European Commission

European Migration Network

# EMN Annual Report on Immigration and Asylum 2014

## A Synthesis of Annual Policy Reports 2014 submitted by EU Member States and Norway

## Synthesis Report: June 2015

Home Affairs

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.

EMN European Migration Network

# Contents

Disclaimer ..... 4
Explanatory note ..... 4
1 **COMMON EUROPEAN ASYLUM SYSTEM** ..... 11
1.1 The implementation of the Common European Asylum System ..... 11
1.1.1 Developments at EU level ..... 11
1.2 Progress made in implementing the Common European Asylum System: Member States' developments in legislation, policy and practices ..... 13
1.3 Institutional and organisational changes ..... 16
1.4 Impacts of Jurisprudence ..... 17
1.5 Cooperation with the European Asylum Support Office (EASO) ..... 18
1.5.1 Participation in EASO activities ..... 18
1.5.2 Provision of support by EASO to the Member States ..... 18
1.6 Intra-EU solidarity including relocation ..... 19
1.6.1 Support to national asylum systems including relocation ..... 19
1.6.2 Enhancing the capacity of countries of origin and transit to manage mixed migration flows? ..... 21
2 **UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS** ..... 23
2.1.1 Entry and assessment procedures, including border controls for asylum-seeking and non-asylum seeking unaccompanied minors ..... 25
2.1.2 Residence permits and reception arrangements for unaccompanied minors ..... 27
2.1.3 Staff training and capacity building in working with unaccompanied minors ..... 29
2.1.4 Return and reintegration of unaccompanied minors ..... 30
2.1.5 Detention and alternatives to detention of unaccompanied minors ..... 30
2.1.6 Measures taking account of vulnerability in the asylum procedure ..... 31
2.1.7 Measures addressing specific vulnerable groups ..... 31
3 **EUROPEAN POLICY ON LEGAL MIGRATION AND INTEGRATION** ..... 33
3.1 Economic migration ..... 34
3.1.1 Satisfying labour market needs? ..... 34
3.1.2 Efforts to avoid 'social dumping' ..... 36
3.1.3 Facilitating admission ..... 38
3.1.4 Guaranteeing certain rights for third-country nationals who are already legally resident on the territory ..... 42
3.1.5 Family Reunification ..... 46
3.2 Managing Migration and Mobility ..... 47
3.2.1 Visa Policy ..... 47
3.2.2 Schengen Governance ..... 48
3.2.3 Adapting migration management systems in order to be prepared for fluctuating migration pressures ..... 49
3.3 Integration ..... 50
3.3.1 Promoting integration through socio-economic participation ..... 51
3.3.2 Promoting integration through participation, including access to rights and obligations, achieving equal treatment and belonging ..... 55
3.3.3 Promoting integration of specific groups ..... 57
3.3.4 Measures to ensure non-discrimination of migrants ..... 58
3.3.5 Measures to improve cooperation, consultation and coordination of stakeholders and promoting action for integration at local level? ..... 61

3.3.6 Involving countries of origin in integration ..... 63
3.4 Promoting and providing information and awareness raising on legal migration ..... 64
3.4.1 Routes to and conditions of legal migration ..... 64
3.4.2 Prevention of unsafe migration ..... 65
3.4.3 Awareness raising on the phenomenon of migration in the host societies ..... 66
3.4.4 Awareness raising on the phenomenon of migration in countries of destination ..... 67
3.5 Maximising development impact of migration and mobility ..... 67
3.5.1 Progress towards mainstreaming of migration in development policies ..... 67
3.5.2 Cooperation with partner / third countries for economic migration ..... 69
3.5.3 Efforts to mitigate 'brain drain' ..... 72
3.5.4 Migrants' Remittances ..... 73
3.5.5 Working with Diasporas ..... 73
4 **SECURING EUROPE'S EXTERNAL BORDERS** ..... 76
4.1 Enhanced border management at the external borders ..... 77
4.1.1 Border control measures: technology, equipment and infrastructure, including systems linked to EU instruments and actions to coordinate different types of border checks ..... 77
4.1.2 Border control measures: other activities to improve the effectiveness of controls at external borders (e.g. training and policy) ..... 78
4.1.3 Preventing and combating irregular immigration by ensuring reinforced cooperation with third countries in the area of border management. ..... 80
5 **IRREGULAR MIGRATION AND RETURN** ..... 83
5.1.1 EMN Return Expert Group (REG) return and reintegration activities developed during 2014 plus other cooperation measures ..... 85
5.2 The fight against irregular migration ('smuggling') ..... 86
5.2.1 Activities to monitor smuggling ..... 87
5.2.2 Monitoring and identifying migration routes ..... 88
5.3 Strengthening cooperation with third countries of transit and origin on migration management ..... 90
5.3.1 Ensure implementation of all EU readmission agreements to their full effect ..... 90
5.4 Enhancing migration management including cooperation on return practices ..... 90
5.4.1 Frontex Joint Return Operations (JTOs) ..... 90
5.4.2 New or planned measures to develop swift, sustainable and effective return using a common EU approach ..... 91
6 **ACTIONS ADDRESSING TRAFFICKING IN HUMAN BEINGS** ..... 94
6.1 Improving the identification of and provision of information to victims ..... 95
6.1.1 Training and awareness-raising measures ..... 97
6.1.2 Measures on cooperation between national authorities ..... 97
6.1.3 Measures on cooperation between Member States ..... 98
6.1.4 Measures on cooperation with third countries ..... 98
6.1.5 Trends in Member States' approaches to addressing trafficking in human beings ..... 99
6.1.6 Trends in the scale and nature of trafficking in human beings ..... 99
6.1.7 Activities to evaluate national identification of and assistance to victims ..... 100

## DISCLAIMER

This Synthesis Report has been produced by the European Migration Network (EMN), which comprises the European Commission, its Service Provider (ICF and the Odysseus Network) and EMN National Contact Points (EMN NCPs). The report does not necessarily reflect the opinions and views of the European Commission, EMN Service Provider or the EMN NCPs, nor are they bound by its conclusions. Similarly, the European Commission, ICF and the EMN NCPs are in no way responsible for any use made of the information provided.

## EXPLANATORY NOTE

This Synthesis Report was prepared on the basis of the 2014 Annual Policy Reports from 28[1] EMN NCPs (**Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovak Republic, Slovenia, Spain, Sweden, the United Kingdom** and **Norway**) according to a Common Specifications Template developed by the EMN, to collect information on both a) national policy developments and b) statistical data. The template has been followed by EMN NCPs to ensure, to the extent possible, comparability.

The Annual Policy Reports provided by EMN NCPs aimed at describing the migration and asylum situation and developments in the (Member) State as well as statistical data specifically for the year 2014. National contributions were largely based on desk analysis of existing legislation and policy documents, reports, academic literature, internet resources and reports and information from national authorities and practitioners. Statistics were mainly sourced from Eurostat, national authorities and other (national) databases. The listing of Member States in the Synthesis Report results from the availability of information provided by the EMN NCPs in the National Contributions.

It is important to note that the information contained in this Report refers to the situation in the above-mentioned (Member) States during 2014 and specifically the contributions from their EMN National Contact Points. More detailed information on the topics addressed here may be found in the available *2014 National Policy Reports* and it is strongly recommended that these are consulted as well.

[1] Denmark does not participate in the EMN and has not appointed a National Contact Point.

# Executive Summary

The EMN Annual Report on Immigration and Asylum 2014 is based on information collected from all Member States[2] and Norway in late 2014 and early 2015. It provides an overview of the main legal and policy development taking place at EU level and within participating countries. It is a comprehensive document and covers all aspects of migration and asylum policy. Relevant statistics for the year are also available in the accompanying Annex. The following key points are identified:

## COMMON EUROPEAN ASYLUM SYSTEM

*What have been the drivers for change in 2014?*

Political instability and on-going crises in the Europe's neighborhood regions, including in Syria, Iraq, the Sahel and Ukraine resulted in a sharp increase of asylum applications to EU Member States and Norway in 2014. A total number of 626,710 were submitted in the course of the year, representing an increase of 30 % since 2013 (434,160 asylum applicants. The main countries of citizenship of the applicants were Syria (122,115) representing 19% of total EU-28 applicants, Afghanistan (41,370 or 7%) and Kosovo (37,895 or 6%).

*What have been the challenges and how are these being addressed?*

Member States reported facing various challenges to their asylum and international protection systems during the year, due to a high and/or unexpected influx in the number of applications[3]. Associated challenges included managing reception capacity[4] pressures on asylum application systems, resulting in some cases in prolonged procedures and delays in decision-making (CY, DE, LU, PT, SE), long periods of detention of asylum seekers (EL) and ensuring the availability of interpretation services in certain languages (LU, MT).

The high risks and tragically high numbers of deaths associated with irregular journeys by boat across the Mediterranean have presented significant challenges for all concerned. Member States under pressure have implemented new emergency National Action Plans[5] (IT), created extra reception capacity (HU, IT, MT, NL), established emergency accommodation centres (CY, NL) as well as introducing organisational changes e.g. obligations on municipalities to ensure the reception of unaccompanied minors (SE). In response also to legislative and policy developments at EU level, (Member) States have improved processes for examining asylum claims through improved staff training[6], improved applicants' access to information and legal counselling[7] and legal guarantees (FR) and interpretation (PT, RO). Germany and Spain introduced **special fast track measures** for applicants from specific countries e.g. Syria. Measures were also implemented to improve the quality of claims in line with international standards[8]

Fluctuations in the number of applicants for international protection continued to present challenges to the Member States in relation to **reception**. As a result Member States increased their capacity overall (CY, HR, HU, IT, NL), revised their reception practices with a view to provide more dignified and decent conditions (BE, CY, EE, FI, HR), and revised their practices to better identify and accommodate the special needs of vulnerable groups (EL, ES, FI, IT, LT, MT, PL, RO, SE). Following increases in the number of applications for international protection, Bulgaria, Estonia, Hungary and Sweden introduced institutional changes, Germany increased capacity significantly and Italy established a National Coordination Forum, aiming to streamline the provision of (similar) reception conditions throughout the territory.

*How have Member States cooperated with the European Asylum Support Office (EASO)?*

All Member States and Norway continued to contribute to EASO activities in 2014, contributing in various ways and to different including the secondment of staff for the deployment of Asylum Support Teams[9]; the deployment of experts for training related activities, including regional train-the-trainer session[10] and participation in the development of common practical tools, e.g. COI activities/reports, EAC modules, the quality matrix etc. Following the (sudden) high

[2] With the exception of Denmark which does not participate in the EMN and has not formed an EMN National Contact Point.
[3] AT, CY, DE, EE, EL, ES, HR, HU, IT, MT, NL, SE
[4] AT, CY, DE, EL, HR, IT, NL
[5] "National Action Plan to face the extraordinary flow of migrants, adults, families and unaccompanied minors", see Agreement of 10 July 2014 of the Unified Conference of Government, Regions and Local Authorities at the Presidency of the Council of Ministers, cit.
[6] CY, EE, ES, HU, IT, LT, LV, RO, NO
[7] CY, EL, FR, HU, LT, LV, RO, UK, NO
[8] AT, BE, CY, CZ, DE, EE, ES, EL, FR, HR, HU, IT, LT, LU, MT, NL, SE, SK, UK
[9] AT, BE, CZ, DE, FI, FR, HR, IT, MT, NL, PL, RO, SE, SK, UK, NO
[10] AT, BE, BG, CZ, DE,EL,ES, FI, HR,HU, NL, PL, SE, UK, NO

influx of applicants and the particular pressure exerted on their asylum systems, EASO also provided emergency/special support to Bulgaria, Cyprus, Greece, and Italy throughout 2014.

*How are resettlement activities supporting national asylum systems?*

Resettlement[11] activities were widespread in 2014, with almost half of all Member States[12] and Norway undertaking such activities. Most resettled beneficiaries arrived from third countries to the EU under general resettlement schemes; however, some Member States[13] also developed special resettlement programmes for refugees originating from regions impacted by the Syrian crisis. However, during the year, none of the Member States reported on having relocated[14] any beneficiaries of international protection, either on a bilateral basis or within the context of an organised project, despite funding being available under the AMIF for purposes of relocation.

## UNACCOMPANIED MINORS (UAMs) AND OTHER VULNERABLE GROUPS

There has been a steady increase in the number of UAMs applying for asylum in recent years and some 23,075 asylum applications were submitted in 2014. The Member States receiving the highest numbers are Sweden (7,050 or 29% of the total EU number), Germany (4,400 or 18%), Italy (2,505 or 10%), Austria (1,975 or 8%) and the United Kingdom (1,860 or 8%), amounting to more than 70% of the total.[15] The main countries of origin of UAMs in 2014 were Afghanistan, Eritrea, Syria, Somalia, Gambia and Morocco.

The majority of Member States[16] reported institutional, legislative and/ or policy changes during the year which aimed to improve the reception and procedural guarantees for unaccompanied minors and to find durable solutions based on the child's best interests[17]. A number of other measures were introduced: some Member States opened or planned to open new reception or children's centres (CY, EL, FR, IT), or modified them (CZ, NL, PL, RO, SK), made efforts to enhance the integration of UAMs by approving integration policies or access to existing services (BE, FR, RO, SK) and provided special training on issues relating to the identification of (child) victims of trafficking / smuggling for border guards and / or police authorities. In Austria, Estonia, and Finland, new legislative measures were introduced in relation to the return and reintegration of unaccompanied minors, whilst in Italy a bill was under discussion in the Parliament to introduce new rules on assisted return. Changes in arrangements for the detention of UAMs were reported in four Member States (FI, MT, NL, PT) which reduced the instances where minors can be detained and / or created alternatives to detention.

Overall, and in light also of recent revisions to the EU *acquis* on asylum, Member States have reported the introduction of general measures to improve the **protection of vulnerable groups** in the asylum procedure. New measures were introduced for specific groups including children and their families (BE, IE, ES, UK, NO), victims of trafficking (CZ, IT, LU) including the planned introduction of Modern Slavery Bill in the United Kingdom in 2015 and victims of violence (BE, FR).

## EUROPEAN POLICY ON LEGAL MIGRATION AND INTEGRATION

*What have been the main developments in the area of economic migration?*

In 2014, the majority of Member States reported on their efforts to **fill specific gaps in their national labour markets** through flexible inflows of migrant workers. Many reported also on improved means of monitoring and identifying their specific needs for labour migration. These included both legislative changes (EE, EL, IE, SE) and new policy / practice changes (ES, FI, FR, IE, LU, RO).

Protection against **social dumping**[18] was strengthened through legislative proposals or amendments[19], which included stronger penalties for employers practicing social dumping[20] or greater inspection measures.

---

[11] In the EU context, resettlement refers to the transfer, on a request from the UNHCR and based on their need for international protection, of a third-country national or stateless person from a third country, to a Member State where they are permitted to reside with one of the refugee status, as provided Art. 2(d) of Directive 2011/95/EU, or a status which offers the same rights and benefits under national and EU law as refugee status.

[12] AT, BE, CZ, DE, ES, FI, HU, IE, LU, NL, PL, RO, SE, SK

[13] AT, CZ, DE, ES, FR, SE, UK

[14] Relocation refers to the transfer of persons having a status defined by the Geneva Convention of 1951, or subsidiary protection within the meaning of Directive 2011/95/EU, from the EU Member State which granted them international protection to another EU Member State where they will be granted similar protection, and of persons having applied for international protection from the EU Member State which is responsible for examining their application, to another EU Member State where their applications for international protection will be examined.

[15] Eurostat data, 2014

[16] AT, BE, BG, CY, EE, EL, ES, FI, FR, HU, IE, IT, LT, LU, LV, MT, PL, SE, SK, UK, and NO.

[17] Two of the priority areas in the EU Action Plan on Unaccompanied Minors (2010-2014)

[18] Social dumping refers to the practice where workers from third countries are exploited as "cheap labour" in order to increase profit margins of companies.

Almost half of all Member States[21] reported efforts in 2014 to attract **highly qualified migrants** as part of the global competition for talent. These included efforts to facilitate or simplify access to the labour market for highly qualified migrants by alleviating entry and stay conditions[22]. Measures included shortening the application time-limit; expanding the categories of highly qualified workers, simplifying the procedures for migration for the purpose of work, facilitating the effective implementation of the EU Blue Card Directive, as well as introducing new permit categories.

To support also the agenda for growth, a significant number of Member States introduced measures to attract **migrant entrepreneurs and investors**[23] by facilitating entry and stay requirements e.g. fast tracking (CZ, EE, EL, ES, HU, IE, LU, NL, PL, SE), whilst others introduced new efforts to safeguard against the **possible misuse of this migration route** (LT, SK, UK).

The majority of Member States reported also on their preparations and plans to transpose Directive 2014/66/EU on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer and Directive 2014/36/EU on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers.

New developments also took place in some countries to **guarantee certain rights** for third-country nationals who were already legally resident on the territory. These included for long term residents (NL, SK); and for 'mobile' third-country nationals migrating from one Member State to another (EL, NL, RO). Three Member States (EL, IT, PL) introduced new measures for migrants to reduce the risk of direct or indirect discrimination based on racial or ethnic origin (equal treatment).

*What further measures have been implemented to facilitate access and stay for international students and researchers?*

The aim of measures planned or introduced in Member States in 2014 have been to further **facilitate the reception and stay of students**[24] **and researchers**[25]. In most cases, these measures aimed to facilitate and simplify conditions of admission (and stay) for these groups and also to regulate and in most cases extend labour market access for international students following their graduation (often complementing policies in attracting / retaining talent (e.g. ES, LU). Several Member States (ES, LV, PL) developed new cooperation agreements with third countries to attract international students. Other areas of development included the implementation of new approaches to address the problem of the misuse of the student immigration route (IE, UK).

*What have been the main developments in family reunification?*

The majority of Member States[26] and Norway introduced new measures on family reunification. Overall, changes implemented aimed to clarify the family reunification rights of parents of refugee children and/or children who are EU citizens, whilst simplify family reunification requirements were introduced in a number of countries (e.g. DE, IE, LT, LV, PL, RO) along with measures also to prevent cases of the misuse of this migration route.

*What developments have taken place to ensure Member States manage migration and mobility effectively?*

During the year, the majority of Member States[27] reported that the **Visa Information System** (VIS) had been rolled out in the first sixteen geographical regions in line with the timeframe determined by the European Commission. Various support measures were also delivered during the year to implement visa policy, e.g. regional conferences in third countries (BE); internal training for consular staff on new development and changes in Visa Code and other Schengen acquis (SI), as well as training to airport inspectors on the use of VIS equipment (PT). Several Member States also reported on cooperation measures with **external service providers** in the visa application process (BG, CZ, FI, LT, LV, PL). A new initiative in France was introduced to **issue visas within 48 hours** of requests being submitted and has been implemented without compromising on quality.

Member States[28] reported on new measures to support **Schengen governance** during the reporting period. These involved changes in national legislation and its implementation, actions related to the Schengen Evaluation and

[19] AT, EL, FR, ES, IE, LT, LU, SI, SE, UK and Norway.
[20] AT, FR, IE, LT, LU
[21] AT, BG, CY, EE, EL, ES, FR, IE, IT, LT, LU, NL, SE, SI, SK, UK.
[22] CY, EE, EL, ES, FR, IE, IT, LU, LT, SK, UK.
[23] For further information on this topic, please refer to the EMN Study 2014 *Admitting third-country nationals for business purposes.*
[24] EE, EL,ES, FR, IT, LT, NL, PL, RO, SK, SI
[25] EE, EL, FR, IE, IT, LV, LU, NL, SI, SK, UK.
[26] BE, CY, DE, EE, EL, IE, IT, LT, LU, LT, LV, NL, PL, RO, SE, SI, UK and NO.
[27] AT, BE, CY, CZ, EE, FI, FR, EL, IT, LT, LV, NL, PL, SE, SI, SK
[28] CZ, DE, EE, FR, LT, LU, LV, NL, NO, PL, SI, SK, SE

Monitoring Mechanism[29] and training of national authorities. Two countries (NL, NO) reintroduced control at internal borders in 2014, in relation to security issues and a terrorist threat respectively.

