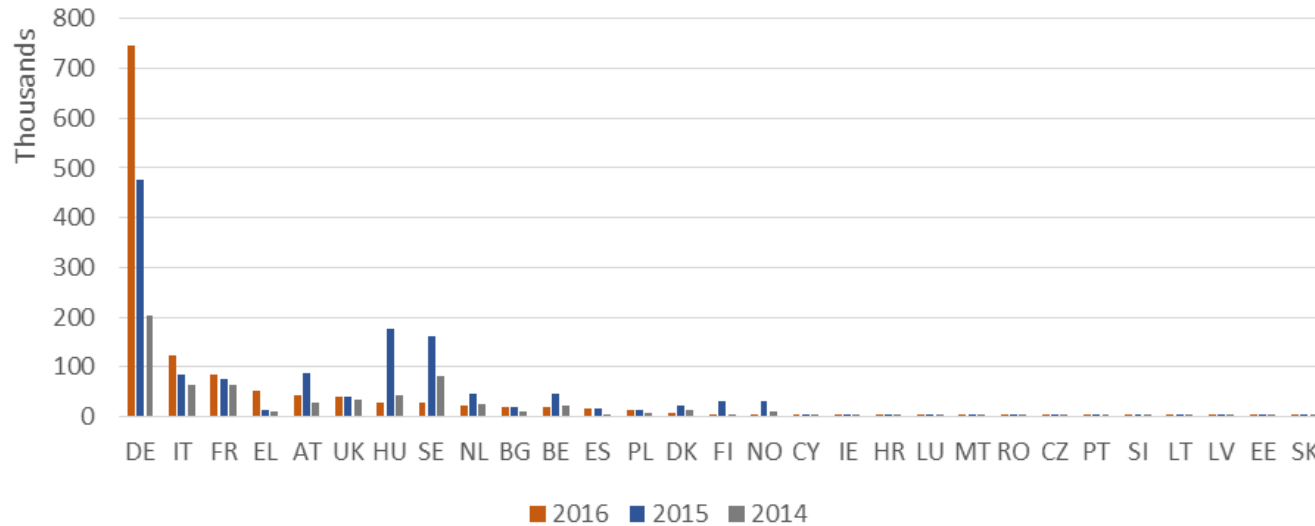
International protection and asylum

Asylum applications in the EU 28: January 2014 – December 2016



Source: Eurostat ([migr_asyappctzm](#)), extracted: 21 March 2017

Figure 1.2: Overview of Asylum Applications per EU Member State and Norway (2016)



The number of asylum applications continued to increase in 2016 most importantly in **Germany, Italy, France** and **Greece** while in **Hungary, Sweden** and **Austria** the numbers registered a sharp decrease.

Overall **Germany** (745,155) registered 59% of all asylum applications in the EU followed by **Italy** at 9.7% and **France** at 6.6%.

A total of **1,106,480 first instance decisions** were issued, of which 61% were positive

By far, most first instance decisions were issued by **Germany** (631,085) followed by **Sweden, Italy** and **France** which were all just below 100,000

Legislation

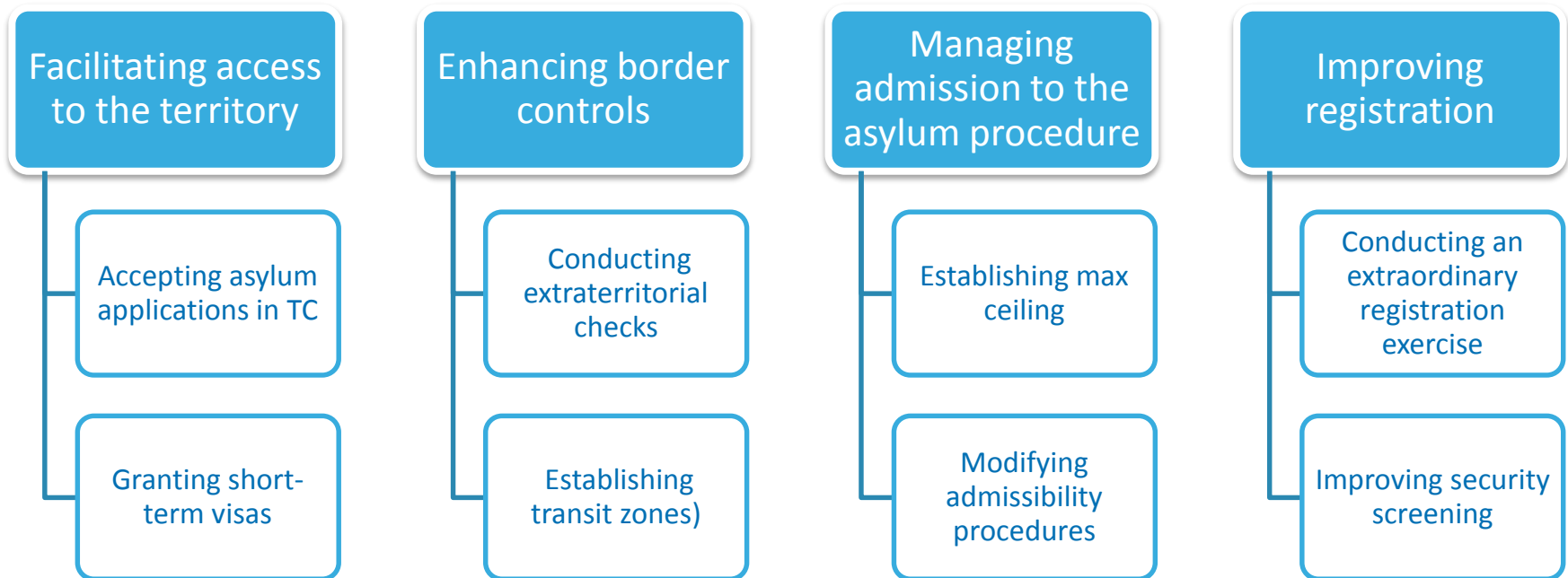


Implementing the recast APD and RCD

Aligning national policies to EU minimum standards

Introducing a single application procedure

Regulating access



Adjusting reception capacity

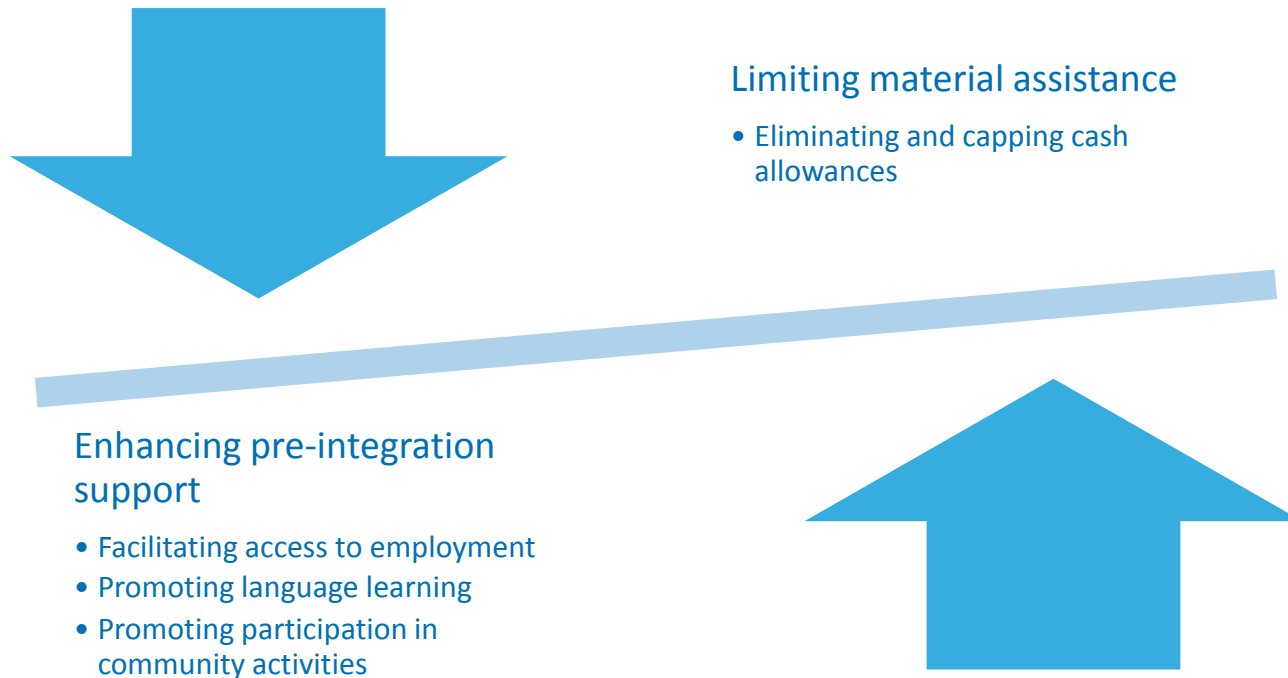


Restricting
reception
capacity

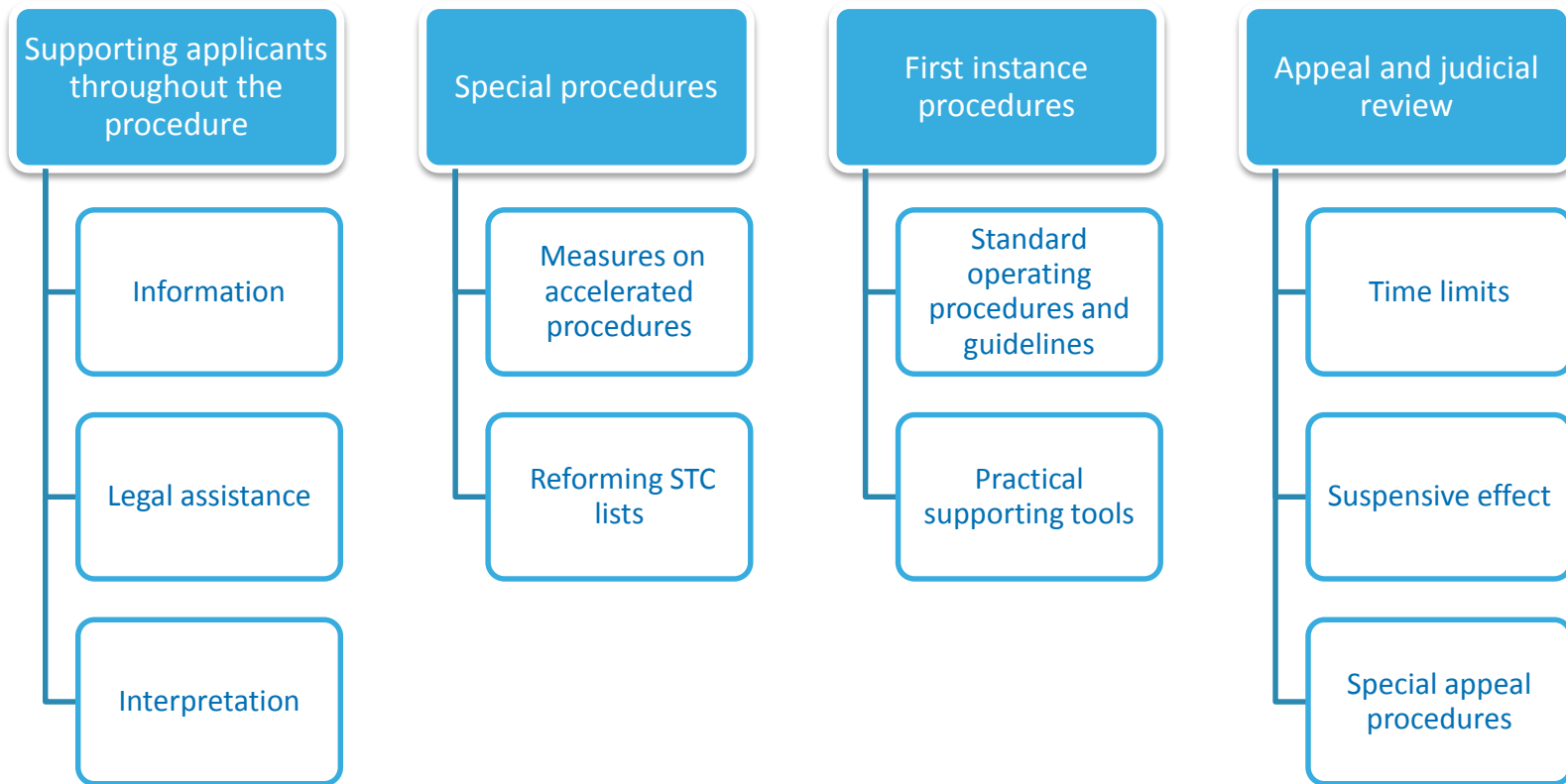
The diagram features two large blue arrows pointing in opposite directions, one to the left and one to the right, connected by a central white vertical line. The left arrow contains the text 'Restricting reception capacity' and the right arrow contains 'Expanding reception capacity'. In the background, there is a faint, light blue circular graphic with a star in the center and several smaller stars around it, resembling the European Union flag.