During the year, some Member States[30] adapted their migration management systems in order to be prepared for **unexpected and high flows** of third-country nationals. Special measures with regard to nationals were introduced by some Member States following the crisis in Syria (e.g. BG, RO, UK) and unrest in Ukraine (CZ, PL, SK).

*What have been the main developments in the area of integration?*

Across the EU-28, the **unemployment rate for third country nationals was 20.3 %** in 2014 compared with a total unemployment rate of 10.3%, showing a slight decrease from 22.3% and 11% in 2013. The highest unemployment rates for third-country nationals were reported by Spain (37.4%) and Greece (33.7%), compared with national averages of 24.6% and 26.7% respectively.

Member States have however continued to implement **integration measures through participation**, including access to rights and obligations, achieving equal treatment and belonging. These included targeted measures focussing on pre-school (AT, IT, NO); and school age (AT, CZ, HR, IT, LU, PT, SI) **language training**. New initiatives introduced to facilitate migrant access to social security, healthcare and housing also contributed to integration in twelve Member States[31]. Almost half of all Member States[32] and Norway also reported on new measures to enhance migrants' **integration into the labour market**. New legislative measures were introduced in several Member States (BE, EL, IT, LU, PT, SE) and Norway to promote integration through participation, including access to rights and obligations, achieving equal treatment and belonging. Several Member States introduced new legislative and policy measures to support the integration of **specific groups of migrants, and vulnerable groups** such as beneficiaries of international protection (BE, BG, CZ, EE, FI, HR, IT, SE, SK), including their family members (SE); and minorities (AT, IT). Efforts to ensure non-discrimination of migrants were widespread in almost half of all Member States[33], where new or enhanced measures to tackle discrimination in particular on grounds of ethnicity, race or others grounds of relevance to third-country nationals were introduced.

Measures to improve **cooperation, consultation and coordination of stakeholders** and promoting action for integration at local level, involving the active participation of local authorities and/or civil society were reported in almost all Member States[34]. New initiatives were also introduced in about a third of Member States[35] to involve countries of origin in integration, for example, through pre-departure measures aimed at starting early the process of integration for new migrants through orientation and language training for example.

*How have Member States promoted and provided information and awareness raising on legal migration?*

New policies, measures or practices to improve the **provision of information** to third-country nationals on the routes to and conditions of legal migration were reported by more than half of all Member States[36]. These were driven mainly by the aim of improving channels of communication about legal entry and stay and promoting safe alternatives, to reduce the risks of trafficking in human beings, smuggling and other irregular migration channels. About a third of countries also introduced measures to prevent unsafe migration from third countries of origin and transit and to inform people about the potential risks and challenges of irregular migration to Europe, including information campaigns (BE, CZ, LU, PL, UK), websites (CZ) and projects conducted with NGOs (BE, HU, IT, LU, NL).

*What measures have been developed to maximise the development impact of migration and mobility?*

Efforts to strengthen national inter-institutional cooperation in the field of **migration and development,** notably to ensure complementarity and coherence between national policies were introduced by some Member States during 2014. These efforts included legislative changes (BE, IT), policy measures or the establishment or continuance of strategies (IT, FR, HU, PT, SK, SE), as well as the implementation of projects (CZ, DE, ES) and participation in international dialogue (BE, FR, NL, SE). Six Mobility Partnerships between the EU and third countries were signed before 2014 (Moldova, Georgia, Armenia, Azerbaijan, Cape Verde, Morocco) with a further two signed in 2014 (Tunisia and Jordan). Efforts to mitigate brain drain during the year focussed mainly on legislative changes and measures related to facilitating circular migration (SE), knowledge transfer (DE) and training in third countries under cooperation agreements (LU).

[29] Council Regulation (EU) No 1053/2013, 7 October 2013
[30] BG, CY, CZ, EE, ES, HU, IT, LV, PL, SI, SE
[31] AT, BE, EL, HU, IT, LT, LU, MT, NL, SE, SK, UK.
[32] AT, BE, CY, DE, EE, ES, FI, HU, IE, IT, LV, LT, LU, MT,NL, PL, SE
[33] AT, BE, CY, EE, EL, ES, FI, IE, HU, IT, LU, LV, MT, NL, PL, PT, RO, SE, SI UK.
[34] AT, CY, CZ, DE, EE, EL, FI, FR, HR, HU, IT, LT, LU, MT, NL, PL, RO, SE, SI, SK, U
[35] AT, FI, FR, IT, HU, LV, PL, SI, UK
[36] AT, BE, CZ, EE, ES, FI, HU, IE, IT, LT, LV, PL, RO, SE, SI, SK and NO

During the year, measures to **improve services for remittance payments** to third countries were implemented by some Member States (e.g. DE, SE); however other developments included measures to ensure better regulation of remittance payments and restrictions of payments by some categories of migrants (EL) or to specific countries (UK). Measures to support **diasporas** focused on project funding activities, including the provision of training and empowerment activities, capacity building and the transfer of knowledge; cooperation initiatives and dialogues with diaspora NGOs and organisations and the introduction of national legislation provisions related to diasporas. However, most activities reported were continuations of existing arrangements rather than new initiatives.

## SECURING EUROPE'S EXTERNAL BORDERS

Almost all Member States[37] introduced or planned **new border control measures** in 2014. These included National Action plans[38] and cooperation programmes with EU and third countries[39]. Specific initiatives included the EU 'smart' border package; Entry/Exist and Registered Traveller Programme; and other activities to improve the effectiveness of controls at external borders (e.g. training and policy); advance passenger information (API) / passenger name record (PNR) systems and Eurosur. The majority of the Member States **reinforced the capacity of border control staff**[40] by providing training activities and/or introducing new developments, for example, e-learning systems, encouraging self and continuous learning, participating in Frontex training exchange programme, or organising seminars. Some Member States diversified their border force staff for example, by hiring and training civilians. Training topics addressed in the year were: document fraud and forged documents, sea border controls, control of passengers with a special status, stolen vehicles and child abduction. A number of measures were introduced to prevent **misuse in relation to specific legal migration channels.** These included: irregular migration associated with visa liberalisation; family reunification; international student migration and more generally, the use of false documents.

## IRREGULAR MIGRATION AND RETURN

In 2014, approximately 260,000 third-country nationals were refused entry at the external borders while more than double this number, were found to be illegally present (547,335). The highest numbers of refusals at the border were reported by Spain (172,185), some 66% of the EU total, Poland (27,687), United Kingdom (15,905), Hungary (13,195); France (11,365) and Croatia (8,645). The highest numbers of those found to be illegally present were reported by Germany (128,290); France (96,375); Greece (73,670) and the United Kingdom (65,365).

At EU level, the **EMN Return Expert Group (REG)** was established as a subgroup of the EMN. The aim of the REG is to create a forum to exchange expertise and good practice on (voluntary) return to improve implementation of policy in this area. The Group developed a new EU Directory on Return, plus briefing papers on incentives to return and reintegration support granted across the Member States, including those in place in priority geographical regions, Afghanistan and Pakistan, plus the countries of Western Africa.

During the year, Member States introduced or planned new measures to address the issue of **facilitation of irregular migration**. These measures involved both legislative developments (BE, EE) and a range of new measures to strengthen prevention (AT, IT, LV, NL, PT). The Governments of France and United Kingdom launched a joint initiative to address increasing migratory pressures in Northern France by reducing smuggling and deterring migrants from travelling from France to the United Kingdom illegally. Measures to monitor and collect statistics on smuggling present challenges to Member States due to the irregular and clandestine nature of the activity. Other challenges included: identifying smuggled persons and understanding the scale of the issue. Information collected on migration routes is frequently used for **risk analysis** and **planning of interventions to prevent smuggling** in many Member States, who deploy National Liaison Officers in this activity. New measures were implemented in Sweden, which established a Migration Intelligence Unit and the Netherlands, where a new process was started to provide an overview of migration routes within the EU in order to understand, amongst other factors, so-called 'secondary movements'.

Member States[41] reported new or planned measures to develop swift, sustainable and effective **returns**, using a common EU approach. Progress in implementing national **forced return** monitoring systems (established in accordance with Article 8 (6) of the Return Directive) was reported in Finland, France and Lithuania. In the interests of visibility and transparency, the inclusion of non-state actors in the national monitoring system was also reported. Significant legislative and policy developments to further facilitate **voluntary returns**, were also reported in several Member States (AT, HR, EE, IT, LU). Return operations were conducted within the framework also of **EU Readmission Agreements.**

[37] AT, BE, BG, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, IT, LU, LT, LV, NL PL, RO, SI, SE, SK.
[38] AT, CZ, SK, SE
[39] AT, BG, CZ, DE, FR, IT, LV, LT, NL, UK
[40] AT, BE, BG, CY, CZ, DE, EE, FI, FR, HR, IE, LT, NL, PL, PT, RO, SI.
[41] AT, BE, BG, CY, EE, EL, FI, HR, IT, LT, LU, LV, NL, PL, RO

## ACTIONS ADDRESSING TRAFFICKING IN HUMAN BEINGS

Efforts towards improving the **identification** and **provision of information** to victims of trafficking in human beings were widely reported in 2014, through the introduction of new legal acts concerning the prevention of trafficking and support to victims, amendment of existing acts, new strategies and action plans plus national systems of assistance to victims. The United Kingdom for example, pioneered a new Modern Slavery Bill, which is the first of its kind in the EU and was adopted in early 2015. Other measures included: the **training of different stakeholders** who might come into contact with victims, including the asylum authorities (AT, IE, ES, NL, PL), border guards (CZ, NL, PL), police (CY, LU, NL, PL,SK), migration officials (ES, NL, SK) consular staff, armed forces staff deployed on international missions, attorneys and social workers (SK) and judges and prosecutors (NL), as well as **dissemination and information campaigns**, including the publication of leaflets and handbooks. Overall, there has been a trend towards **improving the identification of and assistance to victims**, particularly child victims of trafficking. In some countries, greater recognition was given to the fight against labour exploitation than in previous years. New measures were introduced to further promote cooperation between national authorities[42] either by establishing National Referral Mechanisms or by establishing coordination platforms. Several initiatives to on cooperation between Member States and with third countries were also reported.

[42] For example, in ES, FI, EL, LT, IT, NL, MT.

# EMN ANNUAL REPORT ON IMMIGRATION AND ASYLUM 2014

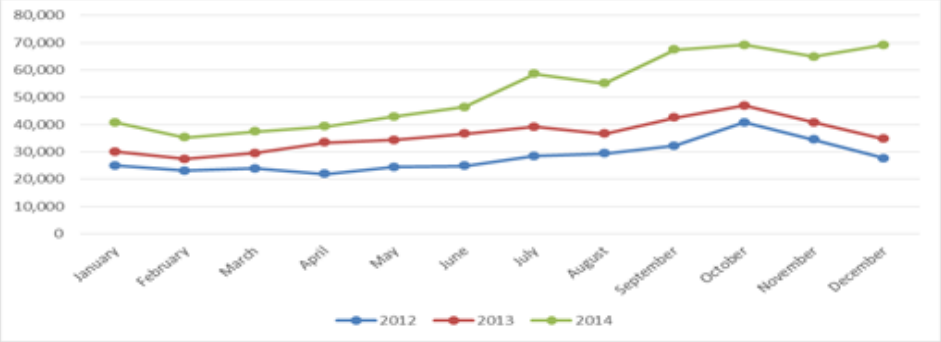
## 1 COMMON EUROPEAN ASYLUM SYSTEM

### 1.1 THE IMPLEMENTATION OF THE COMMON EUROPEAN ASYLUM SYSTEM

#### 1.1.1 DEVELOPMENTS AT EU LEVEL

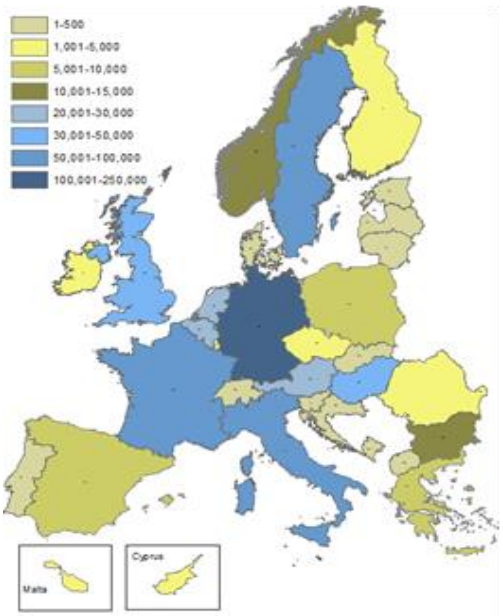
Following the continuous political instability and on-going crisis in the Europe's neighbourhood regions, including in Syria, Iraq, the Sahel and Ukraine, 2014 was marked with a sharp increase of asylum applications. A total number of 626,710 were submitted in the course of the year, representing an increase of 30 % since 2013 (434,160 asylum applicants – See Figure 1.1). The main countries of citizenship of the applicants were Syria (122,115) representing 19% of total EU-28 applicants, Afghanistan (41,370 or 7%) and Kosovo (37,895 or 6%).

Figure 1.1 Asylum applications in the EU 28: January 2012 – December 2014




*Source: Eurostat*

Figure 1.2: Overview of Asylum Applications per EU Member State and Norway (2014)

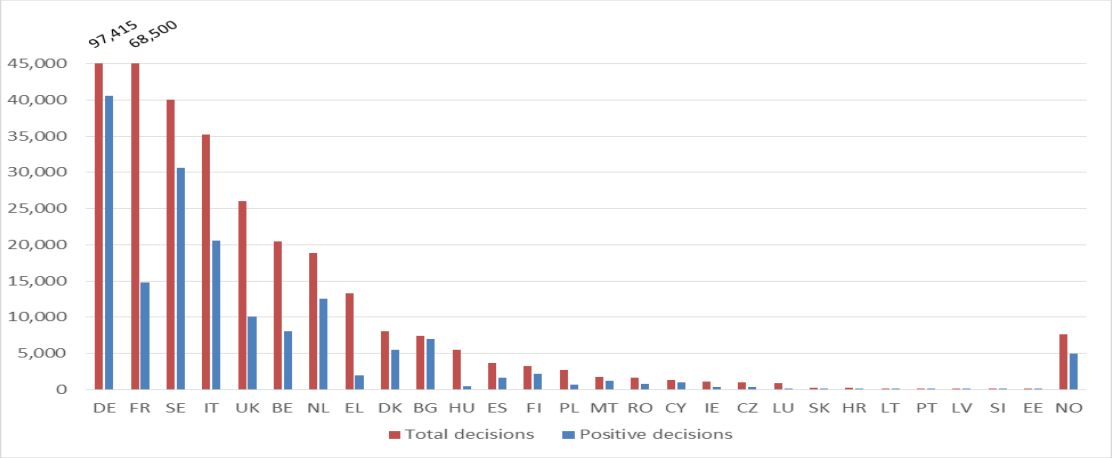



Germany, Sweden, Italy and France registered 66% of all applicants, with the highest number registered in Germany (202,815 or 32% of all applicants).

A total of 358,950 first instance decisions were issued in 2014[43] (see Figure 1.3), of which 161,020 were positive decisions (45%). Of these 89,720 applicants were granted Geneva Convention status (25%), 55,785 subsidiary protection (15%) and 15,515 (4%) authorisation to stay for humanitarian reasons. There were 197,930 rejections (55% of decisions) overall. Syrians (68,435 or 37%), Eritreans (14,585 or 7.9%) and Afghans (14.060 or 7.6%) are the main three groups of beneficiaries of protection in the EU.

[43] Statistics are not currently available for Austria.

Figure 1.3: Total first instance decisions on asylum applications and total positive decisions in first instance in 2014




*Source: Eurostat*

In regard to cooperation with third countries, it remains a priority for the EU to support partner countries' efforts to ensure improved protection and reception capacities with a view to helping these countries fulfil their international obligations. The EU is in the process of rolling out new Regional Development and Protection Programmes in North Africa and the Horn of Africa. The EU has committed a very substantial amount to address forced displacement, reaching an amount of over a billion. This includes funding from our development cooperation, humanitarian assistance and support provided under our crisis-related instruments.

Furthermore, at policy level reflections and preparations for developing a coherent approach to refugees, IDPs and development are ongoing following the Communication on 'Maximising the Development Impact of Migration' of May 2013 as well as the Council conclusions on migration in EU development cooperation of December 2014.

In addition, promoting international protection and enhancing the external dimension of asylum is one of the pillars of the EU Global Approach to Migration and Mobility and therefore it is systematically addressed in all GAMM processes, in particular in all Mobility Partnerships, Common Agendas and regional and bilateral dialogues on migration and mobility. This is also the case of the new frameworks signed during 2014, the Mobility Partnerships with Tunisia and Jordan, the EU-Lebanon Dialogue on Migration, Mobility and Security and the common Agenda on Migration and Mobility concluded with Nigeria.

### Developments at EU level

The year 2014 presented various challenges in the field of asylum in the majority of Member States, the most important of which remained the high and/or unexpected influx in the number of applications for asylum and international protection (AT, CY, DE, EE, EL, ES, HR, HU, IT, MT, NL, SE). Associated challenges included managing reception capacity (AT, CY, DE, EL, HR, IT, NL), pressures on asylum application systems, resulting in some cases in prolonged procedures and delays in decision-making (CY, DE, LU, PT, SE), long periods of detention of asylum seekers (EL) and ensuring the availability of interpretation services in certain languages, such as: Susu, Punjab, Yoruba, Twi and Turkish (LU, MT).

The arrival on EU territory in the Southern Mediterranean of asylum applicants by irregular boats, and the high risk and tragically high numbers of deaths associated with these journeys has presented significant challenges for all concerned. Member States who found themselves under particular pressure as a result of (a sudden) high influx have undertaken various actions to counter these challenges. This included the development of a new emergency National Action Plan[44] (IT), creation of extra reception capacity (HU, IT, MT, NL), the

[44] "National Action Plan to face the extraordinary flow of migrants, adults, families and unaccompanied minors", see Agreement of 10 July 2014 of the Unified Conference of Government, Regions and Local Authorities at the Presidency of the Council of Ministers, cit.

establishment of emergency accommodation centre(s) (CY, NL), speeding up the processing of applications (CY, IT) as well as introducing organisational changes, for example, introducing an obligation on municipalities to ensure the reception of unaccompanied minors (SE).

Luxembourg, although not subjected to such high and/or unexpected influxes, reported that the length and the quality of application procedures constitute a challenge.

Other challenges that Member States experienced included those related to age assessment (LT), ensuring the provision of adequate safeguards for minors (PL) and the integration of refugees (EL, LV).

Criticisms of asylum systems, where reported (BE, EL, FI, HU, IE, UK, NO), concerned raised by national NGOs on, amongst other things: too great a focus on return, prevention of abuse of the national asylum system, and border security (BE); policy on detention and family reunification (FI); assessment and decision-making procedures (IE); level of support payment granted to applicants (UK); policy on overstaying minors without a residence permit (NO) and asylum detention (EL, HU).