Expanding
reception capacity

Adjusting reception conditions



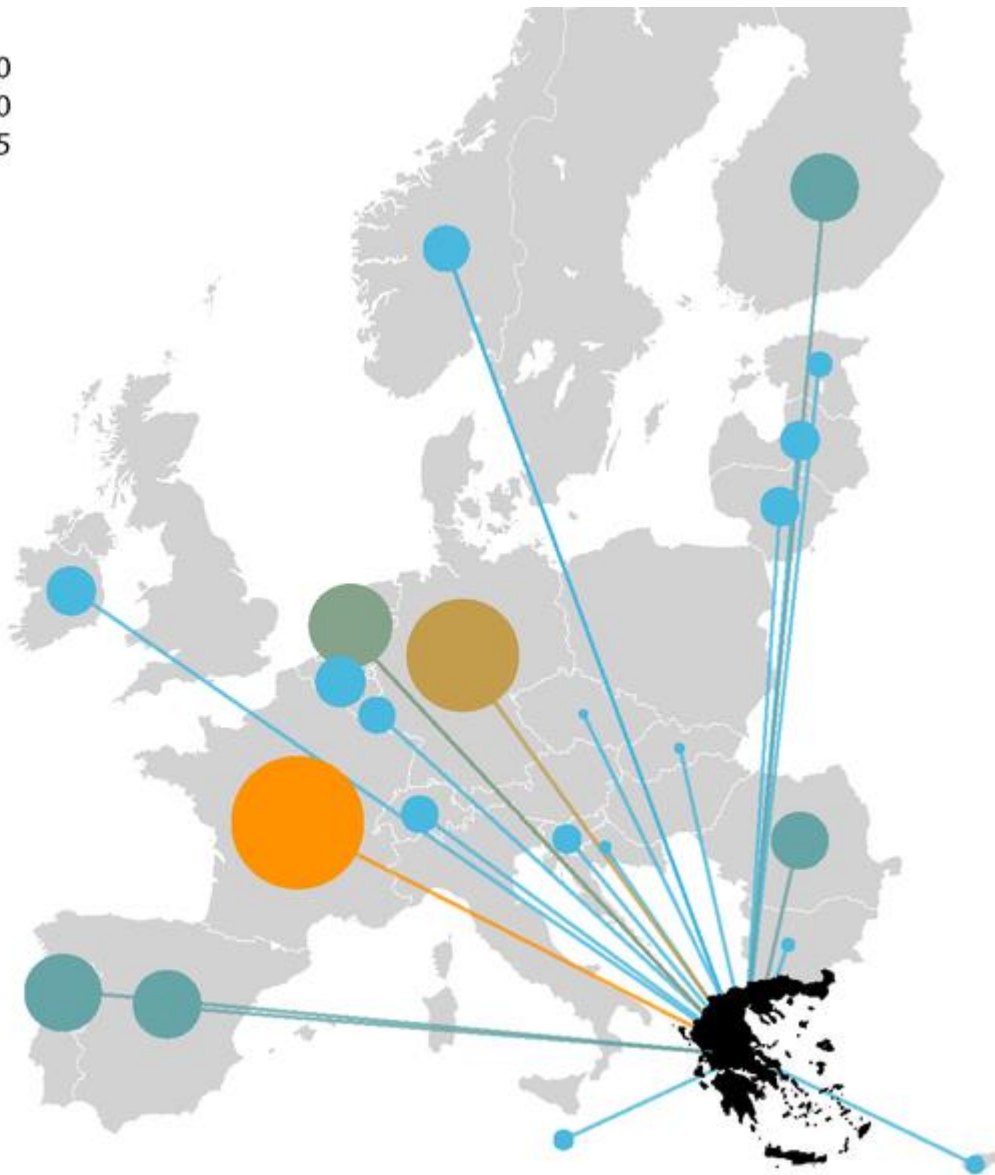
Reforming asylum procedures



Relocations from Greece

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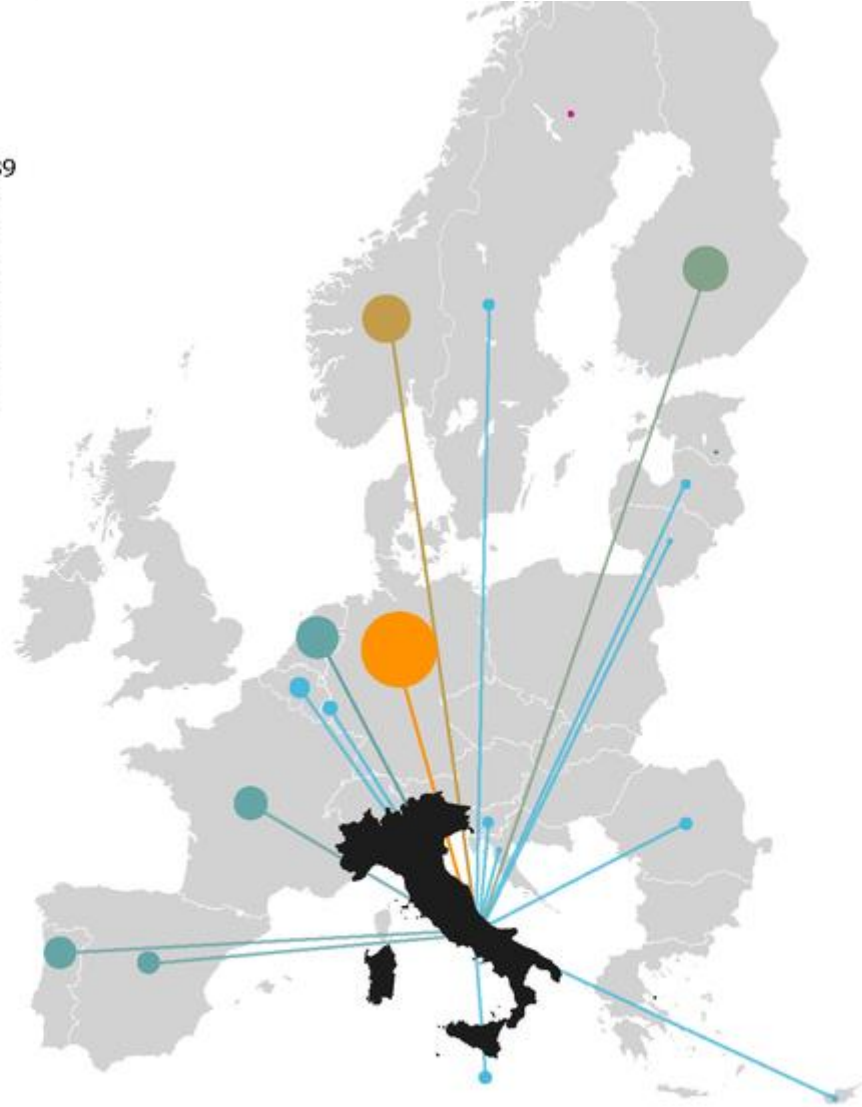
| | |
|----------------|-------|
| France | 2,830 |
| Germany | 2,030 |
| Netherlands | 1,115 |
| Portugal | 953 |
| Spain | 742 |
| Finland | 738 |
| Romania | 523 |
| Belgium | 401 |
| Ireland | 382 |
| Norway | 343 |
| Latvia | 243 |
| Lithuania | 243 |
| Luxembourg | 216 |
| Slovenia | 131 |
| Estonia | 100 |
| Malta | 65 |
| Cyprus | 55 |
| Bulgaria | 29 |
| Croatia | 24 |
| Slovakia | 16 |
| Czech Republic | 12 |



Source: European Commission (April 2017)

Relocations from Italy

| | |
|-------------|-------|
| Germany | 1,689 |
| Norway | 679 |
| Finland | 602 |
| Netherlands | 522 |
| France | 327 |
| Portugal | 298 |
| Spain | 144 |
| Belgium | 121 |
| Luxembourg | 61 |
| Malta | 47 |
| Romania | 45 |
| Sweden | 39 |
| Slovenia | 34 |
| Latvia | 27 |
| Cyprus | 10 |
| Croatia | 9 |
| Lithuania | 8 |



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Source: European Commission (April 2017)

Resettlement from Turkey

| | |
|----------------|-------|
| United Kingdom | 22009 |
| Austria | 15011 |
| Sweden | 4918 |
| Finland | 2933 |
| Norway | 2635 |
| France | 1739 |
| Germany | 1060 |
| Netherlands | 803 |
| Italy | 631 |
| Belgium | 569 |
| Ireland | 500 |
| Denmark | 481 |
| Spain | 289 |
| Portugal | 127 |
| Czech Republic | 52 |
| Lithuania | 25 |
| Estonia | 11 |
| Latvia | 6 |



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Source: European Commission (February 2017)

Session one: Panel discussion

- **François Bienfait**, European Asylum Support Office
- **Manfred Kohlmeier**, EMN NCP Germany, Federal Office for Migration and Refugees
- **Andrea Vonkeman**, Bureau for Europe, Brussels Office of the United Nations High Commissioner for Refugees (UNHCR)
- **Panel chair: Marie Bengtsson**, EMN NCP Co-Chair and NCP Sweden



European Migration Network



26 April 2017

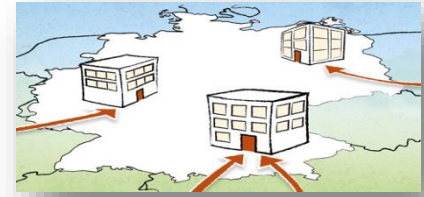
- Session 1: International protection and Asylum

-

Germany : trends and developments

Manfred Kohlmeier, BAMF

BAMF : number of staff



Who is going to do the work?

- January 2015 : 2,200
- January 2017 : 9,100 (6,800 BAMF, 2,300 assigned from other agencies)



Germany 2016 : key data (31/12/2016)

- 696,000 asylum decisions
- 256,000 refugee status, 153,000 subsidiary protection
- 280,000 new arrivals asking for asylum
- 745,000 asylum applications
- 434,000 pending asylum cases, 174,500 court cases
- 210,000 third-country nationals obliged to leave
- 25,400 forced, 54,000 voluntary returns



Digitisation of the processes

Ensuring personal and biometric data in a core



Frank-Jürgen Weise, head of the BAMF, said (May 2016):

“Our old system was designed to process around 50,000 applications for asylum per year. We now need to process more than twenty times as many - more than one million applications. It was clear we needed a new, more efficient system which could be implemented in record time. “

The new system ‘Asylum Online’ connects to the systems of the Federal Länder, the Federal Criminal Police Office and the Central Register of Foreign Nationals, ensuring consistency and guaranteeing all necessary bodies are working with the same up-to-date records.

More effective cooperation with the courts

Electronic communication between BAMF and the 47 courts

Old system : paper files



New system : digitisation of files



Safe Countries of Origin

Government's proposal to add Algeria, Morocco and Tunisia to the list of 'safe countries'

- to accelerate asylum procedures and returns



Some Federal Länder had doubts

- and the Bundesrat rejected



Granting of subsidiary protection for Syrian refugees

Landmark decision of the Higher Administrative Court of Schleswig-Holstein (23 November 2016)

"Syrian refugees who had not personally been the victims of persecution before leaving Syria, [...] **were not entitled to refugee status** solely because they are residing in a foreign country and have filed an application for asylum"

- 49,000 legal actions against BAMF decision granting subsidiary protection (2016)



BAMF objectives in 2017

- Reducing case backlog
- Continuing digitisation process
- Return
- Integration
- Being (better) prepared for future challenges



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Session one: Questions and answers



The European Migration Network (EMN) is co-ordinated by the European Commission with National Contact Points (EMN NCPs) established in each EU Member State plus Norway.

Session two: Irregular Migration



Session two: Overview presentation of main trends and developments

- ***ICF (EMN Service Provider)***

Key policy areas

1. International Protection and Asylum

2. Irregular Migration

3. Legal Migration

Combating smuggling



New/
Temporary
border control
measures



Cooperating
with third
countries



Information
campaigns



Combating
facilitation



Monitoring
routes



Combating facilitation

Strengthening the legal framework

Adopting national Action Plans

Joint operational activities

Border management-related measures

- Physical barriers
- Temporary reintroduction of checks at the internal borders

New/temporary border control measures



- Financial support
- Training
- Study visits

Cooperation with TC



- Reporting
- Immigration Liaison Officers

Monitoring routes



Information campaigns

- Specific nationalities
- Transport companies

Target audience



- ‘Traditional’ channels (newspapers, TV)
- Social media

Dissemination channels



Session two: Panel discussion

- **Paul Voss**, Risk Analysis Unit, European Border and Coast Guard Agency (Frontex)
- **Jutta Saastamoinen**, EMN NCP Finland, Finnish Immigration Service
- **Shannon Pfohman**, Policy and Advocacy Unit, Caritas
- **Panel chair: Simona Ardovino**, DG Migration and Home Affairs, European Commission