The following sections report on the specific changes and developments that have taken place in the Member States to make improvements in their asylum systems and procedures.

## 1.2 PROGRESS MADE IN IMPLEMENTING THE COMMON EUROPEAN ASYLUM SYSTEM: MEMBER STATES' DEVELOPMENTS IN LEGISLATION, POLICY AND PRACTICES

### *Legislative Changes*

Changes in Member States' national legislation were primarily marked by the transposition (July 2015) of the recast of:

- The Asylum Procedures Directive (APD)
- The Reception Conditions Directive (RCD).

Other Member States also reported on legislative changes following the entry into force of the recast Dublin III Regulation, which, for some Member States, fell on 1st January 2014. Changes in Member States' policies and practices were similarly underpinned by the requirements of the new asylum acquis package, with most changes introduced being directly linked to the requirements as stipulated in the recast APD and the recast RCD[45].

#### How are Member States improving asylum application processes?

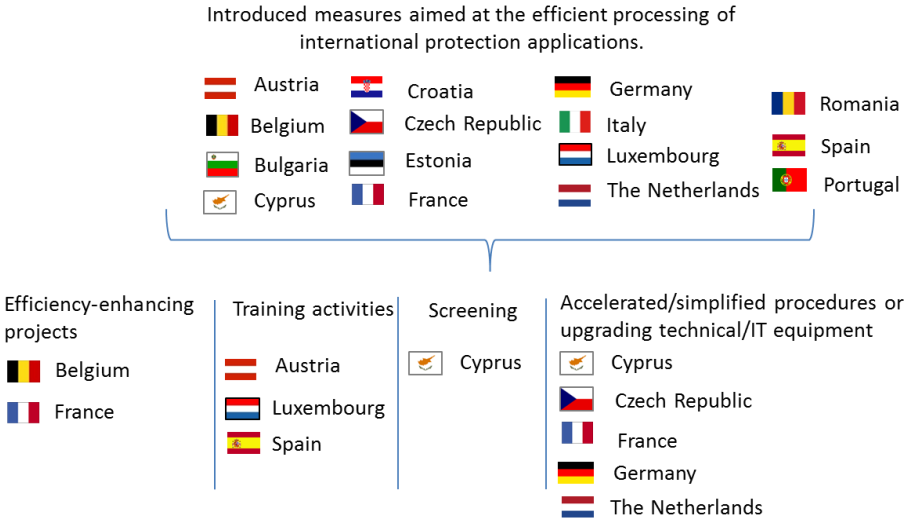
Following the adoption of the recast APD, many Member States introduced changes in the processing of applications for international protection, aimed at ensuring the effective recognition of international protection needs at first instance. Measures included:

- With a view to having claims presented and examined in a comprehensive manner, some Member States (CY, EE, ES, HU, IT, LT, LV, RO) and Norway provided training to relevant authorities and introduced changes with a view to improve applicants' access to information and legal counselling (CY, EL, FR, HU, LT, LV, RO, UK, NO) as well as the provision of interpretation (PT, RO).
- France has been working on a draft law, to be discussed in spring 2015, which aims at strengthening applicants legal guarantees, reducing processing times, improving hosting conditions and limiting the misuse of the process. It has also modified its regulations to extend the status of long-term resident to holders of international protection and to issue residence permits to ascendants of minors who have been granted international protection.

[45] Denmark, Ireland and the United Kingdome are not bound by the Directives.

- Germany implemented 'fast-track' procedures for asylum applications from Syrian and Iraqi nationals. A questionnaire has been developed in order to assess whether refugee status can be granted without conducting an interview.
- Spain established two units in Ceuta and Melilla where asylum and international protection applications are formalised. The examination of applications from Syrian nationals has been prioritised to meet this group's protection needs more effectively.

To ensure efficient processing, the following Member States also undertook measures aimed at the efficient processing of international protection applications.




***Czech Republic- Increased efficiency in processing of international protection applications***

The Czech Republic reported that the implementation of effective organisational and methodical measures decreased the average length of the asylum procedure from 110 days in 2013 to 79 days in 2014.

Figure 1.4: Overview of new measures introduced by States to ensure quality asylum procedures

As shown in Figure 1.4 the majority of Member States[46] implemented new measures with a view to ensuring that quality asylum procedures were conducted in line with international legal standards, in a fair and also efficient way. Such measures included, amongst others, new quality projects (AT, LT); and the development of internal quality procedures (IE, SE, SK).

- The Swedish Migration Board introduced a new quality assurance system which allows for the random selection of certain asylum cases for the evaluation of their legal quality.
- Luxembourg and the United Kingdom implemented measures to prevent and combat unfounded applications; in the UK these related to age-assessment whilst in Luxembourg, establishing identity and reinforcing cooperation with the police to detect false documents were prioritised.
- Greece's Asylum Service, through the Division for Training, Quality Assurance and Documentation, implemented the standards, instructions and suggestions of UNHCR and

[46]AT, BE, CY, CZ, DE, EE, ES, EL, FR, HR, HU, IT, LT, LU, MT, NL, SE, SK, UK

EASO for quality assurance procedures. Also, other legislative amendments include amongst others: the establishment of Appeals Committees, procedures for issuing single-type residence permits to beneficiaries of international protection.

Changes in policies and practices were also introduced or planned, these included:

- In Estonia the number of officials competent to accept applications for international protection increased.
- In Poland, after the revision of national legislation planned for 2015, applicants will no longer be required to lodge an application at certain designated authorities, but each border guard authority will be competent to receive applications for international protection.

- In Portugal, of Act 26/2014 entered into force in May 2014. The Act establishes the conditions and procedures for granting of asylum or subsidiary protection and the statuses of asylum applicant, refugee and subsidiary protection.

*What changes have taken place in the organisation of reception of asylum seekers?*

With regard to reception, fluctuations in the number of applicants for international protection continued to present challenges to the Member States. As a result:

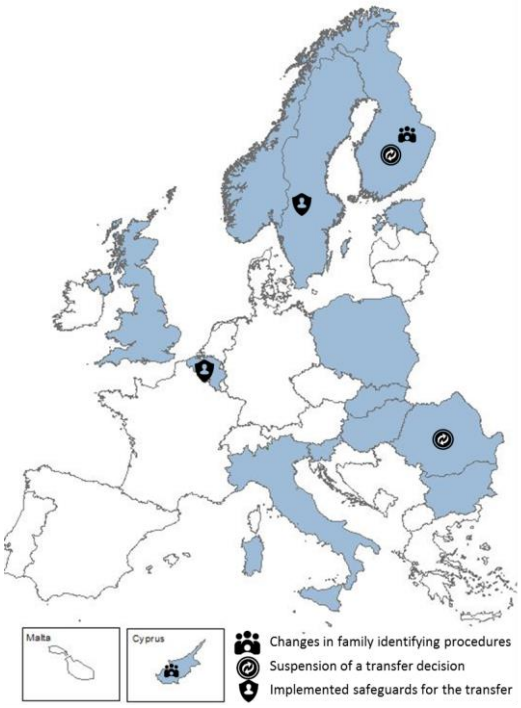
- Some Member States (CY, HR, HU, IT, NL) reported on having increased capacity to cope with large influxes, whereas other Member States (BE) reduced capacity following a reduction in the overall number of applications received. Many Member States implemented specific measures to cope with these challenges as described in section 1.5.

Following the recast RCD, some Member States (BE, CY, EE, FI, HR) also revised their reception practices with a view to provide more dignified and decent conditions.

- In Belgium, quality standards were developed for reception conditions in relation to infrastructure, safety and material. In order to test these standards, audits were performed in two federal reception centres. Quality standards for applicants' social/legal assistance and for material aid are also planned for 2015.
- Some Member States (EL, ES, FI, IT, LT, MT, PL, RO, SE) have, in particular, also revised their practices to better identify and accommodate the special needs of vulnerable groups. In Malta for example, minors including unaccompanied minors are no longer detained upon arrival, but are accommodated in open centres following necessary medical checks.
- France slightly increased its capacity in temporary accommodation centres dedicated to most vulnerable refugees once they leave reception centres for asylum seekers.
- A few Member States (AT, FI, LT, PT, SK) reported on changes in relation to detention. Austria established a new detention centre taking into account the expertise and recommendations of the Austrian Human Rights Advisory Board and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. In view of its 'modern and humane' character, this detention centre is considered exemplary for other detention centres in Austria. Also in Finland a new detention unit suitable for accommodating vulnerable groups was established. The new detention unit has a separate section for families with children and other vulnerable groups. Lithuania introduced grounds to be taken into consideration by the court deciding on absconding of an asylum seeker.

*What developments took place under Dublin III regulations?*

Figure 1.5: Overview of reported policy changes by EU Member States and Norway




Following the entry into force of the Dublin III Regulation, Figure 1.5 shows those Member States[47] which reported on corresponding policy changes with regard to Dublin transfers. These included:

- Development of new 'Dublin' applications forms (BE), and documentation on the transport costs of applicants for international protection (EL)
- Changes in family identifying procedures (CY, FI) and the suspension of a transfer decision (FI, RO).
- Implementation of certain safeguards for the transfer of UAMs to Italy under Dublin arrangements (BE, SE);
- Following the judgment of the ECtHR in the case of Tarakhel[48], Belgium requests individual guarantees from Italy for the transfer of families with minor children and Sweden placed a Dublin Migration Liaison Officer in Italy for the handling of UAM cases.

***Evaluations and good practices- e.g. Belgium and Italy***

In Belgium, the Legal Department of the Reception Agency began an evaluation of the Reception Act of 12 January 2007. Belgium also intends to ensure a more equal provision of reception standards throughout the country by revising and harmonising working agreements with the different reception partners and revising the internal guidelines to better streamline these with national legislation.

Similarly, in Italy a Parliamentary Commission of Inquiry was established in order to review the Italian reception system and conditions of detention in several centres.

## 1.3 INSTITUTIONAL AND ORGANISATIONAL CHANGES

A number of Member States[49] introduced institutional changes in the field of asylum, motivated by different reasons, which included:

- In Austria and Belgium institutional changes were introduced as part of the re-structuring of governmental authorities. In Belgium this followed the formation of a new government in October 2014.
- Bulgaria, Estonia, Hungary and Sweden, introduced institutional changes following an increase in the number of applications for international protection. In Bulgaria, Estonia and Hungary the number of staff competent to receive and process applications increased and in Bulgaria and Sweden new divisions were established within the Bulgarian State Agency for Refugees and the Swedish Migration Board respectively. In Sweden, this

[47] BE, BG, CY, EE, FI, HU, IT, PL, RO, SE, SI, SK, UK and NO.
[48] Judgment of 4 November 2014 by the ECtHR, in the case of *Tarakhel v. Switzerland*, Application Nr 29217/12; http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-148070#{"itemid":["001-148070"]}
[49] AT, BE, BG, EE, IT, SE

concerned the establishment of a new post ("the centre for operational coordination") which aims to improve the internal coordination of different departments that are affected by the higher numbers of asylum seekers.

- In France, the National Court of Asylum (CNDA) introduced video records of hearings with overseas departments in order to reduce processing times. Also in 2014, the French Office for the Protection of Refugees and Stateless Persons (OFPRA) renewed the organisation of mobile advisory missions in various French cities concerned by the increasing number of asylum seekers from the Balkan countries. Lastly, the Action Plan adopted to reform OFPRA's working methods in 2013 has become fully operational in 2014.
- In Germany, the Federal Office for Migration and Refugees increased its staff by 300 employees in 2014 in order to cope with the increasing number of applications for asylum. Furthermore, funding for additional 750 employees to be hired in 2015 has been approved.
- In Italy, a National Coordination Forum was established with the aim to streamline the provision of (similar) reception conditions throughout Italy.

## 1.4 IMPACTS OF JURISPRUDENCE

Figure 1.6: Overview of new national jurisprudence on asylum reported by EU Member States and Norway

Figure 1.6 provides an overview on those Member States[50] which reported on important new national jurisprudence relating to asylum. In addition, it also shows those Member States[51] which reported that CJEU judgments impacted on their national jurisprudence and policy during the reporting period. In most cases, CJEU judgments were referred to in national jurisprudence and guided the interpretation of key concepts and/or influenced the decision of national courts.

Overall, judgments concerned, amongst others: appeal procedures (BE), duty of cooperation/provision of information on relevant facts and circumstances (DE, SE), Dublin transfers (FI, PL), grounds for international protection (IT), the use of accelerated procedures (LU), detention (EL, SE), burden of proof for providing evidence on one's age and the acceptability of language analysis in deciding on application for international protection (UK) and introduction of judicial review to decisions given by the Refugees Appeal Board (MT).

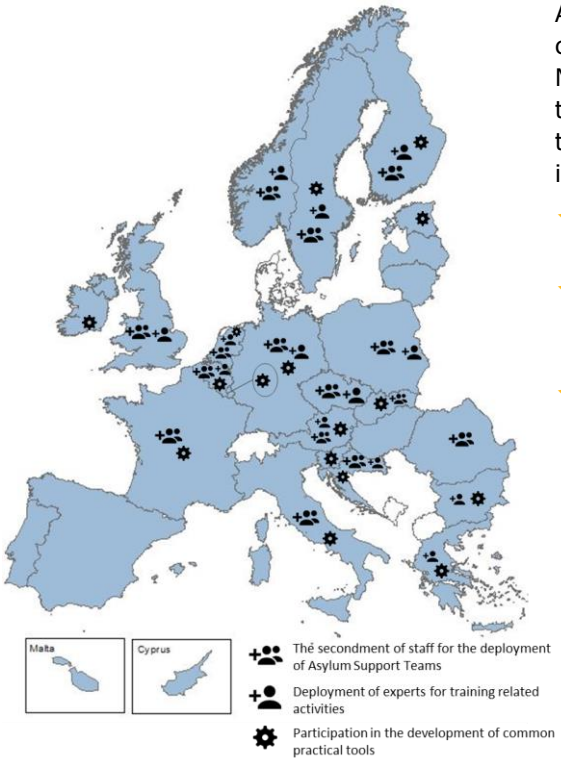
Other changes were reported in Germany, where the Federal Administrative Court stated that if the fingerprints of an applicant for international protection have been manipulated, the applicant then must cooperate in providing written details of how s/he entered the country, and in Sweden, where the Migration Court of Appeal judged that the burden of proof for providing evidence of a minor's age is placed on the concerned minor. Such proof could be based on age assessment as well as other means. See for further details on national jurisprudence the National Reports (see also section 2 covering unaccompanied minors).

[50] BE, DE, EL, FI, IE, IT, LU, MT, NL, SE, UK
[51] BE, BG, FI, IE, IT, LT, NL, PL

## 1.5 COOPERATION WITH THE EUROPEAN ASYLUM SUPPORT OFFICE (EASO)

### 1.5.1 PARTICIPATION IN EASO ACTIVITIES

Figure 1.7: Overview of EASO activities applied in EU Member States and Norway




All Member States and Norway continued to contribute to EASO activities in 2014. However, Member States contributed in various ways and to different EASO activities. Figure 1.7 shows the different activities applied in Member States including:

- The secondment of staff for the deployment of Asylum Support Teams[52]
- Deployment of experts for training related activities, including regional train-the-trainer session[53]
- Participation in the development of common practical tools, e.g. COI activities/reports, EAC modules, quality matrix.[54]

### 1.5.2 PROVISION OF SUPPORT BY EASO TO THE MEMBER STATES

Following the (sudden) high influx of applicants and the particular pressure exerted on their asylum systems, EASO provided emergency/special support to Bulgaria, Cyprus, Greece, and Italy throughout 2014.

- Bulgaria had requested EASO support in 2013 in view of the sudden increase of mixed migration flows which had exceeded their reception capacity. The Operating Plan was signed on 17th October 2013, following which EASO provided support to Bulgaria until end September 2014. Support activities focused on, inter alia, registration, reception, procedures, support in COI matters and support in training new staff etc. In total, more than 50 activities were performed within the scope of 17 support measures. The evaluation of the Operating Plan implementation for Bulgaria states that the plan contributed to improving the Bulgarian asylum and reception system. In addition to the Operating Plan, a Special Support Plan for Bulgaria was also signed on 5th December 2014. Implementation of this Plan was scheduled to start in the beginning of 2015 and should continue until mid-2016. The main aim of the Plan is to further build on the results achieved within the context of the 2013 Operational Plan.
- Cyprus requested EASO's support in 2014 following the significant increase in Syrian applicants. A Special Support Plan was signed between EASO and Cyprus on 5th June 2014. Support will be provided until July 2015 in a number of areas including: training of staff, vulnerable groups, advice on age assessment procedures, enhancing the reception conditions, as well as on data collection and analytical capacity (i.e. statistics and information technology).
- EASO extended its emergency support to Greece until December 2014. Within the framework of the Operating Plan of EASO for Greece (Phase II), EASO implemented 15 measures using 73 specialised experts. These measures include, amongst others: assistance in the field of education/training in the first and second instance (Asylum Service and Appeals Authority), techniques of identifying nationality, issues of funding within the EU, collect and analyse statistics and assistance in the field of documentation

[52] AT, BE, CZ, DE, FI, FR, HR, IT, MT, NL, PL, RO, SE, SK, UK, NO
[53] AT, BE, BG, CZ, DE ,EL ,ES, FI, HR, HU, NL, PL, SE, UK, NO
[54] AT, BE, BG, DE, EE, EL, FI, FR, HR, IE, IT LU, NL, SE, SI, SK

on countries of origin. In addition, two EASO experts supported the First Reception Service in 2014 regarding the EEA Financial Mechanism and the Emergency Fund of External Borders Fund (EBF) and another EASO expert was assisting the Ministry of Labour regarding the European Refugee Fund until the end of 2014.

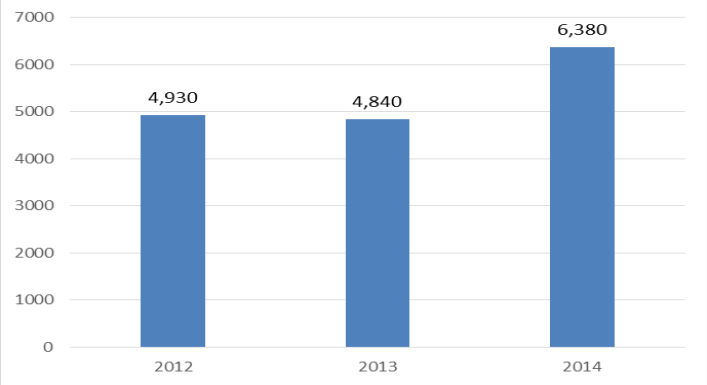
Next to such emergency/special support provided to Member States facing particular pressure, EASO also continued providing support to Member States in the form of trainings (HU, LT, RO), organisation of expert meetings/workshops (SE) in relation to various different topics relevant to the Common European Asylum System.

## 1.6 INTRA-EU SOLIDARITY INCLUDING RELOCATION

### 1.6.1 SUPPORT TO NATIONAL ASYLUM SYSTEMS INCLUDING RELOCATION

In total during the reporting period, 6,380 third-country nationals were resettled in 2014 with a gender disaggregation of 52% female (3,325) and 48% male (3,055). This number represented a significant increase when compared with 2012 and 2013 (see Figure 1.8)

Figure 1.8: Total number of resettled people in the EU between 2012 and 2014.




*Source: Eurostat*

The highest numbers of persons were resettled in Sweden (2.045), Norway (1,285) and Finland (1,090). However, resettlement activities were widespread, as shown in Figure 1.6, almost half of all Member States[55] and Norway undertook such activities.

Figure 1.9: Overview of special resettlement programmes introduced by EU Member States and Norway

Most resettled beneficiaries of international protection arrived from third countries to the EU under general resettlement schemes. As shown in Figure 1.9 some Member States[56] also developed special resettlement programmes for refugees originating from regions impacted by the Syrian crisis.

★ Austria, Germany, France and Sweden provided residence to Syrians under humanitarian admission programmes. The number of Syrians provided residence under such programmes in 2014 ranged from 506 in France[57], to 600 in Sweden, up to a total of 10, 000 additional places under the

[55] AT, BE, CZ, DE, ES, FI, HU, IE, LU, NL, PL, RO, SE, SK
[56] AT, CZ, DE, ES, FR, SE, UK
[57] In addition to providing humanitarian admission to Syrians, FR also provided residence under a humanitarian admission programme to a total of 658 Iraqis.

German humanitarian admission programme. Approximately 13,000 Syrians had entered Germany under its humanitarian admission programme by April 2015. In addition, the German Federal States have launched reception programmes for approximately 14,100 Syrian refugees. However, it is not possible to provide exact figures on how many refugees have entered Germany under these programmes. In 2014 Austria also committed to further resettle 1,000 Syrian refugees from which 539 were admitted under the humanitarian admission programme by the end of 2014.

- The Czech Republic reported to have implemented emergency resettlement of 14 beneficiaries of international protection from mainly Syria, China, Somalia and Sri Lanka.
- In Finland, an additional resettlement quota of 300 persons in 2014 was introduced as a result of the Syrian crisis. The new resettlement quota for 2014 was thus 1,050 from which 500 were Syrians.
- In Ireland, the "Syrian Humanitarian Admission Programme" (SHAP) was announced in March 2014 in response to the humanitarian crisis in Syria. The Programme allows naturalised Irish citizens of Syrian birth and Syrian nationals lawfully resident in Ireland to apply for vulnerable close family members either in Syria, or who have fled to surrounding countries, since the outbreak to the civil war, to join them in Ireland on a temporary basis of up to two years. Beneficiaries of the programme are persons considered by the family member present in Ireland (the "sponsor") to be most at risk. A sponsor may be a single person or the head of a family unit and must establish that the beneficiaries will not be dependent on State supports on arrival. The Programme has so far granted permission to 114 vulnerable close family members who will start to join with their family members in Ireland from January or February 2015. The SHAP programme has been implemented in addition to Ireland's commitment to the UNHCR Resettlement programme.
- In Spain, as a result of a mission undertaken in Jordan under a resettlement programme, 127 Syrian refugees will be resettled in Spain. Already 30 of those refugees have been resettled on December 2014. Also a new National Resettlement Programme signed in December 2014 aims to resettle 130 Syrian refugees in 2015.
- Sweden resettled a total of 1,900 people in 2014 from which 714 were Syrians. Overall, 1,175 Syrians have been resettled between 2013 and 2014. Sweden also chaired the "Core Group Syria", established by UNHCR in autumn 2013, which aims to improve a coordinated response to the refugee crisis in Syria. Twenty-three countries participate in the Core Group which aims to resettle 30,000 Syrian refugees during 2013 and 2014, and another 100,000 during 2015 and 2016. Under Swedish chairmanship, the number of available places has increased from roughly 7,000 in September 2013 to 42,000 in November 2014, up to a total of 57, 878 places by the end of February 2015[58].
- The United Kingdom established the "Syrian Vulnerable Persons Relocation Scheme", in addition to the UNHCR humanitarian admission programme, following which it will resettle several hundreds of people over the next three years.
- Fourteen Member States (BE, CZ, DE, FI, FR, HU, IE, LU, NL, PL, PT, RO, SE, UK) and Norway also continued to implement their regular resettlement programmes in 2014. The number of persons to be resettled under these programmes ranged from 34 in Belgium and 74 in Luxembourg, to 500 in the Netherlands and up to 1,050 in Finland[59]. While, the United Kingdom resettles around 750 refugees each year through the Gateway Protection Programme, in 2014 Luxembourg resettled refugees for the first time. Under such programmes, Member States resettled beneficiaries of international protection from different regions in the world, mainly in cooperation with UNHCR and some Member States also granted the majority of resettlement places to Syrians. For example, out of the 100 places available in Belgium, 75 were granted to Syrians; Germany granted 207 for non-Syrian refugees who were no longer able to stay in Syria, out of the 321 places available in the German resettlement programme, Ireland granted 90 out of 97 places available to Syrians and all 28 people resettled in Luxembourg during 2014 were Syrians.

[58] See UNHCR "Resettlement and Other forms of Admission for Syrian Refugees"; http://www.unhcr.org/52b2febafc5.pdf

[59] PT resettled 14 refugees, IE resettled a total of 96, BE a total of 100, FR a total of 247 and DE a total of 321 beneficiaries of international protection.

In the Czech Republic work continued to be developed during 2014 for the future resettlement of third-country nationals in 2015.

- The Slovak Republic provided temporary shelter to 273 refugees[60] who were gradually resettled to the USA. Most of these refugees were Somalis evacuated from Yemen and Eritrea. Other refugees were Afghans and Ethiopians evacuated from Iran, Yemen and Eritrea respectively. Refugees were mostly vulnerable migrants, e.g. single women with children or families with children.
- Belgium, Germany, Finland and Norway expressed their will to further increase the number of resettlement places under their general resettlement programmes in 2015. For example, Belgium stated that for 2015 they intend to increase the places available for resettlement from 150 to 300 or possibly more; Germany from 300 to 500; and Finland by an additional 300 increasing the total quota for 2015 to 1,050. Norway states to increase its quota under the general resettlement programme with at least 500 extra places for Syrians. In 2014 Poland also expressed its willingness to be involved in a resettlement programme of refugees from Syria, thus as part of a pilot project to be carried out in 2016-2020, Poland assumed the possibility of accepting 100 displaced persons. In the case of Luxembourg, since the introduction of the resettlement programme in 2014, an annual resettlement quota of 15 to 20 persons is now foreseen.
- Italy implemented the project, '*M'Bife Mali!*' in collaboration with NGO ENGIM to support the families of displaced persons and refugees from Mali, through the economic and social reintegration in their regions of origin, as well as to start-up ten agricultural cooperatives of refugees and the production of a documentary video about the risks of irregular migration to Italy.
- Finally, Austria, in view of the imbalance between resettlement commitments made by different Member States, and the on-going crisis in the Mediterranean, proposed a resettlement programme initiative "Save Lives". The aim for this programme is to establish a pan EU resettlement programme which could potentially encompass all Member States that would be based on a binding distribution key (calculated according to a fixed formula).

### 1.6.2 ENHANCING THE CAPACITY OF COUNTRIES OF ORIGIN AND TRANSIT TO MANAGE MIXED MIGRATION FLOWS?

***Cooperation with third countries***

Member States also cooperated with third countries with a view to strengthening their asylum systems. Cooperation took different forms and included, for example:

- Finland organised a visit for the exchange of information where an expert from the Finnish Immigration Service visited China and trained local police authorities with regard to asylum and trafficking in human beings.
- Netherlands, and Slovenia implemented a twinning project in Serbia and Latvia, Netherlands and Romania implemented a twinning project in Azerbaijan. Both projects aimed at improving the capacity of these countries to better manage mixed migration

[60] 270 refugees were evacuated to Slovakia, and three refugees were born in Slovakia.

flows. Hungary also implemented two projects with Serbia aiming at the capacity building of the Serbian asylum and migration system as well as the Serbian COI unit. Sweden finalised an EU-funded twinning project with the State Migration Service in Armenia, aimed at strengthening migration management capacities.

- Belgium also assisted EASO in its external dimension activities, by deploying three experts to Morocco (i.e. for a thematic seminar on accelerated procedures at airports) in the framework of the ENPI project with Morocco, Tunisia and Jordan.

# 2 UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS

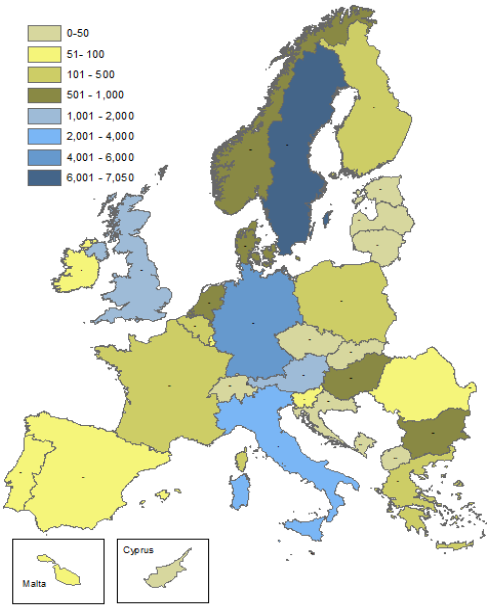
The year 2014 saw a very significant increase in the number of asylum applications submitted by unaccompanied minors across the EU, especially in Italy, Austria, Bulgaria, Sweden, the Netherlands. The overall number of 23.135 represents an increase of almost 100% compared to the average number of applications submitted in previous years[61]. Many initiatives took place at EU level to continue strengthening the protection of this particularly vulnerable group of migrants, including those unaccompanied children who do not apply for asylum in any of the EU Member States:

- A handbook on Guardianship for children deprived of parental care was jointly published by the European Commission and the European Union Agency for Fundamental Rights. Designed to help standardise guardianship practice, the handbook provides guidance and recommendations to EU Member States on strengthening their guardianship systems, setting forth the core principles, fundamental design and management of such systems. By promoting a shared understanding of the main features of a guardianship system, it aims to improve conditions for children under guardianship and promote respect for their fundamental rights.
- A Reference document bringing together existing EU legal measures and policy documents regarding unaccompanied minors was produced within the framework of the CONNECT project, a pilot project co-financed by the European Commission. Constituting a broad array of EU laws, policy and practical measures, this document constitutes a concrete response to the request of the European Parliament made in its own Resolution of September 2013, when it deplored *"the fragmentation of the European provisions concerning unaccompanied minors"* and urged *"the Commission to compile a handbook drawing together these various legal bases, addressed to Member States and to all practitioners, in order to facilitate proper implementation by Member States and to strengthen the protection of unaccompanied minors "*.
- An EMN study on data, policies and practices on unaccompanied minors was launched (publication is foreseen for May 2015), as an update to the 2008-2009 EMN Comparative study on UAMs. The aim of this new study is two folded. Firstly, it will update the most central elements and outcomes of the previous one, to inform the study's target audience about changes in Member State's policies and practices that have occurred after 2008, as well as to provide new comparable statistics. Secondly, it will fill knowledge gaps identified by the previous EMN work on unaccompanied minors, notably data on UAMs who have not applied for asylum, those in the return process or whose application for protection was rejected, UAM reaching 18 years of age whilst in the care of the public authorities, and the issue of disappearance of UAMs.

The European Parliament adopted on 27 November 2014 a comprehensive Resolution on the Rights of the Child for the 25th anniversary of the UN Convention on the Rights of the Child. In December 2014, it established an Intergroup on the Rights of the Child: an important mechanism in mainstreaming and awareness-raising on rights of the child at EU level.

[61] Eurostat data, http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_asyunaa&lang=en

Figure 2.1: Overview of asylum applications by unaccompanied minors in the EU Member States and Norway.

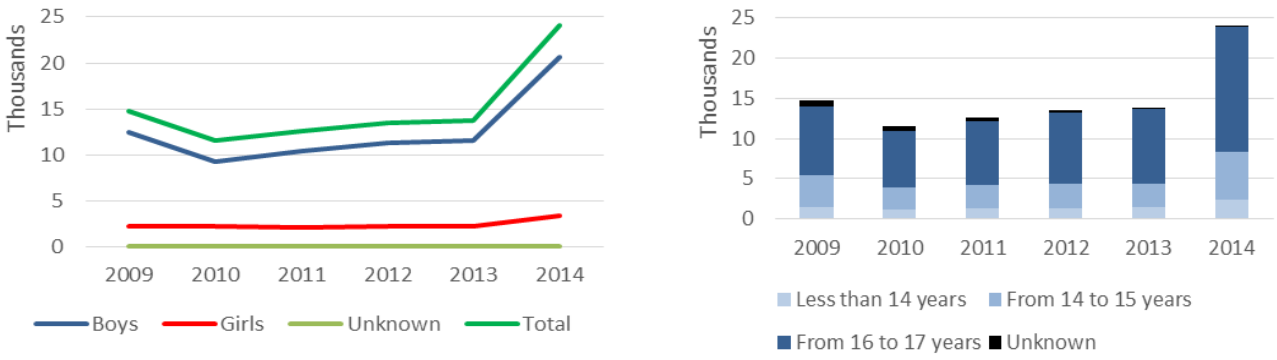



A total number of 23,075 asylum applications were submitted by UAMs. Figure 2.1 shows the number of unaccompanied minors applying for asylum in each Member State plus Norway in 2014. Data shows that the Member States experiencing the highest amount of asylum-seeking UAMs are Sweden (7,050 or 29% of the total EU number), Germany (4,400 or 18%), Italy (2,505 or 10%), Austria (1,975 or 8%) and the United Kingdom (1,860 or 8%), taken together representing more than 70% of the total.[62] The main countries of origin of UAMs in 2014 were Afghanistan, Eritrea, Syria, Somalia, Gambia and Morocco.

Overall, available data also shows that there has been a steady increase in the number of UAMs applying for asylum over time (see Figure 2.2). The distribution of UAMs by gender among applicants is also shown in Figure 2.2 which shows that the vast majority of UAMs applying for asylum are boys: in 2013, they represented 86% of the total number of UAMs seeking asylum in the EU, as opposed to 14% girls[63].

Most UAMs who applied for asylum 2009 – 2014 were aged between 16 and 17 years, while only a small proportion were younger than 14 years. Figure 2.2 below shows the number of UAMs (in 1000s) seeking asylum in the EU plus Norway between 2009 and 2014 by gender – and the number of UAMs (in 1000s) seeking asylum in the EU plus Norway 2009-2014, by age.

Figure 2.2: Number of UAMs seeking asylum in EU Member States and Norway by gender and by age during 2014.




*Source: Eurostat, 2009-2014*

[62] Eurostat data, 2014
[63] Ibid

### 2.1.1 ENTRY AND ASSESSMENT PROCEDURES, INCLUDING BORDER CONTROLS FOR ASYLUM-SEEKING AND NON-ASYLUM SEEKING UNACCOMPANIED MINORS

Figure 2.3: Overview of measures introduced regarding UAMs assessment procedures by EU Member States and Norway

Figure 2.3 shows that the majority of Member States[64] (*except* for CZ, DE, HR, PT, SI) reported institutional, legislative and/ or policy changes during the reference year. Overall changes aimed to improve the reception and procedural guarantees for unaccompanied minors to find durable solutions based on the child's best interests – two of the priority areas in the Action Plan on Unaccompanied Minors (2010-2014). Overall, measures included:

- Further efforts to improve the procedure for assessing the age of unaccompanied minors;[65]
- Changes to the system of guardianship for unaccompanied minors;[66]
- Legal/ institutional efforts to improve the residence permit options available to unaccompanied minors.[67]

These new developments are elaborated below. More information can also be obtained from the EMN Study on Policies, practices and data on unaccompanied minors in 2014.

#### Entry conditions and refusal at the border

Member States continued to apply the entry conditions for any third-country national (TCN), including unaccompanied minors wishing to enter the EU, as stipulated in the Schengen Borders Code.

***Legislative Changes***

Some Member States have reported taking additional legislative and/ or policy measures in this area;

- In Belgium, the government agreement and the policy note of the new State Secretary for Asylum Policy and Migration (in office since November 2014) anticipates measures to reinforce the protection of unaccompanied minors through actions such as a uniform registration, improved identification and a common database for the various services that work with unaccompanied minors (e.g. Guardianship Service, Immigration Office, Fedasil, etc.)

[64] AT, BE, BG, CY, EE, EL, ES, FI, FR, HU, IE, IT, LT, LU, LV, MT, PL, SE, SK, UK, and NO.
[65] CY, ES, MT, LT, LU, PL, SE
[66] BG, EL, ES, HU, IE, LU, LV, PL. In Latvia proposed changes were introduced in 2014 and will take place in 2015.
[67] AT, BE, CY, , EE, HU, IT, PL, SE, SK, RO

## Age assessment

***Policies, Strategies and/ or Measures***

The following Member States made further efforts to improve the procedure for assessing the age of unaccompanied minors in 2014, as well as changes in national regulatory systems:

- Bulgaria developed manuals for assessing the age of unaccompanied minors under the guidance of EASO's experts.
- Cyprus adopted a formal age assessment procedure for asylum seekers claiming to be minors and conducted the first of a series of trainings for medical practitioners (for dentists) within the context of the EASO Special Support Plan for Cyprus.
- Italy introduced Legislative Decree No.24/2014 which provides that the age assessment should: be made through a multi-disciplinary approach, be carried out by specialised personnel according to appropriate procedures and should take into account the ethnic and cultural specificities of the child.
- Lithuania, in December 2014, organised an expert meeting to discuss challenges of admitting and assessing age of persons who claim to be minors but whose age is not yet confirmed.
- The method used for assessing the age of unaccompanied minors in Luxembourg, which consists of an X-ray test of the left wrist for which the Greulich and Pyle scale is then used to determine age, has been contested by the Consultative Commission on Human Rights, and the Administrative Court has also expressed doubts regarding the reliability of the method, signalling the high risk of error in applying the above scale to non-Caucasian children. A reform process is therefore on going, although at an early stage, with the aim of making the assessment more effective and reliable.
- Malta ruled that x-ray examinations should only be used as a measure of last resort when assessing the age of UAMs and also committed itself to a 10-day timeframe to reach a decision on cases which do not require an x-ray examination.
- Poland developed an algorithm for the medical examination procedure to determine the age of foreigners in return procedures or applying for refugee status, as well as their transfer to Border Guard field units with the purpose of implementing the recommendations contained therein.
- The Swedish Migration Court of Appeal ruled on the 'burden of proof' of the asylum applicant claiming to be a minor and the importance of providing written evidence confirming his/ her age (as the applicant's statements given during an asylum interview are not sufficient for establishing his/her age).
- Spain adopted a Framework Protocol on certain actions in relation to UAMs which provides the basis for the coordination of the various institutions and administrations in relation to proceedings relating to UAMs, i.e. from the location of the minor, to their identification, age determination, provision of public service protection minor and documentation. The Protocol aims also to ensure the registration UAMs as a source of reliable information on the number and location of UAMs entering the territory.

***Norway: Fast-track asylum procedure aiming to reduce absconding rates of UAMs- a good practice example to speed up the age assessment procedure of an unaccompanied minor and the asylum application decision and to prevent the disappearance of children***

In June 2014, Norway's Directorate of Immigration (UDI) introduced a new fast-track procedure for cases of UAMs where there was a perceived risk that the minor could abscond from the system. In the fast-track procedure, registration of the minor, the initial conversation and x-ray are all carried out on the same day (or next day). The purpose is to secure enough information in order to carry out the age assessment and to make a decision on the case for asylum. The conversation with UDI also investigates whether the UAM is at risk of issues such as trafficking, violence or health issues. If there is concern that they are at risk because of trafficking, Child Welfare Services shall be notified of this concern, and they may be referred to special accommodation by Child Welfare Services. The following groups of asylum seekers are put through

the fast-track procedure: UAMs from North-Africa, UAMs who apply for asylum after having been apprehended by the police, UAMs who have resided in Norway for some time already, and UAMs who have previously absconded from reception centres. The fast-track procedure also aims to better coordinate between the different agencies that work with UAMs who are at risk of absconding.