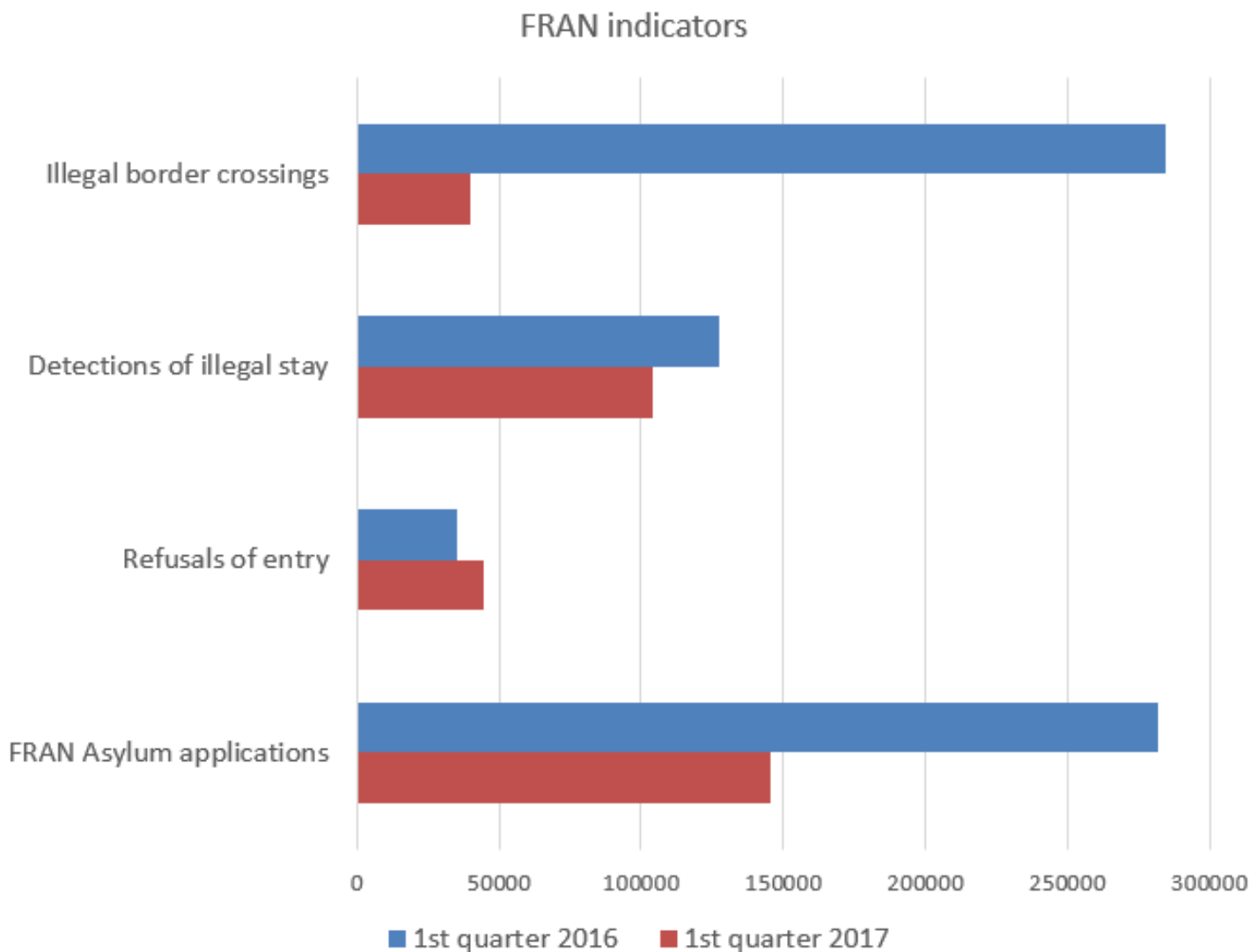
Recent developments at the EU external borders