### Appointment of a guardian and/ or legal representative

As shown in Figure 2.3 several Member States undertook or planned to undertake changes to the system of guardianship for unaccompanied minors, these included:

***Legislative Changes***

Legislative amendments to the procedure for appointing guardians and/or legal representatives and institutional changes related to the overall competence for guardianship of unaccompanied minors were reported by the following Member States:

- In Greece, a Working Group was established with the aim of reassessing the current legal framework on guardianship for unaccompanied minors, in light of delays to appoint a permanent guardian to UAMs under the protection of the District Attorney.
- Bulgaria and Latvia plan to adopt legislative amendments, respectively to the Asylum and Refugees Act in Bulgaria and to the Asylum Law in Latvia, settling the procedure for appointing a legal representative for unaccompanied minors and concerning his/ her obligations and rights.
- In terms of changes in practices, in Hungary guardianship of children deprived of parental care, including unaccompanied minors, has been taken over by the child protection authority/guardian (instead of the head of the child protection facility previously appointed as a guardian).
- In Ireland, TUSLA, the Child and Family Agency has assumed responsibility for child welfare and protection services previously provided by the Health Service Executive (HSE), as well as services previously provided by the Family Support Agency and the National Educational Welfare Board.
- In Luxembourg, as from 1st January 2014 the appointment of an ad-hoc administrator for UMAs has become systematic. As a result, an ad-hoc administrator will firstly be assigned to UAMs, whether they file an application for international protection or not, in order to assist them in legal proceedings.
- According to the Framework Protocol adopted by Spain in 2014 an UAM wishing to apply for asylum shall be duly informed by the Public Entity responsible for the care and protection of minors and shall be assisted by a person designated by such entity, though their application procedure in order to ensure the best interest of the child.

***United Kingdom: Piloting specialist independent advocates for trafficked children, including UAMs- A good practice in the field of safeguarding non-asylum seeking children***

In January 2014, the UK government announced proposals to trial specialist independent advocates for trafficked children, including unaccompanied minors, to provide dedicated support and guidance and ensure the child's voice is heard. They will act as a single point of contact supporting, guiding and advising the child as needed through the complexities of the local authority children's services, criminal justice and immigration systems and will be responsible for promoting the child's safety and well-being, particularly important in light of the risk of children being re-trafficked. The proposed Modern Slavery Bill (currently in discussion in Parliament) gives these advocates a statutory basis and the status they need to effectively support and represent children.

## 2.1.2 RESIDENCE PERMITS AND RECEPTION ARRANGEMENTS FOR UNACCOMPANIED MINORS

As shown in Figure 2.3 above, Member States have reported on legal/institutional efforts to improve the residence permit options available to unaccompanied minors and/ or the system for their reception in 2014, such efforts included:

### *Legislative Changes*

The following Member States made or planned to make legislative changes to the reception system as a whole:

- In Belgium, since March 2014, the Flemish part of Belgium has been operating an integrated youth care system, which means inter alia that special access procedures to services will be created for unaccompanied minors without distinction between asylum- and non-asylum seeking children, i.e. the administrative status of the unaccompanied minor no longer plays a role in the procedures giving access to youth assistance.
- In France, following the introduction of circular of 31 May 2013 on the modalities of care for UAMs, which introduced a national system for shelter, assessment and orientation of UAMs**,** consequences in 2014 were reflected when regulating the arrivals flows of UAMs in a more equitable way between all the *départements* in Metropolitan France, as part of a national equalisation and to ensure appropriate care conditions[68].
- In Italy, a bill has been submitted in 2014 to the Parliament which provides for the establishment of a national system for the reception of UAMs with the ultimate aim of ensuring durable solutions in the child's best interest. A mission structure has also been established within the Department for Civil Liberties and Immigration for one year period to increase the UAMs reception capacity and to provide standardise treatment and conditions throughout the national territory.
- Lithuania, in April 2014, adopted age assessment procedures, including accommodation and other procedural actions applicable to non-asylum seeking minors in order to harmonise different practices in relation to this group of foreigners.
- In Sweden, due to the substantial increase in the number of unaccompanied minors arriving in Sweden in recent years, the practice of assigning unaccompanied minors to municipalities, based on voluntary agreements between municipalities and the Swedish Migration Board, has been replaced with the placement of children in municipalities even without the municipalities' consent, if necessary.

In addition, institutional changes which had implications for the residence permit provisions and/ or support services available to unaccompanied minors were also introduced in 2014, for example:

- In Austria, following the restructuring of the asylum and aliens authorities in Austria in January 2014, new residence permit options (e.g. on grounds of Article 8 from the European Charter of Human Rights, "Red-White-Red Card", etc.) are available.
- In Belgium, as announced by the government agreement in October 2014, UAMs will be given the opportunity to apply for the special residence permit for unaccompanied minors, even if other procedures are still pending.

### *Policies, Strategies and/or Measures*

Some Member States (e.g. CY, EL, FR, IT) opened or planned to open new reception or children's centres, or modified them (CZ, NL, PL, RO) or in the case of Slovakia a specialised foster home for UAMs was closed down and its function was taken over by the *Foster Home and Children's Centre in Medzilaborce* in Eastern Slovakia. The following measures were also implemented:

- In the Czech Republic, a 'try-out' apartment has been opened as the final stage of the unaccompanied minors' stay at the Facility for Children-foreigners with the aim of

[68] However, a decision of the Council of State on 30th January 2015 repealed the provisions of the circular of 31 May 2013 which provided for this distribution system, on the ground that it fell under the law and the Minister of Justice was not responsible to issue it.

preparing the young person for living responsibly with more independence, whilst maintaining contacts with authorities and the community.

- In Greece, according to the First Reception Service, the operations of three open reception structures for unaccompanied minors applying for asylum are expected to begin operations in the first half of 2015.
- In Italy, the National Plan to manage the extraordinary in-flow of migrants, including unaccompanied minors, has called for the establishment of highly specialised governmental facilities for immediate reception of UAMS as well as careful planning for the second level of reception for these children.
- In the Netherlands, a change in the present reception system for UAMs was announced. One of its elements is the accommodation of UAMs of 15 years and older in small-scaled housing facilities situated close to each other. Together, these would consist of a maximum of 16 to 20 beds. At present, these UAMs are housed in larger scale UAMs campuses, which are established in a section of a regular Reception Centre (asylum seekers' centre). The changes are expected to come into effect on 1st January 2016 and sooner where possible.
- In the Slovak Republic, a draft legislative amendment - under revision at the time of the drafting of this report - proposes to keep UAMs in facilities for social and legal protection of children and social guardianship during the asylum procedure (instead of moving them to asylum facilities), thus taking account of the child's best interests. The draft amendment also introduces the obligation of foster homes to create conditions for UAMs on meeting representatives of international organisations.

Member States also made efforts to enhance the integration of unaccompanied minors, by approving integration policies or improving access to existing services (BE, FR, RO, SK). For example:

- In Romania new legislative changes will establish access to pre-school education for asylum-seeking unaccompanied minors under the same conditions as Romanian citizens/ children.
- In the Slovak Republic, the measures proposed in the new Integration Policy take into account the language barrier, cultural differences and specific needs of UAMs, as well as the principle of the child´s best interests.

### 2.1.3 STAFF TRAINING AND CAPACITY BUILDING IN WORKING WITH UNACCOMPANIED MINORS

In 2014 Member States continued to provide special training on issues relating to the identification of (child) victims of trafficking / smuggling for border guards and / or police authorities.

***Cooperation Projects***

Examples of further training and capacity building efforts undertaken by Member States during the reference period are the following:

- In Latvia, the project PROTECT Children on the Move was developed by the Council of the Baltic Sea States and provides training and support on best interest assessment / determination, quality standards, procedures and safeguards in returns and transfers.
- Ireland, continued its participation in the transnational project "Safeguarding Unaccompanied Migrant Minors from Going Missing by Identifying Best Practices and Training Actors on Interagency Cooperation" (SUMMIT), funded under the Pilot Project "Analysis of reception, protection and integration policies for unaccompanied minors in the EU". Its aim is to identify best practices in the area of reception, risk assessment, counselling and cooperation between actors, as well as to develop guidance for improved interagency cooperation in preventing and responding to the issue of missing unaccompanied minors.

- Italy implemented the projects '*SALEM 2 Solidarité avec les Enfants du Maghreb et du Mashreq*' and 'Actions to counter the marginalisation of minors at risk' both to reduce the vulnerability of minors and youngsters to illegal migration, by also training the trainers and civil society and public actors.
- In Norway, a four-week course for civilian staff at border control points was held for the first time in 2014 and is planned to be held regularly in the future. The course based on the Frontex core curriculum covered human rights standards, asylum issues, the UN CRC, and trafficking in human beings. Modules were taught by amongst others the Red Cross, the Norwegian Organisation for Asylum Seekers, and the Coordination Unit for Trafficking in Human Beings (KOM).

***United Kingdom: Statutory guidance on children who run away or go missing from home or care- a good practice example or guidance provided to authorities involved in the protection of unaccompanied minors***

In January 2014 the UK's Department for Education, following a public consultation, published statutory guidance on children missing from home or care. The guidance sets out steps local authorities and their partners (e.g. police, schools, etc.) should take to prevent children going missing and to protect them when they do. As part of the guidance, local authorities have a duty to interview children who have been missing within 72 hours of their return to reduce their likelihood of going missing again. The guidance includes specific reference to unaccompanied children from abroad, who may have been trafficked. Local authorities should assess the needs of these children as soon as they are identified. The assessment must seek to establish relevant details about the child's background before they came to the United Kingdom and an understanding of the reasons why s/he came to the country, as well as an analysis of his/ her vulnerability to remaining under the influence of traffickers. The assessment should inform the placement of the local authority commissions to accommodate the child, to maximise the opportunities for offering the child safe, stable care to minimise the chance of their going missing or being re-trafficked.

### 2.1.4 RETURN AND REINTEGRATION OF UNACCOMPANIED MINORS

***Legislative Changes***

- In Austria, unaccompanied minors between the ages of 14-18 years are required to cooperate with the authorities (prior to the return procedure) in tracing family members in countries of origin, third countries and Member States if this lies in the best interests of the child.[69]
- In Estonia, the regulation regarding the return and removal of UAMs has been clarified in 2014. A return decision for the UAM can be issued if his/her guardian / representation was ensured when the decision was made, his/her best interests were taken in to account. The return decision will be complied with if the guardian ensures the that the minor will be sent back to his/her family or appointed to the reception centre of the receiving state.
- In Finland the Aliens Act was amended on 1st July 2014 aiming also to strengthen efforts to reconnect unaccompanied minors with their parents or guardians residing outside Finland. Previously, family tracing was limited to the asylum application phase, whereas now it shall be continued even after the decision on international protection is made. The legislative amendment is not expected to bring significant changes to practices, as the principle is that family tracing should not be continued for an unreasonably long time; the decision on continuation is made on a case-by-case basis depending on the likelihood of reaching the parents or guardians of the unaccompanied minors in the first place.
- In Italy a bill was currently under discussion in the Parliament, the bill aims to introduce new rules on assisted return of unaccompanied minors.

### 2.1.5 DETENTION AND ALTERNATIVES TO DETENTION OF UNACCOMPANIED MINORS

Several Member States reported on legal and policy changes in relation to the detention of minors.

[69] This obligation does not apply to unaccompanied minors below the age of 14 years.

- In Finland, following a Government Bill submitted in September 2014, the detention of an unaccompanied minor under the age of 15 years will be prohibited. The detention of older unaccompanied minors for the purpose of ensuring removal will be restricted and the detention of minors on police premises will be prohibited.
- Malta, reported that since 2014, minors including unaccompanied minors are no longer detained upon arrival, but transferred to an accommodation centre for necessary medical check.
- In the Netherlands, as from 1st October 2014, UAMs are placed together with, but separated from families, under-aged children in a new closed family care facility with a child-friendly appearance. Detention is still applied with extreme reluctance.
- Poland introduced a care education centre for UAMs as alternatives to detention, which in practice apply to them only in exceptional circumstances.
- Greece reported that the accommodation centres for unaccompanied minors announced in 2013 have not yet been established in 2014.

### 2.1.6 MEASURES TAKING ACCOUNT OF VULNERABILITY IN THE ASYLUM PROCEDURE

In light also of the recent revisions to the EU *acquis* on asylum, Member States have reported on taking general measures to improve the protection of vulnerable groups in the asylum procedure. These legislative and other changes can be summarised as follows:

- Setting up a more effective mechanism for the early identification of vulnerable applicants and/ or assessment of their needs in order to provide them with special reception conditions and special procedural guarantees (BE, CY, NL, SK, RO), along with fostering collaboration between the competent authorities (LU).
- Belgium developed service guidelines providing a uniform and unambiguous explanation of the processing of asylum applications through the perspective of the child's best interests.
- Estonia has taken the particular situation of vulnerable groups into account when assessing obligation to leave, as well as prohibition of entry.
- Italy has taken gender considerations, including gender identity into account in determining a person's belonging to a particular social group or in identifying the peculiarities of such a group when granting refugee status.
- Lithuanian developed and published a Methodology for Identifying and Working with Vulnerable Asylum Seekers.
- In the Netherlands, additional measures for asylum seekers who have exhausted all legal remedies to receive care facilities while awaiting a decision on suspension of departure were introduced.

As part of some of the above-mentioned measures, some Member States further elaborated the concept of vulnerable persons and/ or supplemented the list of vulnerable persons (IT, LT, PL, RO).

### 2.1.7 MEASURES ADDRESSING SPECIFIC VULNERABLE GROUPS

#### Measures addressing children and/ or families

The following measures were introduced specifically to address the needs of children and their families:

- In Belgium, a proposal for a reception model for families with children without residence permit, accommodating them in collective facilities was introduced, and new guidance on taking account of the child's best interests when assessing a minor's application for asylum.
- Ireland reported its efforts to expedite the investigation and preparation of reports in relation to any family reunification application from a Syrian applicant in respect of a Syrian family member.
- Spain adopted the second National Strategic Plan for Children and Adolescents 2013-2016 (II PENIA) which is an inclusive policy instrument for children and adolescents that includes measures to intensify actions for children of families of foreign origin and actions

to promote and strengthen programmes for temporary stays of foreign minors in Spain. Unaccompanied minors also receive special attention.

- In the United Kingdom revised guidance was developed on implementing UNHCR recommendations on asylum decision-making in family cases to ensure evidence from dependents, including children, is properly taken into account when assessing a claim.
- Norway implemented a one-time solution for children and their families who have stayed for a prolonged period of time. A permanent arrangement for children who have stayed in Norway for a prolonged time entered into force on 8th December 2014. The scheme involves a greater emphasis on the best interest of the child, it provides that the length of the child's stay in Norway, along with the child's age, shall be essential in the assessment.

### Measures addressing victims of trafficking in human beings

New measures to better address the specific situation of victims of trafficking in human beings were reported, for example:

- The Czech Republic has put in place measures to address the risk of trafficking in socially excluded areas and of persons with mental disorders or otherwise disabled, according to the Strategy on the Fight against Social Exclusion (2011-2015).
- In Italy, Legislative Decree No.24/2014 provides that while the age assessment and identification are pending, the victim of trafficking is considered a minor in order to give them immediate access to care, support and protection. The unaccompanied child is also presumed to be a minor in the event that the multidisciplinary procedure does not make it possible to establish their age with certainty.
- In Luxembourg the Government will provide for compensation to victims of trafficking in human beings whenever the indemnity pronounced by the Court is not paid; victims do not need to prove their prejudice, nor have their regular residence in Luxembourg in order to claim such compensation. UAMs victims of trafficking in human beings are also now entitled to appropriate housing, and the obligation to appoint a guardian if there is a presumed child victim (minor of age) was introduced. Further developments in the national coordination of anti-trafficking policies included the formalisation of the Committee to monitor trafficking in human beings composed of representatives of public services and approved organisations. The Committee is currently elaborating a new national action plan focusing on addressing trafficking in human beings.
- The United Kingdom's Modern Slavery Bill (which had been negotiated in Parliament by the time of drafting this report) will provide greater clarity to law enforcement agencies to tackle perpetrators of trafficking in human beings once it is adopted in 2015. The United Kingdom is also to review the National Referral Mechanism for victims of trafficking, and is currently trialling child trafficking advocates to understand better whether an individual advocate would represent a simpler and less intimidating route for children victims of this crime through social care, criminal justice and immigration systems.

### Measures addressing victims of violence

- Belgium has introduced new measures to address victims of violence. Governmental and non-governmental stakeholders in this Member State continued with information and awareness raising campaigns on domestic violence, prevention of forced marriages, training of professionals in charge of migrant girls and women who are at risk/ victims of these kinds of violence, and protection of victims, within the context of the national Action Plan PAN/ NAP 2010-2014 on the resolution on women, peace and security (UN Security Council Resolution 1325). Going forward, the new PAN/ NAP 2015-2019 will resume with new measures in this area (e.g. on gender-based violence).
- In France, the thematic reference groups established as part of OFPRA's Action Plan continued to work in 2014 on cross-cutting issues such as: violence towards women, sexual orientation, unaccompanied minors, human trafficking and torture.

# 3 EUROPEAN POLICY ON LEGAL MIGRATION AND INTEGRATION

The year 2014 was characterised by the adoption of two Directives in the field of legal migration: the Directive on Seasonal Workers and the Directive on Intra-Corporate Transfers.

The Directive on seasonal workers sets the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers, as well as their rights, for a maximum period of stay of between five and nine months in any 12-month period, to be determined by Member States. The Directive also provides that seasonal workers must benefit from accommodation that ensures an adequate standard of living. Seasonal workers enjoy equal treatment with nationals on terms of employment and working conditions, as well as to branches of social security (in practice, benefits linked to sickness, invalidity, old-age, etc.). Member States are however not obliged to apply equal treatment on unemployment and family benefits and have the possibility to limit equal treatment on tax benefits and on education and vocational training. Finally, seasonal workers, who were admitted at least once in the same Member State in the last five years and who respected the relevant conditions in every stay, will benefit from facilitated re-entry procedures. The Directive must be transposed by end September 2016.

The Directive on intra-corporate transfers establishes a common set of rules for entry, work and residence of managers, specialists and trainee employees transferred from a branch of a company outside of the EU to another branch of the same company inside the EU, together with their family members. The Directive also provides for a system to facilitate mobility within the EU: it allows ICTs to enter, stay and work in Member States other than the one to which they were initially admitted, subject to a number of safeguards. The Directive provides that intra-corporate transferees cannot be employed under conditions which are less favourable than those applicable to EU posted workers. Additionally, the Directive sets out that the transferee is paid at least the same as a national of the Member State where the work is carried out occupying a comparable position. Intra-corporate transferees will also enjoy equal treatment with nationals as regards a number of protective rights and social security provisions. The deadline for transposition is November 2016.

The Commission adopted in April 2014 the Guidelines on the implementation of the Family Reunification Directive, to help ensure a coherent and robust implementation across the EU, and in May 2014, the implementation report on the Blue Card Directive, which underlined that there are wide variations between Member States on the number of Blue Cards issued and which identified some deficiencies in the transposition of the Directive. The monitoring of the implementation of existing legislation continued, such as the Directives on Long-Term Residents[70], on the Single Permit[71] and on Family Reunification[72]. As regards the Single Permit Directive, following the deadline for transposition at the end of 2013, the Commission opened infringement against 14 Member States for not transposing the Directive in time, out of which 5 remained open at the end of the year.