Situational Overview

Latest developments at the EU
external border

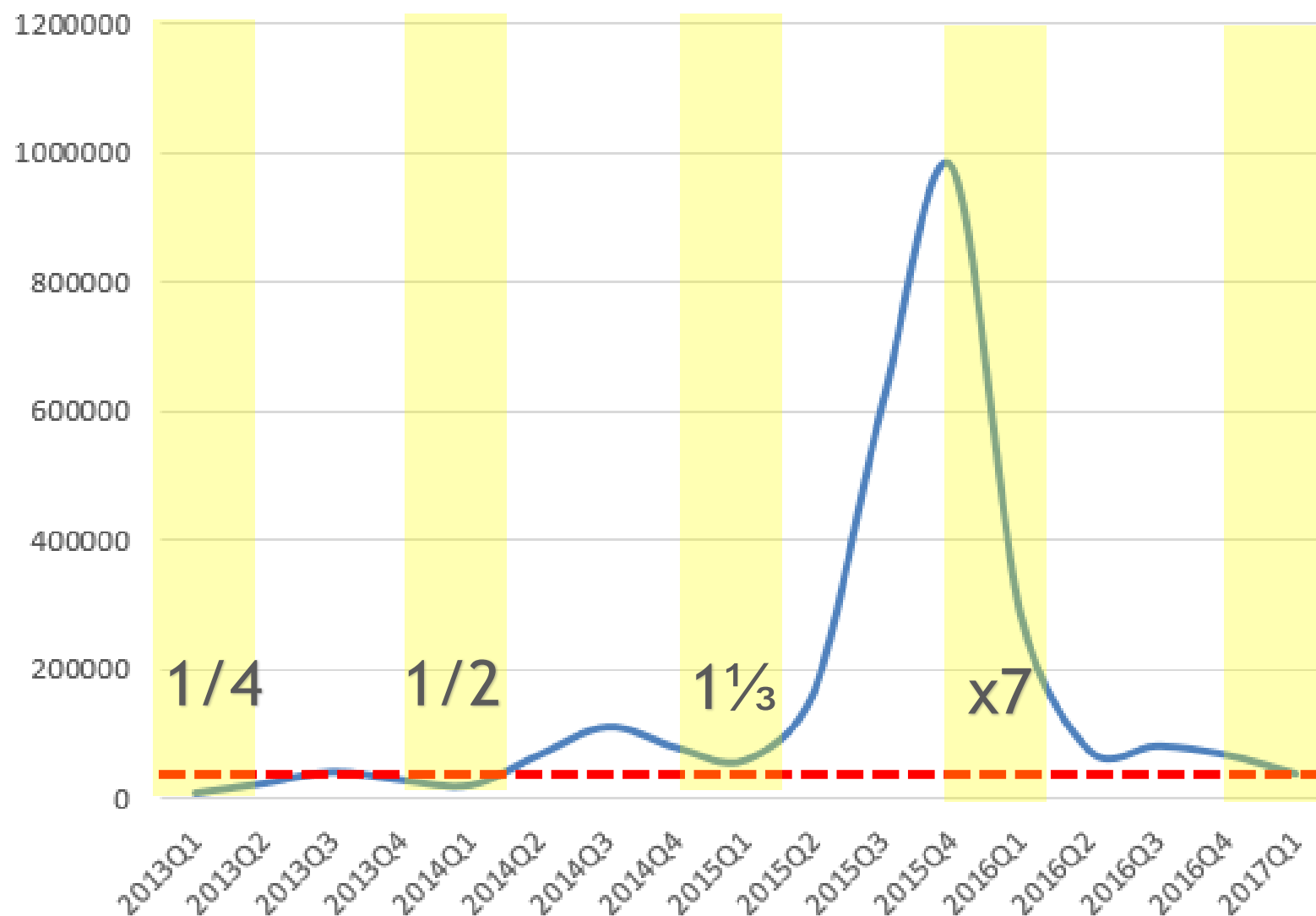
Frontex regulatory changes

Key figures



Key figures

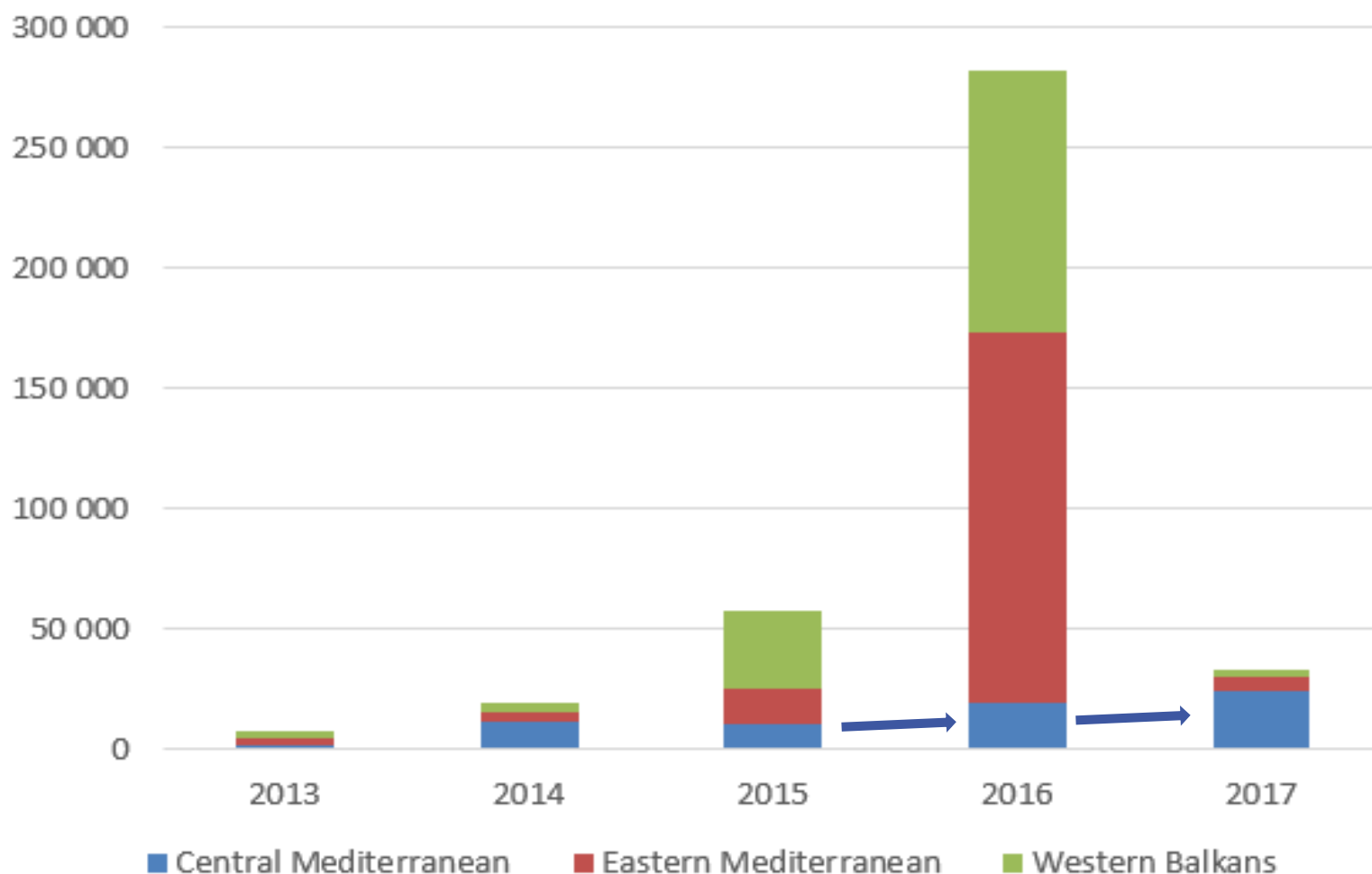
Illegal border crossings



Key figures

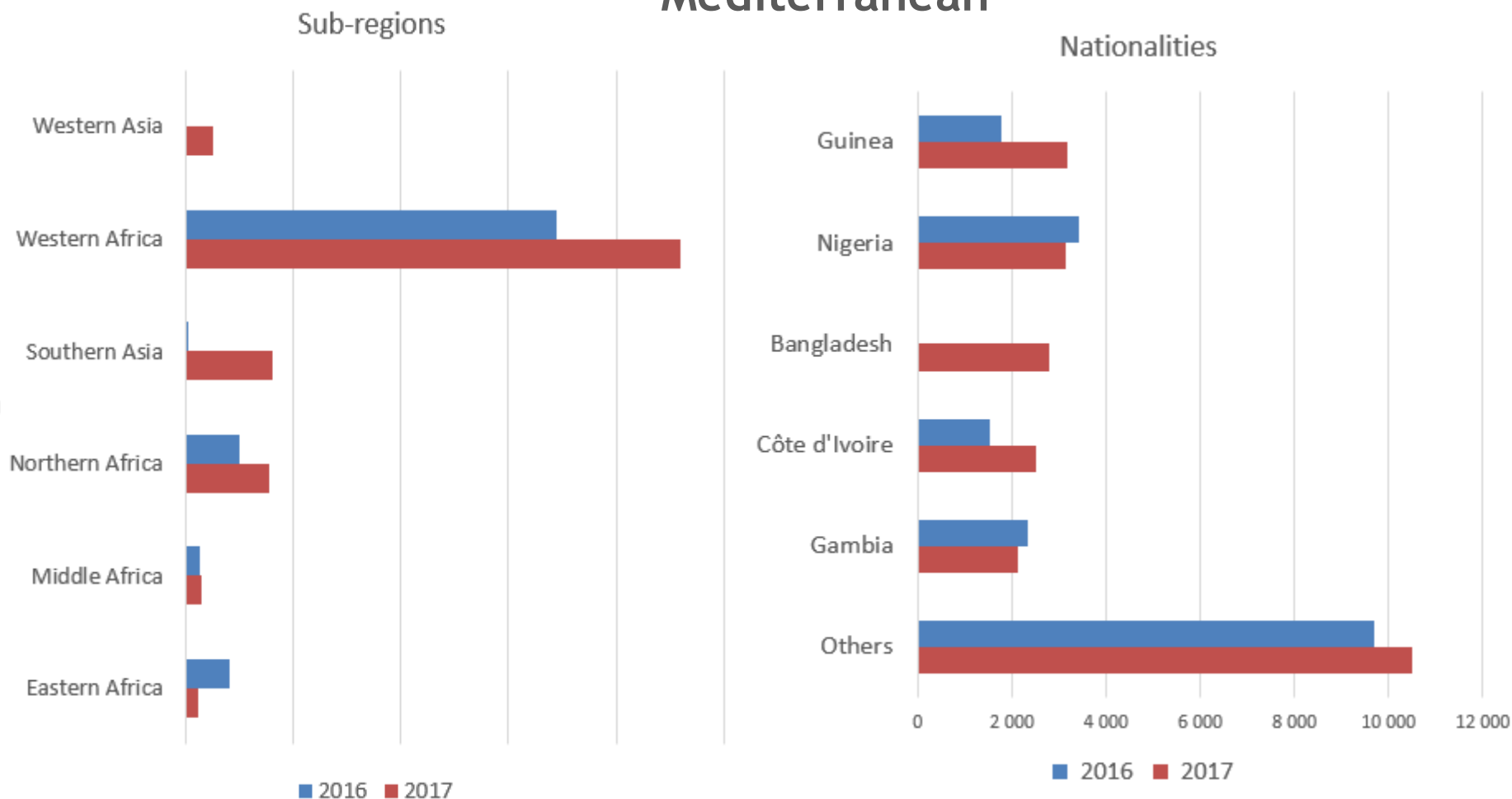
Detections of illegal border crossings on main routes

1st Quarters



Key figures

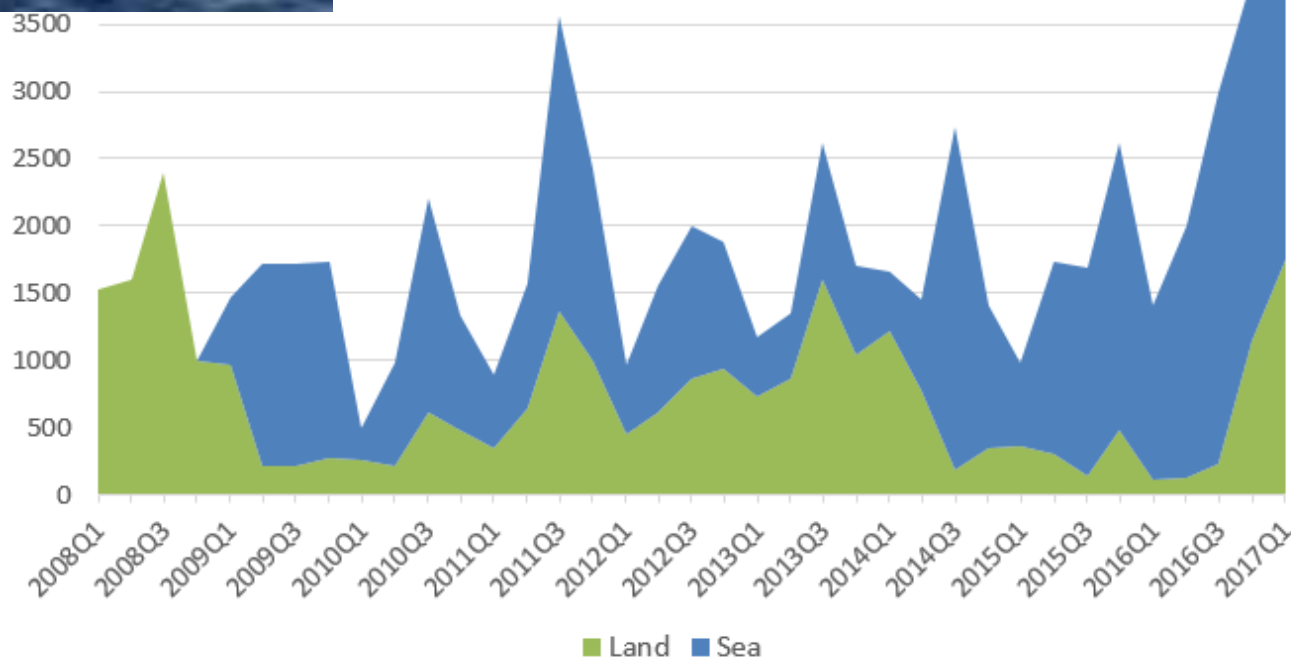
Regions and countries of origin of irregular migrants in the Central Mediterranean



1st quarters

Key figures

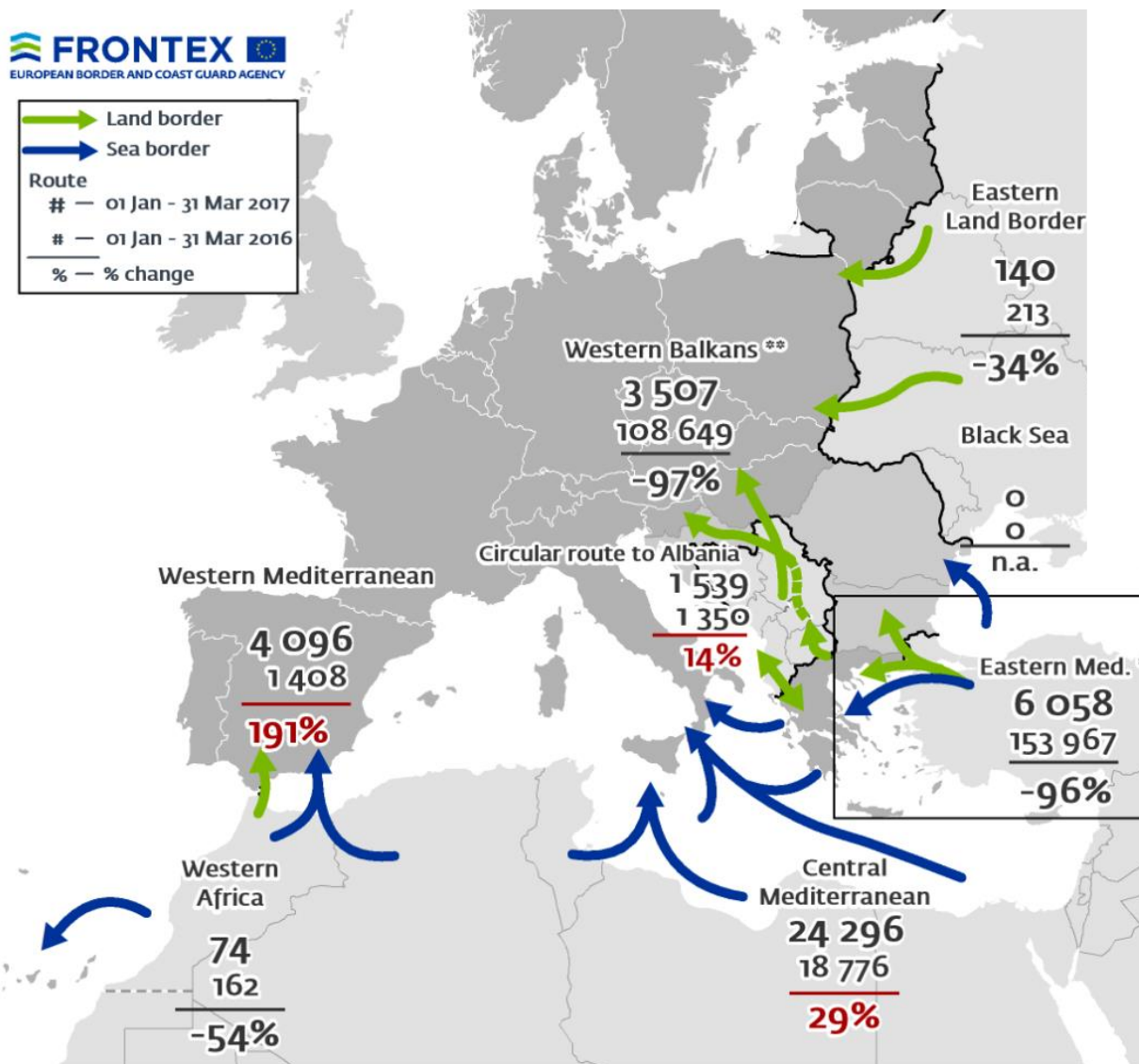
Western Mediterranean



>4 000

Key figures

Illegal border crossings





Risk analysis and vulnerability assessment

The agency collects data on the situation at and beyond Europe's external borders. The data is used to identify trends in irregular migration and patterns in cross-border crime.

NEW The agency conducts annual stress tests to assess the ability of each EU member state to face challenges at their external borders.



Operations

The agency deploys border and coast guard officers along with vessels, aircraft, helicopters and other equipment to assist countries requiring support at their borders.

NEW In emergency situations it can quickly deploy border and coast guard officers from the rapid reaction pool of at least 1 500 officers.



Returns

The agency assists the member states in the return of migrants who are ineligible to stay in the EU. The decision as to who should be returned remains the exclusive responsibility of the national authorities of the EU member states.

NEW A pool of monitors, escorts and return specialists will be created. The agency may also play a role in the organisation of voluntary departures.



Thank you!

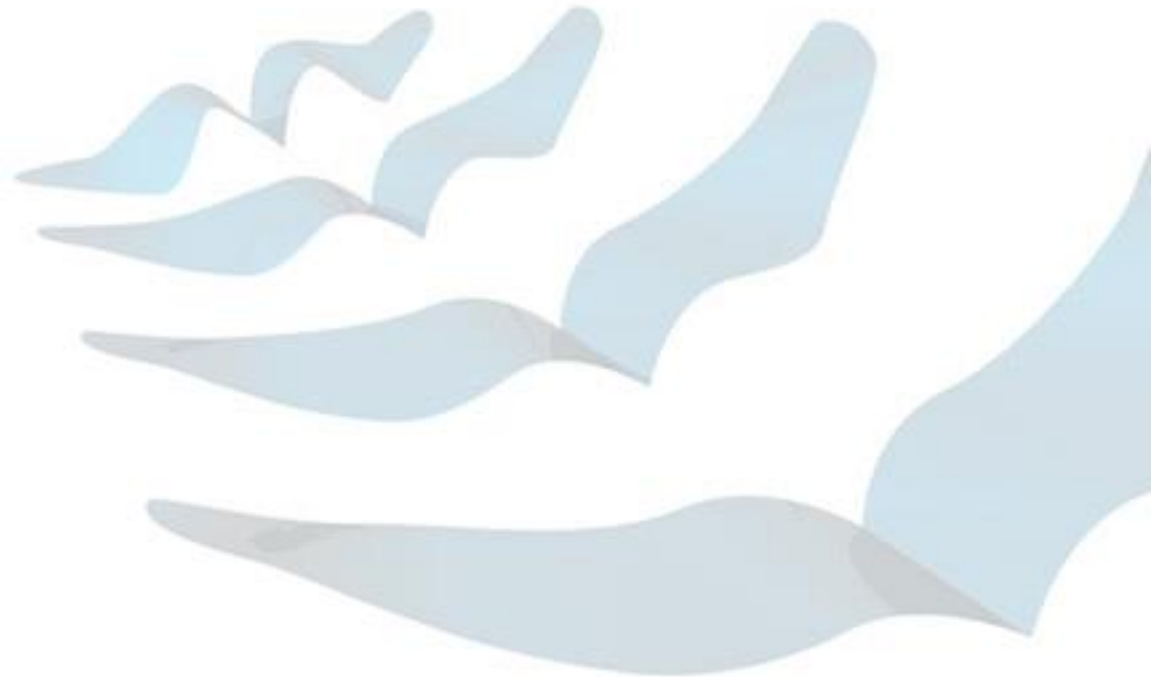
Responding to new challenges in Finland: Action plan against irregular entry and residence 2017–2020

Migration and asylum in the EU: Recent trends and developments
26 April 2017, Brussels

Jutta Saastamoinen
EMN Finland /
Finnish Immigration Service

Structure of the presentation

1. State of play of irregular migration in Finland
2. Action plan against irregular entry and residence 2017–2020



Irregular migration in Finland prior to 2015: stable situation

- Previously, the number of irregular migrants in Finland fairly low:
 - 1) Geographical location of Finland
 - 2) Not attractive for irregular migrants
 - 3) Well-functioning removal procedures
 - 4) Asylum procedure does not generate irregular migration
 - Small number of asylum seekers: 3,000–4,000 per year
 - After negative asylum decision, two routes:
 1. Removal. If not possible:
 2. Granting a residence permit.
 - No route to irregular migration
- In 2014, estimated number of irregular migrants 1,000–4,000

Changes in the situation 2015–2016: increasing challenges

- July 2015, legislative change: voluntary return consolidated in the Finnish legislation, promotion of voluntary return
 - After a negative asylum decision:
 1. Offer of assisted voluntary return (always preferred). If not willing:
 2. Removal enforced by the police. If not possible:
 3. a. Up until now: granting a residence permit (does not promote voluntary return)
 3. b. Legislative change: residence permit no longer granted if voluntary return possible. Instead, further promotion of voluntary return, and finally: irregular situation
 - Might increase the number of irregular migrants, but change needed in order to have a credible asylum and return system, and to present voluntary return as a viable option
 - A lot of effort on promoting voluntary return, also with AMIF-funding
- September 2015, a sharp increase in the number of asylum seekers: in 2015 total number of asylum seekers 32,476

Changes in the situation 2015–2016: increasing challenges

- In 2016, the Finnish Immigration Service made 28,208 decisions on asylum applications
 - 14,282 negative decisions
- Most of the negative decisions not enforceable yet
 - Currently almost 9,000 appeals pending
 - When decisions become enforceable, potential for a large number of people to decide to remain in an irregular situation in Finland
- Situation of irregular migration is changed. New challenges:
 - Rejected asylum applicants expected to constitute a new group of irregular migrants in Finland
 - NB. not the only group
 - Irregular situation a threat to the person in question as well

Responding to the new challenges: Action plan against irregular entry and residence 2017–2020

- In preparation in 2016, published in April 2017
 - Commissioned by the Ministerial Working Group on Migration, published by the National Police Board of Finland
 - Third of its kind: the first action plan was made in 2012
 - Includes a set of 25 measures: part of them new, part of them present in previous action plans
 - Responsibility for the measures is shared between different authorities
 - Working Group on Countering Irregular Migration monitors the implementation of the action plan, reports to the Ministerial Working Group on Migration
- 