In 2013, the Commission presented a draft Directive on the conditions of entry and residence of third-country nationals for the purposes of research, studies, pupil exchange, remunerated and unremunerated training, voluntary service and au-pairing. In 2014, both the European Parliament and the Council adopted their mandate to start negotiations on the draft Directive. Negotiations are currently on-going.

Regarding **integration,** in a context of global economic crisis, third-country nationals were still significantly affected by difficulties in accessing the labour market, lower performances in education or risk of poverty and social exclusion. The EU indicators of immigrant integration point to a worsening situation compared to EU citizens in 2014. For example, in 2014, 20.3% of third-country nationals were unemployed as compared to the EU rate of 9.6%. As regards poverty and social exclusion, available estimate 2013 figures show that 39.9% of third-country nationals were at risk of poverty and exclusion, as compared with 22.9% in the EU[73]. Increasing labour market participation or education achievements of people with a migrant

[70] 2003/109/EC as amended by Directive 2011/51/EU
[71] 2011/98/EU
[72] 2003/86/EC
[73] See all available ESTAT data on migrant integration: http://ec.europa.eu/eurostat/web/employment-and-social-policy/migrant-integration/indicators

background was included in the country-specific recommendations of 6 Member States (AT, BE, DK, LU, NL and SE) within the framework of the 2014 European Semester.

Also, 2014 saw the 10th anniversary of the Council adoption of the Common Basic Principles (CBPs) for immigrant integration policy in the European Union[74]. Adopted in November 2004 to underpin a coherent European framework on integration of third-country nationals, the CBPs created a framework to assist Member States in setting goals and priorities and in formulating integration policies. For the 10th anniversary of their adoption, Member States restated their commitment to the CBP in the Justice and Home Affairs Council Conclusions of 5 and 6 June 2014[75]. The Conclusions also referred to the 11th meeting of the European Integration Forum in which civil society addressed the issue of the Common Basic Principles. This meeting was the last one of the European Integration Forum as such, as the scope of the platform for dialogue with civil society was extended to also cover asylum and migration issues, thus establishing the European Migration Forum[76].

The Commission continued to provide significant financial assistance and capacity-building support on migration-related issues to third countries through the EU development cooperation instruments. In 2014, EU-funded bilateral and regional assistance for a total amount of about 500 million EUR was on-going.

Likewise, maximizing the development impact of migration is one the main elements of the Mobility Partnerships signed with Jordan and Tunisia and the Dialogue launched with Lebanon during 2014 as well as of the Common Agenda on Migration and Mobility concluded with Nigeria during 2014 and signed in March 2015.

*Key statistical data on first residents by reason is provided in Table 6 of the Statistics Annex, data are however provisional*.

## 3.1 ECONOMIC MIGRATION

### 3.1.1 SATISFYING LABOUR MARKET NEEDS?

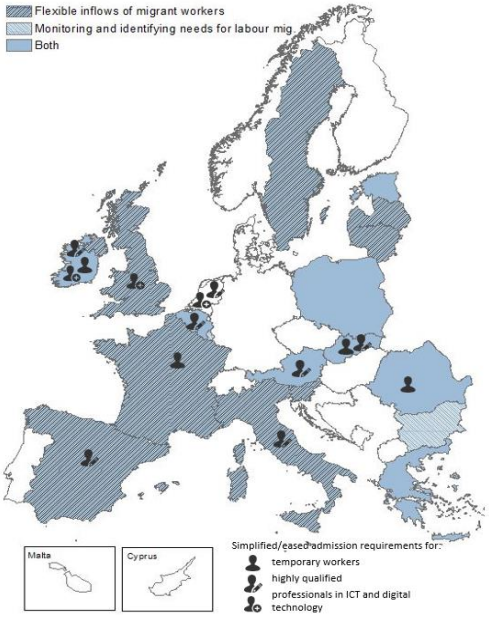



Figure 3.1: Overview of measures reported by EU Member States and Norway

In 2014, many Member States reported on their efforts aimed at filling in specific gaps in their national labour market through flexible inflows of migrant workers whilst many reported also on improved means of monitoring and identifying their specific needs for labour migration.

Figure 3.1 shows where measures were introduced per Member State to satisfy labour market needs for specific categories of worker.

[74] http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/jha/82745.pdf
[75] http://www.consilium.europa.eu/en/meetings/jha/2014/06/05-06/
[76] https://ec.europa.eu/migrant-integration/about-european-integration-forum

### *Legislative Changes*

- In Estonia, amendments to the Aliens Act were adopted and will enter into force in 2016. These aim to introduce a list of those areas experiencing labour shortages and to exempt those third-country nationals who fall under the same listed shortage occupations from the labour market test and a remuneration threshold.
- In Greece a new immigration law (called the Immigration Code) was approved in 2014[77]. The law regulates issues related to the procedure of setting the volumes of admission of third-country nationals and their work conditions and sets criteria to identify the labour needs in the Greek territory. The law also provides for the possibility to revoke the transfer of workers from third countries, including when a third country fails to cooperate in the area of return of its citizens.
- In Ireland, the employment permit system was re-defined to provide flexibility to deal with changing labour markets, work patterns and labour market needs through the adoption of the Employment Permits (Amendment) Act 2014. The Act introduced nine categories of employment permit aiming to meet Ireland's demand for highly skilled workers, as well as filling temporary gaps and accommodating intra-company transfers and contract service providers.
- In Sweden, the minimum time during which a rejected asylum seeker must have had employment in Sweden in order to be able to change his/her immigration status and receive a residence permit for work purposes was reduced in 2014. This means that when an asylum seeker receives a negative decision on his/her asylum application and has been working in Sweden for at least four months (previously six months), he/she can apply for a residence permit for work purposes.

Common categories of third-country national workers for whom admission requirements were eased and/or simplified included:

### *Policies, Strategies and/or Measures*

- In France, the National Strategic Council for Attractiveness (CSA) launched several measures in February 2014 aiming to attract labour migration to France and particularly to provide direct access to Romanian and Bulgarian nationals to the labour market. Measures also exempted third-country nationals living in France under a 'working holiday' visa from work permit applications and abolished the compulsory medical check-ups for existing categories which would be covered by the future residence permit for skilled workers, as well as for members of their families.
- Ireland, released its ICT Skills Action Plan 2014-2018, in response to a continuing strong demand for high-level ICT skills and forecasts of some 44,500 job openings in the sector during the period to 2018. The action plan targets both experienced international talent and expatriate talent as part of a comprehensive strategy and highlights measures to promote Ireland as a destination for skilled ICT professionals.
- In Romania, a new National Strategy on Immigration was put forward, which refers to attracting and facilitating admission of labour migrants according to the identified labour market needs.

[77] Law 4251/2014, "Immigration and Social Integration Code and other provisions", Government Gazette of the Hellenic Republic Series A', Issue No 80/1-4-2014

- Regarding the improvement of systems for monitoring and identifying shortage occupations and the need for labour migration. In Luxembourg, the Minister of Labour, Employment and the Social Solidarity Economy presented the new direction of the national employment policy and the first 'dashboard' of the labour market, including the effect of immigration on the labour market and employment.[78]
- An Annual Plan for Employment Policy in Spain was approved in 2014, which reflects the annual Spanish Activation Strategy for Employment 2014-2016 and lists actions to improve and promote the employability of youth and particular groups affected by unemployment. Third-country national workers, may participate in the actions and measures provided.
- Finland reported efforts to reduce administrative burden for foreign workers by introducing a Finnish personal identity number together with the residence permit; this joint action simplifies the registration processes for new migrants in respect of their personal matters.

### 3.1.2 EFFORTS TO AVOID 'SOCIAL DUMPING'

Figure 3.2: Overview of efforts to avoid social dumping reported by EU Member States and Norway

***Social dumping*** refers to the practice where workers from third countries are exploited as "cheap labour" in order to increase profit margins of companies.79 This would entail measures aimed at ensuring recruitment on the domestic labour market, if it is able to meet demand. It would also entail ensuring equal treatment of third country workers to nationals and EU citizens as regards working conditions, including pay.

In 2014 measures to prevent or address social dumping were adopted by some Member States and Norway as shown in Figure 3.2. Overall, the protection against social dumping was strengthened through legislative proposals or amendments[80], which included stronger penalties for employers practicing social dumping[81] or greater inspection measures[82].

***Legislative Changes***

- In Austria, an amendment of the Act on Combatting Wage and Social Dumping was adopted by the Austrian parliament in December 2014 and entered into force on 1st January 2015. The amendment extends the official wage control and in addition to the basic wage, all other remuneration components required by law, decree or collective agreement are to be inspected. The administrative penalties to the employer for missing payment records are also raised to the degree of penalty for underpayment. Furthermore, the statutory limitation in case of wage dumping is extended to three years.

[78] Developed by the research network on the labour market and employment (*Réseau d'étude sur le marché du travail et de l'emploi* - RETEL).
[79] https://eurofound.europa.eu/observatories/eurwork/industrial-relations-dictionary/social-dumping
[80] AT, EL, FR, ES, IE, LT, LU, SI, SE, UK and Norway.
[81] AT, FR, IE, LT, LU
[82] AT, CY, CZ, FR, MT, NL, SE, UK

- In France, the Law *to combat unfair social competition*, which entered into force in 2014, aims to better target inspections and strengthen sanctions to ensure compliance with national and European standards.
- In Greece, the new immigration code lays down the conditions that must be met in order to accept an employer's application wishing to recruit third-country nationals, namely, inter alia: contract of employment stamped by the Labour Inspection, stating the type of employment, the duration and the remuneration of the worker, which may not be, under any circumstances, less than the salary for an unskilled worker.
- Spain reported that in 2014 a Draft Law was being developed on the system of labour inspection and Social Security. The bill is an update of current legislation, which dates from 1997, and will allow for improvement of both inspections and anti- labour fraud instruments.
- Also Member States reported that on-going legislative changes were made in the context of the transposition of EU law, including the Posting of Workers Directive 2014/67/EU (FR and LU); Employer Sanctions Directive 2009/52/EC (LT) and the Single Permit Directive 2011/98/EU (NL). Several [83] also referred to their transposition of the 'Single Permit' Directive, 2011/98/EU, which was completed in the reference year.

***Policies, Strategies and/or Measures***

Enhanced inspection measures were also adopted in some Member States, for example:

- In Austria, a contact point for support for undocumented workers (UNDOK) was established with funding from the Federal Ministry of Labour, Social Affairs and Consumer Protection and the Vienna Employment Promotion Fund. UNDOK offers individual counselling free of charge and law enforcement support for people without residence and/or employment permit and provides information about employment and social rights.
- In the Czech Republic, the State Labour Inspection Office provided, in cooperation with the Department for Asylum and Migration Policy of the Ministry of the Interior, training for inspectors to better recognise social dumping and exploitation of foreign workers.
- In Ireland, new guidelines for diplomatic staff on missions to Ireland who intend to employ private domestic workers were introduced in September 2014, outlining expectations regarding pay, employment records, health insurance and social security.
- In Luxembourg the social badge was permanently launched in 2014 to fight social dumping and to facilitate the posting of workers including those from third countries. Practically, employers must register prospective employees from third countries under the Inspectorate of Labour and Mines (*Inspection du Travail et des Mines*) and the worker must obtain the badge before being officially placed. Through the badge, which can be scanned, labour inspectors have access to certain information on posted workers and posting companies.
- In Malta a publication on the conditions of employment applicable to third-county nationals who wish to work and reside in Malta was distributed in 2014. This publication was translated in eight different languages (Arabic, Chinese, French, Russian, Serbian, Spanish, Tagalog and Turkish). In addition, following the implementation of the Employers Sanctions Directive, all cases of migrants found working without a permit are further investigated to ensure that during their term of employment they were properly paid and had the right working conditions.
- In Portugal, the III National Plan to Prevent and Combat Trafficking in Human Beings 2014-2017 provides within its measures for the strengthening of inspection actions. In addition the Immigration and Borders Service (SEF) together with the Authority for Working Conditions (ACT) organised awareness raising initiatives on the issue as well as a series of conferences.

[83] AT, CZ, FI, HU, IT, LT, NL, RO, SI, SK.

- In Sweden, the Migration Agency was given a mandate to conduct follow-up checks and revoke residence permits if the conditions of the work permit (e.g. the requirements concerning the terms of employment) are no longer met or if the period of employment does not begin within four months after the issuing of the permit.

### 3.1.3 FACILITATING ADMISSION

This section of the Report reviews developments in the Member States to facilitate admission for specific groups of legal migrants. These include highly-qualified workers, migrant entrepreneurs and investors, Intra-Corporate Transferees (ICTs); seasonal workers and au pairs, plus other categories of migrants, prioritised.

#### Highly qualified workers

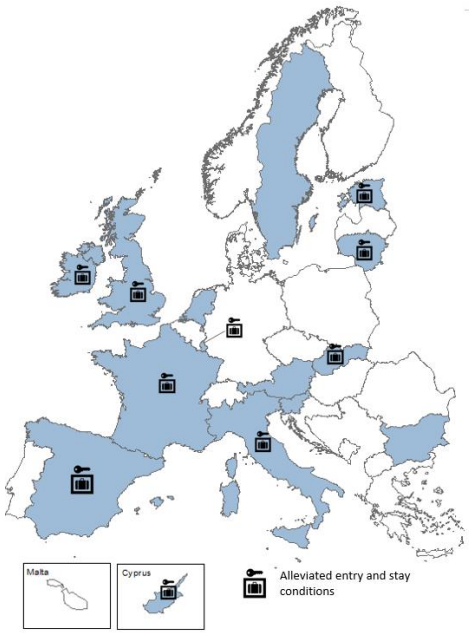



Figure 3.3: Overview of measures introduced regarding highly qualified workers by EU Member States and Norway.

Figure 3.3 shows those Member States[84] that reported efforts in 2014 to attract highly qualified migrants as part of the global competition for talent. Most measures were undertaken to facilitate or simplify access to the labour market for highly qualified migrants by alleviating entry and stay conditions.[85] These overall included:

- Measures to shorten the applications time limit
- Categories of high qualified workers were expanded
- Simplification of economic migration procedures
- Introduction of new permit categories
- Abolishing / waiving the need for a labour-market test
- Further embedding the implementation of the EU Blue Card Directive.

***Legislative Changes***

- In Austria, a new regulation for skilled workers was been agreed during the year (applicable from 2015), which lists eleven shortage occupations for third-country nationals who can obtain a "Red-White-Red Card" as skilled workers.
- In France, following a stakeholder consultation, a need to simplify economic migration procedures for qualified foreign nationals was identified. As a result, a draft Law on rights for foreigners has been submitted to the Parliament setting out steps for the issuance of a new multi-annual residence permit for qualified foreign workers, the so-called "talent passport" and including nine distinct categories corresponding to the needs of the French economy.
- The Greek Immigration Code, establishes a favourable framework for granting a residence permit (EU blue card) for the purpose of highly skilled employment particularly as regards family reunification without requiring prior two-year stay of the Blue Card holder, on condition that he or she has sufficient resources, according to the general provisions on family reunification.
- Ireland introduced the Critical Skills Employment Permit, to attract highly skilled non-EEA workers in occupations where there are acknowledged skill shortages.

[84] AT, BG, CY, EE, EL, ES, FR, IE, IT, LT, LU, NL, SE, SI, SK, UK.
[85] CY, EE, EL, ES, FR, IE, IT, LU, LT, SK, UK.

- Lithuania, as of 1st November 2014, abolished the labour market test for highly-qualified workers whose monthly salary is not less than the average of three monthly gross earnings.

***Policies, Strategies and/or Measures***

- In Luxembourg and Lithuania, shorter time limits for the examination of applications for residence permits from highly qualified workers were introduced.
- In the United Kingdom, the Tier 1 (Exceptional talent) category was expanded to include talent in the digital technology sector and measures adopted to ease application procedures for those coming from third-countries. Leave to remain was increased from three to five years.
- Adjustments in salary threshold requirements were carried out in Luxembourg and the Netherlands. In the Netherlands, the salary requirement for holders of an EU Blue Card has been set at a gross monthly standard- instead of an annual standard-to ensure the employee receives at least the minimum salary amount every month.
- In Bulgaria, on-going efforts to familiarise employers with the EU Blue Card Directive and its transposition in the national legislation continued in 2014. While Spain continued the implementation of Law 14/2013 to support international mobility which also targets highly skilled professionals and researchers.
- In Spain an evaluation report of the new high qualified framework was carried out. The report concluded that the new Spanish regulation (Law 14/2013) enhance the compatibility of migration flows and the economic and trade needs that Spain faces in a globalised environment, and hence reduced obstacles to investment, talent and foreign entrepreneurship.

#### *3.1.3.1 Migrant entrepreneurs and investors*

A number of Member States introduced measures to attract migrant entrepreneurs by facilitating entry and stay requirements e.g. fast tracking (CZ, EE, EL, ES, HU, IE, LU, NL, PL, SE), while others introduced new efforts to safeguard against the possible misuse of this migration route (LT, SK, UK). For example:

- In the Czech Republic a new business immigration project called "Facilitation of Entry and Stay of Economically Important Partners" was launched as a fast-track procedure for the selected target group of foreign investors to promptly obtain short-term or long-term visas.
- In France, the CSA implemented several measures to support and encourage entrepreneurs' business creation and growth including for example: tax and customs measures; introducing a circulation visa for five years through a simplified administrative procedure to talented foreigners not to settle in France but for short business trips and; including investors and general managers in the four-year residence permit "talent passport" included in the draft Law.
- The new immigration code in Greece provides for a new resident permit of third-county nationals wishing to launch for a professional activity or for strategic investors.
- Hungary reported that by 2016 a differentiation between the applications of migrant entrepreneurs and migrant workers will be introduced. Migrant workers will apply for a residence permit for the purpose of employment, while migrant entrepreneurs will need to submit an application for residence permit for an income generating activity.
- In Ireland, changes were implemented to the Start-Up Entrepreneur Programme (STEP), following a review, as set out below:

***Ireland: Changes to the Start-Up Entrepreneur Programme (STEP)***

In March 2014, the Minister for Justice and Equality announced changes to the Start-up Entrepreneur Programme, following a review. The STEP provides for residency for business development purposes for

approved migrants with a viable proposal for a High Potential Start-up Company (HPSU). The Programme is also to be aligned with the national strategy to promote Ireland as a world class business location. The main changes related to:

- A reduction in the required minimum investment from €75,000 to €50,000. In cases whereby more than one principal is involved in establishing a business, the minimum investment for the second and subsequent investors will be €30,000 per principal.
- A 12 month immigration permissions will be made available for two categories of persons:

i) Foreign national entrepreneurs attending 'incubators or innovation bootcamps' in Ireland. The aim of the immigration permissions is to allow entrepreneurs to prepare an application to the STEP and to provide an identifiable route for some 23 migrant entrepreneurs to move from the start-up to realisation phase of their projects.

ii) This 12 month period will also be made available to non-EEA students who graduate with advanced STEM (Science, Technology, Engineering, and Mathematics) degrees in Ireland and who wish to work on preparing an application to the Programme.

As of March 2014, a total of 20 applications had been approved under the Programme with a projected investment of over €6 million and with a potential employment creation of over 220 jobs.