Responding to the new challenges: Action plan against irregular entry and residence 2017–2020

- Key aspects include:
 - 1) Ensuring information exchange between authorities
 - Measure 12. Active participation in Frontex and Europol operations
 - Measure 15. Enhancing information exchange between social workers, the Social Insurance Institution of Finland, police and other authorities
 - 2) Preventing irregular entry
 - Measure 5. Enabling the issuance of an entry ban also when the person is abroad (requires a legislative amendment)
 - 3) Ensuring efficient removal procedures
 - Measure 2. Keeping hold of the passport of a foreign national during asylum procedure (requires a legislative amendment)
 - Measure 16. Ensuring adequate detention capacity
 - 4) Strengthening the monitoring of foreign nationals
 - Measure 14. Raising awareness about ethnic profiling, which is prohibited

More information at: www.emn.fi
ec.europa.eu/emn

Contact details: jutta.saastamoinen@migri.fi
emn@migri.fi





Migration and Asylum in the EU

trends and policy developments, Irregular Migration

anon Pfohman, Policy and Advocacy Director

[@caritas.eu](mailto:anon.pfohman@caritas.eu)

Caritas Europa DNA

- Caritas Europa is a network of 49 member organizations, representing all countries of the Council of Europe.
- We are actively engaged in promoting human dignity, in the fight against poverty and in supporting the most vulnerable people.
- We are guided by the values of the centrality of the person, the sense of solidarity, gratuitousness and fraternity. We believe in peace and development, religious freedom and cultural diversity.
- Our vision for Europa: all Christian values, human and social rights are fully respected and each person, family and community is empowered to develop.
- Caritas staff and volunteers work every day with people in need in Europe and throughout the world. This access to first-hand grassroots experience is a strength that underpins Caritas Europa's advocacy messages and relief actions in Europe.

Caritas approach to irregular migration

- Based on our experiences on the ground, through our programs and advocacy, tackling irregular migration **cannot be isolated from providing more safe and legal migration pathways** to Europe.
- Without safe and legal pathways, irregular migration will continue. This is simple fact because people's protection needs or desire to live a dignified life tends to be stronger than their fear of walls/border controls. (Can migration movements really be controlled...?)
- Unfortunately, efforts toward more safe and legal pathways have not allowed for an adequate response to peoples' needs.
- A **primary focus on security is doomed to fail**, as it forgets the human dimension. It results in more human suffering, drownings at sea, and fuels trafficking and smugglers' business models.

Safe and legal pathways

- This could be resettlement, humanitarian corridors, humanitarian admission schemes, humanitarian visas and the facilitation of family reunification.
- But it also entails expanding labour migration channels beyond just a focus on highly skilled workers.
- **Positive examples** we have experienced through our Caritas members:
 - Development of community sponsorship scheme (e.g. UK);
 - Humanitarian corridors (e.g. in France and Italy).
- Unfortunately, the dominant **security approach towards migration has overshadowed debate and policies on safe and legal** pathways. We believe much more needs to be done, and could be easily done, if we work together.

Key Elements for Caritas Europa

- Externalisation and border control
- Return
- Children protection in migration
- Solidarity

Externalisation and border control

- **Highlights** from 2016-2017:
 - Cooperation with Turkey and Libya
 - EU Trust Fund, Valetta and Partnership framework
 - Border closures
- **Reflections from Caritas Europa perspective:**
 - We welcome the attempt to look at the bigger picture through the “root causes” of migration, but regret that it seems more driven by the EU’s interest to stem migration.
 - Malta declaration and focus on Libya raises concerns from a human rights perspective
 - EU-Turkey statement: success or failure? Huge human costs.
 - Closure of borders in the Balkan: domino effect and devastating human costs and human rights abuses.
 - The lack of safe and legal pathways leads to deaths enroute and at the border.
 - Search and rescue that protects human lives should be prioritized over border enforcement.
 - Walls and violence at border won’t stop people from migrating and will increase human suffering.

Return

- Return is a **key element of EU policies** and is being used to tackle irregular migration:
 - The March EC **recommendation and action plan** on return calls on MS to better implement the return directive and use its flexibility to speed up returns.
 - It also aims at preventing absconding by **detaining people** who have received a return decision and who show signs they may not comply.
 - **Policy makers see return and asylum protection as interlinked**: the effective return of irregular migrants is a necessary precondition for the credibility of its asylum and protection system.

Return

- Caritas Europa is concerned by the **risk of increased detention, including of children**. Returns must be in line with the EC recommendations on the protection of children in migration.
- **Safe country of origin** is increasingly being used to facilitate and quicken return, which we perceive as highly problematic.
- Caritas members witness through their work the challenges faced by **undocumented migrants** who are not expelled or returned due to specific situations and who end up in **limbo situations, often “invisible” and without rights**. The statuses of these people should be regularized in cases when effective return proves impossible.
- **Voluntary return and reintegration programs** carried out in a dignified and humane manner should always be prioritized over forced return.

Children protection in migration

- Protection of children and minors should be a **core concern** when tackling irregular migration.
- **Extreme and unbearable situations** are happening, as a recent study from Harvard university highlights in Greece, where some children are forced to sell their bodies in order to pay smugglers to move on to another country.
- **Caritas Europa welcomes** two encouraging elements that can foster the protection of children and **calls for swift implementation**:
 - Adoption of a **new law on children in Italy**: grants the child migrants the same rights as to their national peers.
 - **EC communication** “The protection of children in migration”: Swift identification and protection upon arrival, adequate reception conditions, alternative to administrative detention for children, swift status determination and effective guardianship.

Solidarity

- Solidarity **among MS and towards third countries** is key to bolster comprehensive migration policies and tackle irregular migration.
- Some MS challenge solidarity and call for minimum standards and “**voluntary solidarity**”, for example, in the Dublin regulation reform. Some MS challenge the relocation mechanism adopted to support Greece and Italy.
- Solidarity should also be shown **towards transit and origin countries** of migration in welcoming more people in need of protection within the EU.
- **There is a huge need (and responsibility)** for policy makers and EU institutions to **shift the debate** on migration and put solidarity at the centre, in line with EU founding values.

Human Trafficking

- Priority must be given to protecting victims, and not only to the persecution of traffickers!
- A legal framework is important, but if it's not supported by financial means, it doesn't function:
 - E.g. in France, the report mentions that the Law, introduced in 2016, was meant to fight the system of prostitution and that it sought to establish a commission to identify assistance for victims of trafficking in every sub-region (i.e. department). Since then only two sub-regions have established such a commission and the impact of the law have been minor due to the lack of financial means allocated for its implementation.
- General considerations:
 - Laws should be supported by financial means.
 - Specific attention should be paid to child victims of trafficking, as regards their identification, protection and accompaniment.
 - Determination of the child age is a crucial issue, as youth should also enjoy child protection.
 - Human trafficking in conflicts: victims should be recognized as such when the trafficking occurred not only in the country of arrival but also in the country of transit.

Conclusions and recommendations

Comprehensive and balanced EU migration policies that include safe and legal pathways are needed to tackle irregular migration. Caritas Europa recommends the following:

- **Safe and legal pathways** to come to Europe should be enhanced: resettlement, humanitarian corridors, humanitarian visas, humanitarian admission, family reunification...
- EU MS should live up to their commitments regarding **relocation and resettlement**.
- MS should implement **fair and transparent asylum procedures** and dignified reception conditions.
- In relations with third countries, the EU and its MS should prioritize respect for **human dignity** and never use official development aid as a tool to stem migration flows.

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Session two: Questions and answers



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Networking break



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Session three: Legal Migration



Session three: Overview presentation of main trends and developments

- ***ICF (EMN Service Provider)***

Key policy areas

1. International Protection and Asylum

2. Irregular Migration

3. Legal Migration

Facilitating access

Highly-qualified workers

Migrant investors and entrepreneurs

Intra-corporate transferees

Seasonal workers

Student and researchers

Particular shortage occupations

Addressing abuse



Fighting
social
dumping

Tackling
abuse of
legal
migration
channels



Family reunification



Simplifying
requirements



Tightening
requirements &
Tackling misuse



Session three: Panel discussion

- **Jean-Christophe Dumont**, *International Migration Division in the Directorate for Employment, Labour and Social Affairs, OECD*
- **Ave Lauren**, *EMN NCP Estonia, Tallinn University*
- **Annica Ryngbeck**, *Fundamental Rights, Equality and Migration, Social Platform*
- **Panel chair: Maria Brättemark**, *Migration and Integration: Legal Migration, DG Migration and Home Affairs, European Commission*

Reforming the legal migration system: The case of Estonia

Dr Ave Lauren

EE EMN NCP/Tallinn University

Overview

- Context
- Amendments to the Aliens Act in 2016
 - Key amendments
 - The example of startups
- Lessons learnt

Context

- **Demographic challenges**
 - Ageing population
 - Emigration
 - Skills and jobs mismatch