- In Italy, the 2014 the *Decreto Flussi* (Immigration Quota Decree) provided the entry for reasons of self-employment to 2,400 third-country nationals living abroad, including entrepreneurs with activities of interest for the Italian economy, who make a significant investment in Italy, to sustain or increase income levels, as well as foreign citizens who intend to set up innovative start-ups.
- In Luxembourg, a draft bill concerning authorisation of stay for investors has been elaborated.
- In the Netherlands, a scheme was developed for implementation in early 2015 for talented migrant entrepreneurs who want to establish a business in the Netherlands. The scheme offers start-up entrepreneurs the opportunity to formulate a business plan within a year with counselling from a reliable supervisor.
- In Poland, law of 12 December 2013 clarifying the criteria to be fulfilled regarding the benefits of economic activity by foreigners applying for residence permit, entered into force in May 2014. The latter provides that during the process of granting the permit, the *voivode* will examine whether the foreigner's economic activity is beneficial to the national economy (e.g. level of income, number of employees funds etc.)
- In Spain, following the review of law 14/2013 which introduced a specific regime for the admission and residence of foreign entrepreneurs, a further dissemination of the new regime will be developed in order to increase its impact.
- In Sweden, it has been clarified in 2014 that immigrating business owners may be accompanied by family members, provided that they can support them. Previously, this was possible in practice, but not regulated by law. Also since 2014, family members of business owners may receive a work permit.

Regarding the prevention of misuse of this migration route, measures were undertaken in Lithuania and the United Kingdom to tighten the requirements for foreign entrepreneurs. In Lithuania, as of 1st November 2014, requirements for immigrant business owners were tightened (i.e. a foreigner business owner needs to create at least three full time job positions, invest no less than €28,000 and carry out activities for not less than six months before applying for a residence permit).

#### *3.1.3.2 Intra-Corporate Transferees (ICTs)*

The majority of Member States reported on their preparations and plans to transpose Directive 2014/66/EU on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer. A few Member States as well as Norway reported on actions in the year with regard to measures to facilitate access for intra-corporate transferees, (EL, IE, LT, PL, UK). For example: in Greece the new immigration code further stipulates favourable provisions on national entry visas for certain categories of workers that may also be accompanied by their family members; In Ireland, a new intra-company transfer employment permit was introduced to enable companies to transfer staff between foreign and Irish affiliates on a temporary basis, whilst Lithuania introduced a simplified reunification procedure for intra-corporate transferees' family members. The duration of residence permit for this category of migrant was extended from three to five years in the United Kingdom and from four to six years in Norway.

#### *3.1.3.3 Seasonal Workers*

Member States widely reported their plans and preparations to transpose Directive 2014/36/EU on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers (e.g. BE, EL, ES, FI, FR, LV, LU, PL, SK, SI).

- Austria published its annual regulation determining the number of work permits for temporary employed foreigners (i.e. seasonal workers) and harvest workers, where a maximum of 4,500 work permits for temporary employed foreigners and 700 work permits for (agricultural) harvest workers can be granted in 2015.
- In Italy, the Flows Decree 2014 authorised 4,050 residence permits for seasonal employment.
- In Greece the new immigration code provides the guarantees, including health benefits and a national visa for seasonal workers; however no provisions were made for this type of workers on family reunification.
- In Spain the extension of the regulation of the collective management of recruitment for seasonal agricultural workers from third-countries was issued.

#### *3.1.3.4 Au pairs*

- In Belgium, the federal government together with the Regions announced plans to tackle any misuse of the au pair status.
- In Ireland the National Employment Rights Authority (NERA) is now carrying out investigations into cases of domestic workers who are termed 'au pairs' for the purpose of avoiding obligations under employment legislation.
- In the Netherlands, the Research and Documentation Centre (WODC) published a Dutch survey report on au pairs in the Netherlands; as a consequence, it was announced that policy for au pairs would be adapted in mid-2015, obliging a host family to sign a declaration agreeing that supervisory institutions may enter their home to check whether the national rules are being respected.

#### *3.1.3.5 Other categories of migrants*

In addition to the categories identified above, measures to facilitate labour migration from citizens of particular countries have been established by:

- Italy where the 2014 Flows Decree provided for the entry of 100 workers from Argentina, Uruguay, Venezuela and Brazil who are of Italian origin and under reasons of non-seasonal paid employment and self-employment.
- Hungary and Spain signed Working Holiday Agreements, with Taiwan and Australia respectively. The Agreement signed by Hungary on 21 February 2014 will allow 100 young people aged 18-35 to visit the contracting countries annually, primarily as tourists and will allow them to work, on a temporary basis under preferential provisions, during their stay. Spain's Agreement with Australia, signed in September 2014 will aim to establish a Youth Mobility Programme for young citizens, enabling them to travel for the purpose of tourism or gaining a personal or professional experience.
- Poland included Armenian citizens in the list of nationalities (Belarus, Georgia, Russia, Moldova and Ukraine) which may take up temporary employment from six to twelve months without having to obtain a work permit. Also due to the situation of unrest in the Ukraine, a strategy was adopted on the measures to be implemented in case of a sudden inflow of foreign nationals into the territory of the Member State. "Work and Travel" agreements with Australia and Taiwan also entered into force, enabling young people, between 18 and 30 years, from Australia, Taiwan and Poland to work in each other's countries to enjoy an extended holiday during which they may undertake short term jobs and studies.

## 3.1.4 GUARANTEEING CERTAIN RIGHTS FOR THIRD-COUNTRY NATIONALS WHO ARE ALREADY LEGALLY RESIDENT ON THE TERRITORY

### *3.1.4.1 Long-term residents*

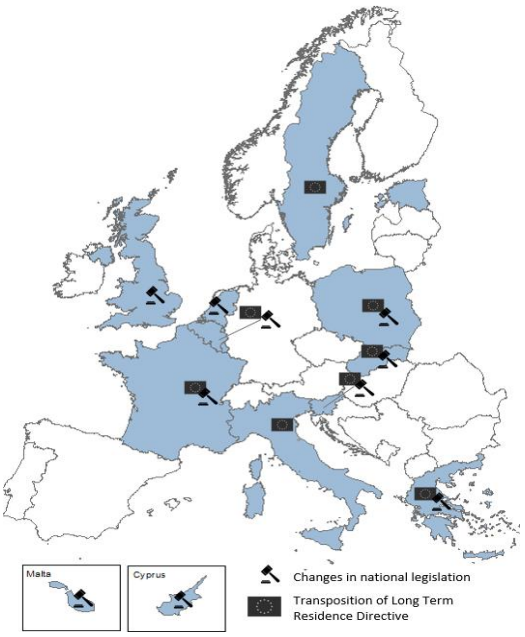



Figure 3.4: Overview of measures reported on long-term residents by EU Member States and Norway

Figure 3.4 shows the Member States[86] which introduced measures on the liberalisation of the requirements for obtaining a long-term residence status in relation to particular categories of third-country nationals. Overall, changes included:

- Transposition of Directive 2011/51/EU amending Council Directive 2003/108/EC ('Long Term Residence') under which EU long term residence status can also be acquired by beneficiaries of international protection and their family members[87] and;
- Changes in national legal frameworks to simplify conditions[88].

Examples of these developments during the reference year include:

- In the Netherlands a separate residence permit for long-term residents was introduced as of the 1st of April 2014: the EU residence permit for long-term residents. The substantive conditions for that matter were not changed.
- In the Slovak Republic, a draft amendment to the Act on Residence of Aliens was prepared in 2014 which will extend the category of persons who may be granted permanent residence, for an indefinite period of time, including a TCN who is under 18 years of age and is entrusted to the personal care of a TCN with permanent residence for an indefinite period of time.

### *3.1.4.2 Intra-EU mobility of third-country nationals between Member States*

- In Greece, the new immigration code, regulates the admission and mobility of third-country nationals, holding a residence permit for study purposes, researchers, and long term residents. In addition, the possibility to be granted a residence permit for five years is offered to second-generation immigrants' children, provided that they have completed six years of schooling in a Greek school before they reach 21 and that they have been legally residing in the Greek territory at the time of the relevant request.
- In the Netherlands, as of 2015 third-country nationals and their family members who are categorised as having 'knowledge and talent' (highly educated migrants, scientific researchers and students) and who reside lawfully in another Schengen Member State, will be exempted from the provisional residence permit requirement, if their application has been submitted for them by a recognized sponsor.
- In Romania, the draft National Strategy on Immigration calls for supplementary actions regarding the transfer of pension and social rights from one country to another, including third countries, in the same conditions as for EU citizens.

### *3.1.4.3 Equal treatment[89]*

[86] BE, CY, EE, EL, FR,IT, LU, MT, NL, PL,SE, SI, SK, UK
[87] BE, EL, FR, IT, PL, SE, SI, SK
[88] BE, CY, EL, FR, MT, NL,PL, SI, SK, UK

***Legislative Changes***

- The new Greek immigration code further ensures equal treatment of third-country nationals with Greek nationals in a number of cases, for example: insurance rights, social protection, compulsory schooling for children, supporting documents to register minors in Greek schools and access to higher education.
- In Italy a set of rights were granted to third-country nationals residing in Italy, based on equal treatment with national workers in all areas of employment (including working conditions, education and vocational training, social security).
- In Luxembourg, the Law of 24 July 2014 reformed the financial aid provided by the State for higher education, taking into account a judgement by the CJEU, which states that aid granted to finance a migrant worker's child's university level education constitutes a social benefit for the worker that he/she has the right to enjoy under the same conditions as national workers.
- In Poland, as of 2014 foreigners residing in Poland and enjoying refugee status or subsidiary protection, obtained the same health care benefits, finance by the State, as those enjoyed by Polish citizens.

***Policies, Strategies and/or Measures***

- In Finland, training on equal treatment in working life has been provided to companies by the Finnish Business Society while in Luxembourg, the National Institute of Public Administration (INAP) organised several modules on discrimination at the workplace for the training of State officials.

### *3.1.4.4 International Students and researchers*

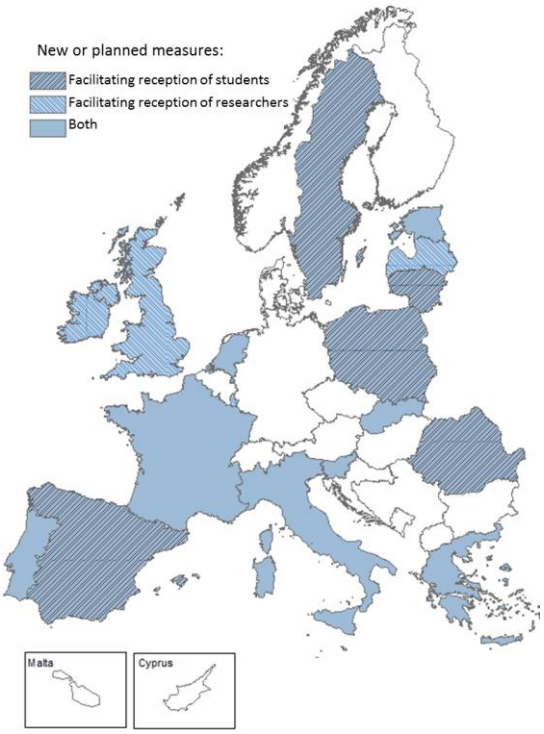



Figure 3.5: Overview of measures introduced by EU Member States and Norway

Figure 3.5 provides an overview of the main measures planned or introduced in Member States to further facilitate the reception of students[90] and researchers[91]. Most measures were aimed at:

- Facilitating and simplifying the entry and stay conditions;
- Enhancing labour market access post-graduation;
- Addressing mis-use of the student route to migration;
- Facilitating cooperation with third countries.

[89]That there shall be no **direct** or **indirect discrimination** based on racial or ethnic origin (source: EMN Glossary V2.0)
[90] EE, EL,ES, FR, IT, LT, NL, PL, RO, SE, SI, SK
[91]EE, EL, FR, IE, IT, LV, LU, NL, SI, SK, UK.

### *Legislative Changes*

- In Estonia, following the amendments to the Aliens Act, students and researchers now have the right to stay in the country for a limited period of time (90 and 183 days respectively) after the validity of their permit expires in order to search of a job or start an enterprise.
- In Finland, a legislative amendment was introduced to increase the period of labour market access from six to twelve months.
- In France, Poland and Romania, legislative changes were carried out with regard to residence permit validity. In France, this was part of a range of measures to attract both international students and researchers which included also reception facilities and access to work.
- In Greece, the new immigration code also provides third-country national students the possibility to work part-time provided they are granted with a residence permit and lays down a specific procedure for admitting third-country nationals for the purposes of scientific research.
- In Italy, quotas on the numbers of visas for study reasons were removed.
- Lithuania, introduced the possibility for third-country national graduates to stay in the country for a further six months.
- In Luxembourg, a new government proposal would exempt third-country nationals categorised under 'knowledge and talent' from requiring a provisional residence permit.
- Portugal introduced Decree 10/2014 which approved the Agreement on visa granting for students who are nationals of Member States of the Community of Portuguese-speaking Countries.

### *Policies, Strategies and/or Measures*

Policy measures introduced mainly focussed also on facilitating labour market access to international students after graduation, as well as addressing the issue of misuse of the student route to migration:

- In Portugal, the Strategic Guidelines for Higher Education announced in May included a specific measure on "Internationalisation of Portuguese higher education", with three main objectives: to grant 'International Student Status' to Portuguese higher education institutions (HEIs) providing a specific scheme of access and entry to attract foreign students; to define an internationalisation strategy for Portuguese HEIs, including distance learning; and the creation of the website Study in Portugal to promote the internationalisation strategy.
- In Romania and Sweden, it is now possible to stay in-country for six months after completing a university degree and to seek employment, or, in the case of Sweden, to investigate also opportunities to start a business.
- In Spain graduates from reputable universities and business schools are eligible for the 'high-qualified' permit and are exempted from undergoing a labour market test.
- Lithuania increased its financial support for foreign students enrolled in Master's programmes.
- With regard to researchers, Member States reported on measures to introduce flexibility in the admission procedures by changes to various provisions relating to residence and employment rights for this group. For example, in the United Kingdom, new provisions have made it easier for researchers to undertake a period of academic leave, by waiving the Resident Labour Market Test, and increased the flexibility in the visitor route to enable scientists and researchers to make short visits to the United Kingdom to share knowledge on international projects.

***Measures to prevent the misuse of student immigration route***

Ireland and the United Kingdom undertook measures to prevent the misuse of the student immigration route.

- In Ireland, policy changes, which were to take effect from 1st January 2015, include a revised list of eligible programmes, an enhanced inspection and compliance regime, and changes to the operation of the student work concession.
- In the United Kingdom, the sponsorship system, which involves the educational institutions as sponsors of the international students, has been made more robust, and some 'common sense' reforms were introduced to the visa requirements for students. These changes have, according to estimates, resulted in a decrease in the levels of misuse by some 25%.

### *Cooperation with third countries*

- Latvia concluded bilateral agreements with Georgia and the Republic of Tajikistan and started the drafting process of further agreements with Armenia, the Philippines and Sri-Lanka. Furthermore, a Latvian Higher Education Centre was opened in Chennai, India in January 2014, to attract foreign students by promoting, amongst young people and academic staff of the southern region of India, the possibilities for study and scientific cooperation in Latvia.
- Poland promoted the participation of students under the new "Stefan Banach Scholarship Programme[92]" for the Eastern Partnership countries of Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine and "Erasmus for Polish Ukraine", which supported the building of democratic institutions and social capital development in Ukraine. Poland also signed an agreement on cooperation in science and higher education with the Sultan of Oman and a Polish-Philippine Memorandum of Understanding on cooperation in the field of higher education entered into force.
- Spain created a working group to coordinate the drafting of the Strategy of Internationalisation of Spanish Universities. The strategy, launched in 2014, aims to coordinate and strengthen initiatives to promote academic cooperation and mobility with third countries by means of agreements. The strategy also aims to eliminate the procedural obstacles that hamper foreign students' access to Spanish universities.

[92] More information about the programme is available at https://www.polskapomoc.gov.pl/The,Stefan,Banach,Scholarship,Scheme,for,students,from,the,Eastern,Partnernship,1769.html

### 3.1.5 FAMILY REUNIFICATION

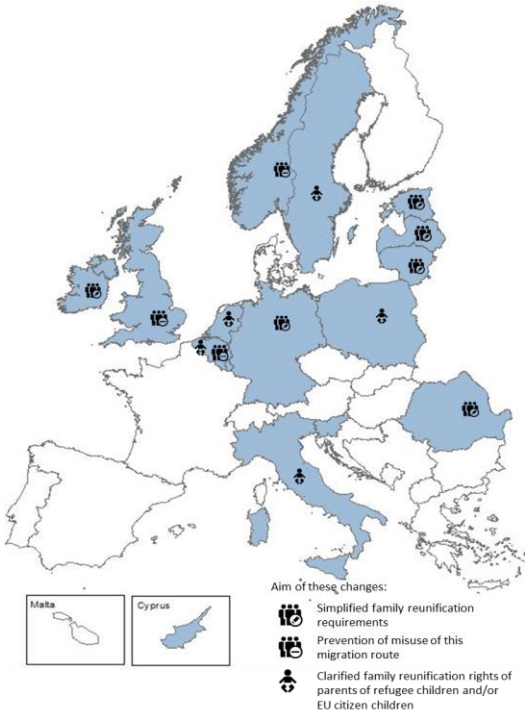



Figure 3.6: Overview of measures introduced on family reunification by EU Member States and Norway

Figure 3.6 provides an overview of the Member States[93] that introduced measures on family reunification. Overall, changes implemented aimed to:

- Clarify the family reunification rights of parents of refugee children and/or children who are EU citizens[94]
- Simplify family reunification requirements[95]
- Prevent cases of misuse of this migration route[96] (more info also provided in section 4.1.3.2)

***Legislative Changes***

Legislative changes related to the rights of family reunification of parents of children who are EU citizens included the following:

- In Belgium, legislation was brought in line with recent European Court of Justice (ECJ) jurisprudence, whereby the right of residence for the parent of a minor EU-citizen and for certain other family members was introduced.
- The new Greek immigration code regulates the procedure for family reunification, in accordance with the provisions of Directive 2003/86/EC, including cases where family members resided in Greece before the submission of the relevant application for reunification, provided they fulfil the inclusion criteria envisaged in the law.
- In Sweden, a new provision was introduced regarding the granting of a residence permit for a parent who is a caregiver of a child with legal residence status in Sweden, and who lives together with the child. Providing that there is a strong relationship with the child, the parent no longer needs to leave Sweden in order to apply for a residence permit from abroad.

Simplification of family reunification requirements were introduced in a number of countries (e.g. DE, IE, LT, LV, PL, RO). Specific simplifications for family reunification for researchers and lecturers were proposed in Estonia and introduced in Italy[97].

[93] BE, CY, DE, EE, EL, IE, IT, LT, LU, LT, LV, NL, PL, RO, SE, SI, UK and NO.
[94] BE, IT, NL, PL, SE
[95] DE, EE, IE, LT, LV, RO
[96] BE, UK and NO
[97] Changes introduced by Law No. 9/2014

## 3.2 MANAGING MIGRATION AND MOBILITY

### 3.2.1 VISA POLICY

Figure 3.7 shows an overview of those Member States[98] which in 2014 reported that the Visa Information System (VIS), has been rolled out in the first sixteen regions in line with the timeframe determined by the European Commission. In Greece the VIS was extended to the third and last set of countries (i.e. countries of the Eastern Partnership, Russia, China, India, Pakistan and Afghanistan) with a timetable for completion by June 2015.