Reforms

- Since 2011, Estonia has been **liberalising the legal migration system**
- **Amendments** to the Aliens Act:
 - September 2013
 - January 2016
 - In several stages **throughout 2017**

Recent amendments

Bill 251

- Facilitating the entry of skilled workers, including startup entrepreneurs and investors

Bill 252

- Transposing EU directives 2014/66/EU and 2014/36/EU into national law

Key amendments

- **Startup regulation**
- Residence permits for **ICTs** and **investors**
- **Salary requirements lowered**
- **Exempting** IT professionals, startups and investors from the immigration **quota**
- **Sectors** and **occupations** eligible for short-term employment and seasonal work expanded
- Incentives established for **vocational** and **doctoral students** to remain in Estonia
- **Family mobility** simplified for workers

Startup regulation

- **Startup definition** in Aliens Act:
 - Business entity belonging to a company registered in Estonia, which is **starting activity** with the purpose to develop and launch such a business model with **high global growth potential, innovative** and **replicable** that shall significantly **contribute to the development of the Estonian business environment**
- **Expert committee** evaluates the companies' compatibility with the startup definition

Startup regulation

- Preferential requirements:
 - Exemption from the **immigration quota**
 - Exemption from **investment requirements**
 - Exemption from **salary requirements**
 - Exemption from the **Unemployment Insurance Fund's** permission
 - The individual may also bring their **family** to Estonia

Lessons learnt

- Taking advantage of **political opportunities**
- Partnering with national stakeholders
- What's next?
 - **Fourth round** of amendments
 - Harmonizing national law with directive 2016/801/EU
 - Removing the immigration quota?

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Thank you!





socialplatform

The Platform of European Social NGOs

Annica Ryngebek, 26 April 2017



About Social Platform

- We are the largest civil society alliance
- 47 pan-European networks of NGOs
- campaigning to ensure that EU policies are developed in partnership with the people they affect
- Member of the [European Migration Forum](#) Bureau, and the [European NGO Platform on Asylum and Migration](#)



About Social Platform

- [Recommendations](#) to the EU and Member States on the **human rights of migrants** in relation to inclusion, employment, services and civil dialogue (2013)
- Campaigned to “**decriminalise solidarity**” - [recommendations](#) to revise the EU Facilitation Directive to enable humanitarian assistance throughout the EU (2016)
- Our current objective is to **improve the cultural and socio-economic rights of migrants**, and ethnic and religious minorities **in the most vulnerable situations** (2017-2020)



European Commission fitness check

Civil society's contributions

- European Migration Forum, workshops on:
 - low and medium-skilled migration (2016)
 - undeclared work and labour exploitation of migrants (2016)
 - EU legal migration framework (2017)

Upcoming

- Commission's public consultation
- Roundtable with civil society organisations
- *European Economic and Social Committee: fact-finding visits, survey among 8 Member States and report*



European Migration Forum

workshop on legal migration

Overall recommendation

- **State of play:** Fragmentation of and hierarchy between different rights and protection according to workers skill level
- **Ideal:** a comprehensive legal framework for all migrant workers, granting equal rights and protection.
- **Realistic:** revisiting directive can mean a risk of regression and worsening policies in today's political climate
 - Proposed by the EC in 2001, rejected by Member States
- **In the meantime:** develop a strategy and narrative to argue for a comprehensive legal framework, and improve existing legislation...



European Migration Forum

workshop on legal migration

Overall recommendation

- **Exploitation:** better systems to assess and monitor exploitation, training, labour inspection and prosecution, and prevent secondary victimisation of migrants with irregular status
- **Family reunification:** expand the scope beyond the close family (husband, wife, small children), other family members should be able to reunite as well
- **Regularisation:** an EU position to favour regularisation to tackle the issue of migrants becoming undocumented after having entered Europe legally
- **Access to services:** for undocumented migrants, including decriminalising those that provide such services



European Migration Forum

workshop on family reunification

- Obstacles to access Family reunification may force migrants to resort to irregular means
- Being reunited with one's family promotes integration and inclusion, both from outside and within the EU
- **Access to information:** migrants have to rely on civil society and networks, Member States different standards add to lack of clarity
- **Submitting application and providing evidence:** lack of nearby competent embassy, high costs (visa, translation, DNA testing), long waiting time (up to 1 year), obstacles to provide documents after fleeing war.
 - Examples of solutions: allow sponsors to apply on behalf of family members, online platforms for submission



European Migration Forum

workshop on family reunification

- **Swift processing and safeguard:** restrictions of family reunifications to immediate family members (spouse, minor children)
- **Individual and justified decisions:** in some cases individual assessment is only carried out in case of appeal (requiring financial resources and legal aid), more stringent rules for beneficiaries of subsidiary protection compared to refugees (despite in comparable situation)



SaraJane's testimony

SaraJane is 17 years old and has been undocumented for 9 years. She was 8 years old when she left Mauritius with her teenage brother to join her parents in Ireland, who had left Mauritius nine months before their children to go to Ireland. Her parents had student visas which do not allow dependents, so they were **unable to apply for official family reunification** to be together.

SaraJane's father was unable to get a work permit after 7 years of studying and residing regularly in Ireland, and also became undocumented.

Hear Our Voice - Undocumented children and young people share their stories, [PICUM publication](#)

*...Another day, another day of watching your friends
tell you all about their new jobs and college plans
when you know you can't do any of that*

*Another day, another day of feeling hopeless and
helpless*

How long must this continue?

With the emotions crushed into a ball

Everyday becomes a taller wall

A scar that is hidden deep

But why must I weep?

When I start to think that this is normal

*A teenager that sees their future as tiny as a decimal
point*

Being told that I have barriers

Makes me more of a warrior

I continue to question the purpose

But there's only one thing deteriorating my focus

A piece of paper, a paper that will decide

Whether I rise or fall



Blue card and Seasonal workers directive

- **More rights** to highly-skilled workers (e.g. relating to access to long-term residence permits, family and unemployment benefits, labour market access, intra-EU mobility, family reunification etc.)
- The migrant worker is **left vulnerable** if the employer fails to fulfil its obligations (e.g. tax, labour rights, working conditions) and the employee get its contract withdrawn
- Only third-country nationals **residing outside** the EU can apply to the Seasonal workers contract (third-country nationals that are/have become irregular cannot access the possibility to apply). *(With the Blue Card Member States may allow applicants from within the EU, also those without valid residence, excluding Seasonal workers).*



Chowdury and others v. Greece

Ruling in favour of the rights of all workers

The European Court of Human Rights ruling that Greece failed in its duty to protect migrant workers from labour exploitation, and to properly investigate their abuse and punish those responsible. Greece must pay each applicant participating in the Court proceedings up to 16,000 euros in compensation for the damage they suffered.

“We are very pleased that the Court has recognised the rights of all workers, and that governments have an obligation to prevent labour exploitation and provide justice to victims. Undocumented workers are exploited across Europe. They should be able to report abuse without fearing they will be arrested or deported, and be paid – at least – their due wages. A worker is a worker, regardless of residence status.”

Michele LeVoy, Director of PICUM

Read [PICUM's statement](#)



Gaps in legislation

low and medium skilled workers

- Majority of domestic workers and carers are (undocumented) migrant women
- Due to their status, they are at risk of workplace exploitation
 - underpay or no pay at all, long working hours, limited rest periods, poor working conditions, violence, physical, sexual and emotional harassment, no access to social protection and social security, etc.
- Due to their status, they are at risk of arrest and deportation if reporting labour violations to authorities, or access criminal justice
- Generally,
 - undocumented migrants are overrepresented in sectors of undeclared work to keep the labour costs low
 - migrants have difficulties finding work outside the field of undeclared work, which prevents them to regularise their status based on employment



Gaps in legislation

low and medium skilled workers

- Open up **legal channels** for low and medium skilled workers
- Find possibilities to **regulate the status** of low and medium skilled workers already in the EU
- Improve **data collection** on the prevalence of undocumented migrants working in the low and medium skilled sector
- Build **a firewall** between the enforcement of labour standards and the enforcement of immigration control in law, policy and practice
- Ensure **access to protection and redress** for migrant workers who have suffered exploitation, regardless of residence status



Additional recommendations

- Make a migrant's residence permit status independent of their employer and enable labour market mobility for third country nationals. Residence rights linked to the employer can lead to exploitation and various forms of control and abuse of migrant workers.
- Amend EU law on work and residence permits to allow part-time possibilities in the employment of third country nationals, for reasons related to medical conditions, giving birth or caring for children or other family members. These circumstances should not lead to losing one's permit.

Social Platform [recommendations on migration and employment](#) (2013)



Contact

Annica Ryngbeck

+32 2 508 16 39

annica.ryngbeck@socialplatform.org

www.socialplatform.org

Facebook: facebook.com/socialplatform

Twitter: [@social_platform](https://twitter.com/social_platform) | [@aryngbeck](https://twitter.com/aryngbeck)



The European Migration Network (EMN) is co-ordinated by the European Commission with National Contact Points (EMN NCPs) established in each EU Member State plus Norway.

Session three: Questions and answers



Closing remarks

Simona Ardovino

DG Migration and Home Affairs, European Commission