Figure 3.7: Overview of EU Member States reported measures on Visa Policy

Belgium, Slovenia and Portugal reported on support measures delivered during the year to implement visa policy; these included regional conferences in Los Angeles and Istanbul attended by visa agents and local staff explaining the legal, theoretical and technical aspects of the VIS (BE); internal training for consular staff on new development and changes in Visa Code and other Schengen acquis (SI), as well as training to airport inspectors on the use of VIS equipment (PT). Hungary also reported on the issuing of biometric visas in several world regions.

Several Member States reported on cooperation measures with external service providers in the visa application process (BG, CZ, FI, LT, LV, PL). For example, the Czech Republic reported on plans to extend cooperation with an external service provider in a number of countries and regions, including e. g. the regions of Caucasus and Central Asia, China, Thailand, Turkey, India and South Africa.

Efforts were made to improve services in granting short-term visas, for example:

- In Czech Republic, the Ministry of Foreign Affairs aims to facilitate the visa process where possible, by shortening the waiting time while processing all/maximum numbers of applications etc.
- In France 65% of the visas issued in 2014 were biometric visas. Also, efforts to improve reception facilities for third-country nationals applying for visas were reported (see below).

***France: Improving reception facilities for those requesting visas***

The French Ministry of the Interior and the Ministry for Foreign Affairs and International Development continued to develop its policy of improving reception facilities for third-country nationals requesting visas, by experimenting with issuing visas within 48 hours of requests being submitted. China was the first country to be involved in this experiment. This approach was made possible by savings generated from other policies (outsourcing, pre-examination of applications for long-term student residence by Campus France, partnership agreements with companies and an increase in the number of travel visas).

It was found that issuing visas within 48 hours after the request has been made has not affected the level of consular vigilance. No increase has been observed in the number of Chinese people in an irregular situation in France, nor in the number of non-admissions at border controls staffed by the French police, the Gendarmerie or border guards. The refusal rate has remained unchanged. The measure will be extended on 1 January 2015 to the following countries: South Africa, India, the United Arab Emirates, Kuwait, Bahrain, and Qatar.

[98] AT, BE, CY, CZ, EE, FI, FR, IT, LT, LU, LV, NL, PL, SE, SI, SK

### 3.2.2 SCHENGEN GOVERNANCE

Figure 3.8: Overview of reported measures to support Schengen Governance by EU Member States and Norway

Figure 3.8 provides an overview of the Member States[99] that reported on new measures to support Schengen governance during the reporting period. These involved changes in:

- National legislation and its implementation;
- Actions related to the Schengen Evaluation and Monitoring Mechanism[100]and;
- Training of national authorities.

***Legislative Changes***

- In the Czech Republic, a new Act on the Control of the State Borders of the Czech Republic is now under legislative procedure to streamline and simplify the national legal framework on Schengen cooperation.
- In Latvia amendments to the Cabinet of Ministers No. 13 to the "Visa regulations" were introduced to comply with the Council Regulation No. 610/2013 and to specify, upon prolonging the visa, that the total permitted duration of stay in the Schengen territory shall not exceed 90 days within the period of 180 days.
- Similarly in Poland, the Polish Border Guard, considered that an important challenge to the effective management of Schengen area was the application of the provisions of Regulation No 610/2013 regarding the calculation of the allowed period of stay in the Schengen territory under short-term stay. Poland reported that 2014 was the first full year when the above mentioned provisions were in force, and possible doubts emerging in the course of ongoing practice in 2014 were clarified during the so-called monitoring visits, the implementation of supporting algorithms as well as through relevant guidelines.

***Policies, Strategies and/or Measures***

- The Czech Republic adopted a "National Schengen Plan 2014" which aims to achieve expected standards for the implementation of the Schengen acquis and the proper implementation of the recommendations stemming from the Schengen evaluation.
- Lithuania launched the alignment of fingerprints of visa holders against the data of the VIS at all border crossing points
- In the Slovak Republic, a draft National Plan of Border Control Management 2015–2018 has been prepared. The plan aims to ensure continuity in the process of building integrated border management and defines its main tasks, including completion of static control systems in the northern part of the border with Ukraine (i.e. the building of a

[99] CZ, DE, EE, FR, LT, LU, LV, NL, NO, PL, SI, SK, SE

[100] Council regulation (EU) No 1053/2013, 7 October 2013

20km detection monitoring system in the northern part of the external border of the Slovak Republic and Ukraine).

- Norway and the Netherlands reintroduced control at internal borders in 2014. Norway did so in 24-31 July 2014, due to a terrorist threat; during this period, some 165,000 persons were checked, from which 17 were refused entry. The Netherlands did so also from 14-28 March 2014 in relation to the Nuclear Security Summit in the Hague. Over 44,000 people were checked, 188 persons were refused entry for various reasons, 115 persons were arrested and 39 persons applied for asylum.

***Preparatory efforts in relation to the Schengen Evaluation and Monitoring Mechanism***

Sweden has established a pool of experts in various fields relevant to the evaluation missions. The National Bureau of Investigation developed new procedures in order to prepare for the evaluation in Sweden, comprising both planned and unannounced evaluation visits. In relation to capacity building, Estonia has highlighted as good practices their implementation of regular training for patrol police units in the identification of illegally staying third country nationals can be highlighted, and plan to review their training modules and operational practices in 2015.

### 3.2.3 ADAPTING MIGRATION MANAGEMENT SYSTEMS IN ORDER TO BE PREPARED FOR FLUCTUATING MIGRATION PRESSURES

Figure 3.9: Overview of contingency plans introduced by EU Member States and Norway to tackle fluctuating migration pressures

Contingency plans to respond to unexpected and high flows of third-country nationals were also introduced and/updated in some Member States[101] as shown in Figure 3.9. Following the crisis in Syria and political unrest in Ukraine, special measures with regard to nationals from those countries were introduced, for example:

- In Bulgaria and Romania, risk analyses were carried out on the possibility of an influx of asylum seekers from Syria, which resulted in an increase in the reception capacity.
- In the United Kingdom, temporary concessions to the immigration rules were introduced for Syrians allowing greater flexibility to extend their visas.
- Czech Republic, Poland and the Slovak Republic introduced special action plans in case of increased migration flow of Ukrainian nationals.
- Hungary developed contingency plans to manage increased pressure on the Hungarian asylum system. Also, technical developments (e.g. the acquisition of equipment) to support such plans have been introduced mainly to assist the detection and apprehension of irregular migrants.
- In Sweden, to tackle flow pressures, in addition to increasing budgetary provisions, the Swedish Migration Board created more flexibility within the asylum system, by developing new approaches for resource allocation, and by raising the competences among staff to handle a broader variety of applications.
- Regarding *planned measures*, the Netherlands aims to develop a contingency plan or blueprint for future fluctuations in the migration flows in 2015. It also envisages to develop a method to estimate future asylum applications to be able to better anticipate fluctuations instead of responding to them retrospectively.

[101] BG, CY, CZ, EE, ES, HU, IT, LV, PL, SI, SE

Other measures undertaken by Member States included introduction of new border control task forces (EE), transfer of border control activities (IE); enhanced security at border areas (BG, NL); opening of new reception/accommodation centres (NL, SE); and crisis management training (SK, SE).

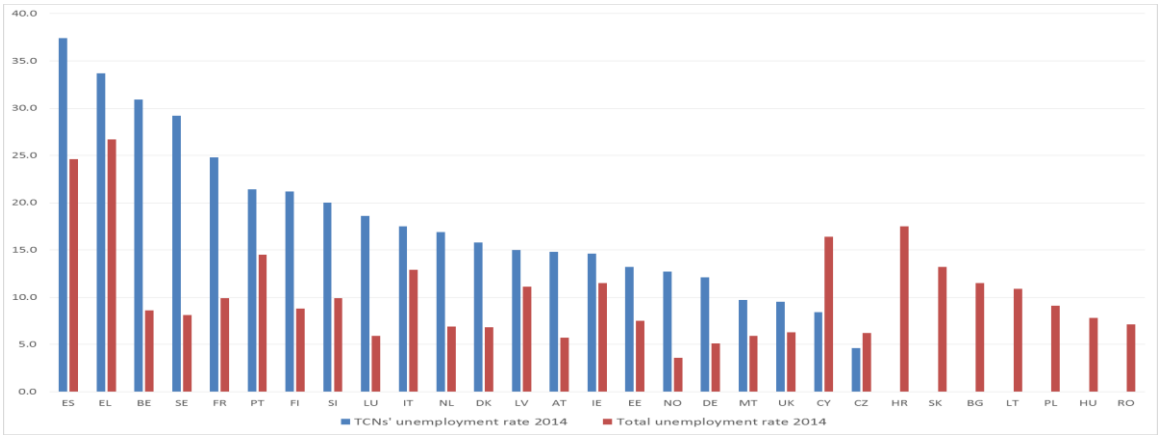
## 3.3 INTEGRATION

Figure 3.10 and Tables 6-9 in the Statistical Annex provide an overview of one of the key indicators of integration of third country nationals: the unemployment rate of third-country nationals, compared to total unemployment in the respective (Member) State.[102]

Across the EU-28, the unemployment rate for third country nationals was 20.3 % in 2014 compared with a total unemployment rate of 10.3%. In comparison with 2013, both total unemployment rate (11% in 2013) and the unemployment rate of third-country nationals (22.3% in 2013) slightly decreased in 2014.

The highest unemployment rates for third-country nationals were reported by Spain (37.4%) and Greece (33.7%), compared with national averages of 24.6% and 26.7% respectively. Gender disaggregated statistics provides that unemployment of third-country national females was the highest in Slovenia at 39.5% (compared to 10.8% average female unemployment) and Spain at 35.7% (compared to 25.5 % average female unemployment).

Figure 3.10: Unemployment rate of third-country nationals (aged 15-64) and total unemployment rate by Member State in 2014



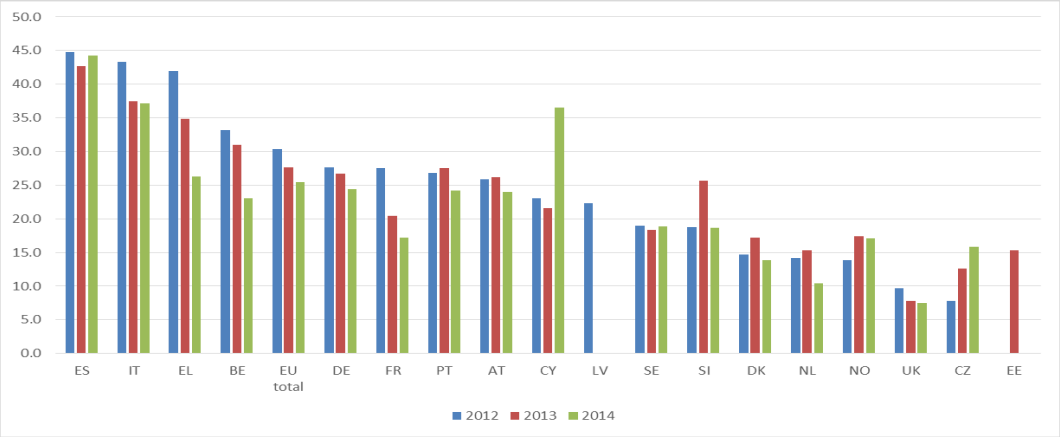

*Source: Eurostat*

Statistics on share of TCNs early leavers from education and training by sex and citizenship (from 18 to 24 years) were not available for 13 Member States.[103] From the available statistics, the highest share of third-country national early leavers is recorded in Spain (44.2%), followed by Italy (37.1%) and Cyprus (36.5%). The lowest share in 2014 was recorded in United Kingdom (7.5%) and the Netherlands (10.4%).

The share of third-country nationals at risk of poverty or social exclusion by broad group of citizenship (population aged 18 and over) for 2013 is the highest in Greece (72%) followed by Belgium (68.4%) and Spain (59.4%)[104] and is the lowest in Poland (21.6%) and the Czech Republic (30.8%).

[102] Statistic not available for unemployment rate of third-country nationals in Bulgaria, Croatia, Hungary, Lithuania, Poland and the Slovak Republic
[103] BG, EE, FI, HR, HU, IE, LT, LU, LV, MT, PL, RO and SK
[104] Statistics not available in Hungary, Romania and Slovak Republic

Figure 3.11: Percentage of TCNs early leavers from education and training 2012-2014.




*Source: Eurostat*

### 3.3.1 PROMOTING INTEGRATION THROUGH SOCIO-ECONOMIC PARTICIPATION

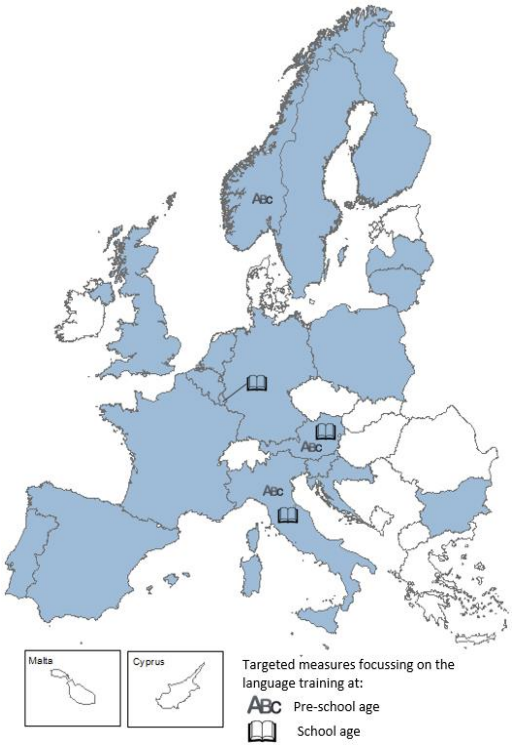



Figure 3.12: Overview of measures to enhance migrants' language skills to enhance attainment in education

Developing the language skills of migrants to improve achievements in the education system has remained a priority and the majority of Member States[105] and Norway introduced new actions in this area, with a number of targeted measures focussing on pre-school (AT, IT, NO); and school age (AT, CZ, HR, IT, LU, PT, SI) language training.

Greece and Hungary implemented training programmes on their respective national languages for third-country nationals residing in their territory. Portugal adopted Order 176/2014, to regulate new lines regarding the test on Portuguese language for purposes of acquiring citizenship.

Figure 3.12 maps countries that introduced new measures for pre-school and school age groups.

In relation to pre-school education:

- Austria drafted a new addition to the Agreement Concerning Early Childhood Education in Institutional Childcare to extend the budget from 2015 for support to improve the language skills of children aged 3-6 years, whose mother tongue is not German, before entry to primary education;
- Norway and Italy have undertaken measures to support integration measures for migrant children in kindergartens; in Norway, programmes were established for free-core time in kindergarten to encourage migrant children to attend and improve their language and social skills in preparation for primary school whilst in Italy, new guidelines are promoting kindergarten attendance as the best way to socialise migrant children and for them to learn Italian.

For children in schools, developments included:

[105] AT, BE, BG, CZ, DE, EL, ES, FI, FR, HR,HU, IT, LV, LT, LU, NL, PL, PT, SE, SI, UK

- Austria established, for example, a new Learning Café to support students between the ages of six and 15 from disadvantaged families, most of whom have a migration background.
- The Czech Republic established a network of Contact Supporting Centres for schools and teachers to support integration measures for migrant children. The first three Centres providing consulting, methodical and instructional support were opened in 2014. The establishment of 10 more centres will follow in 2015. In addition, a comprehensive set of educational programmes aimed at improving the socio-cultural and professional competence of teachers working with children/ foreign pupils was created. The programmes include regional seminars on the topic of professional support for teaching staff educating foreign pupils, using the transfer of experience and examples of good practice.
- Italy adopted new National Guidelines for the Reception and Integration of Foreign Pupils to disseminate and share best practices on issues such as enrolling children in the absence of an identity document / residence permit and involving families in school activities.
- Luxembourg elaborated a guide and a vade-mecum for teachers on the welcome and integration of newly arrived children and pupils.
- In Croatia and Slovenia, new language programmes were introduced, combined with history and culture for refugees and persons under subsidiary protection for integration into society.
- In Portugal programmes establishing principles and guidelines for the integration of students of primary, secondary and recurrent education who do not have Portuguese as mother tongue continued during 2014.

Facilitating migrant access to social security, healthcare and housing has also contributed to integration with new measures reported in twelve Member States[106]. For example:

- The new 'integration pathway' approach in the Walloon Region of Belgium aims to better meet a range of basic needs of new migrants for accommodation, healthcare, education, etc. and to enable them to participate in social, cultural and community life. An implementing decree was adopted during the reference period, making the initial reception module obligatory. A further hosting agreement containing French language courses, can be now concluded on a voluntary basis.
- In Malta an online portal was launched to facilitate the integration of immigrants in Malta. The portal provides advice and information for foreigners in Malta, with regards to residence, visas and citizenship, education, work, social issues and health. An integration leaflet, targeting third-country nationals has also been developed and made available in seven different languages.
- Poland continued working on a programming document for the integration of foreigners in Poland entitled "Foreigners Integration Policy of Poland - Principles and Guidelines". The document would be finalised by the end of 2015.

Also the most significant measures in relation to access to social security were reported:

- In Italy, Law No 190 of 2014 extended the payment of the so-called "baby bonus" to third-country national long-term residents, starting from 1 January 2015. The Social Card (*Carta Acquisti*) was also extended to EU and non-EU nationals (i.e. non-EU family members of EU citizens or holders of EU long-term residence permits).
- In Hungary, where the implementation of the Single Permit Directive now allows third-country nationals to have access to non-contributory old age allowance, disability allowance and to all family benefits.
- In Luxembourg, however, a ruling on access to social aid for third-country nationals holding a residence permit of type "privacy" for medical reasons, clarified that this group did not have the right to access monthly financial support due to their temporary residence status, even where permits were renewed several times.

[106] AT, BE, EL, HU, IT, LT, LU, MT, NL, SE, SK, UK.

- In Sweden, where the introduction plan for newly arrived third-country nationals was prolonged for parents who participate in introduction activities on a part-time basis while caring for children with parental benefit.

New measures to enhance migrants' access to healthcare were reported in several Member States, the most significant developments were:

- In Austria, under a Memorandum of Understanding signed by the responsible bodies for Integration and Social Security in 2013, measures to increase migrants' health literacy and establish support networks were implemented during the year.
- In Italy, where a National Institute for promoting Health in Migrant Populations and fighting Poverty-related Diseases (INMP) was established. The INMP will foster inter-regional capacity-building projects and set up a network of South-European countries on the social determinants of health. A national strategy was also launched to tackle the causes and consequences of social health inequalities.
- In the Netherlands, where a new pilot project was implemented involving four Dutch municipalities to improve the infrastructure of mental healthcare for young migrants.
- In Portugal the Ministry of Health implemented a 'Guide on the Access to the Health System by Foreign Citizens aimed at elucidating and standardise procedures related to the access of foreign citizens to the National Health Service.
- In the Slovak Republic where the first Integration Policy was launched and that aims to improve access to and levels of health care. The new policy also supports access to health insurance for vulnerable groups of TCNs (children of migrants without health insurance, and migrants with tolerated stay granted due to the existence of the obstacle of administrative expulsion).

To enhance migrants' access to housing:

- Italy improved the consistency of the regulation on access to housing (a pre-requisite for other rights), and holders of refugee status and subsidiary protection now share the same benefits as Italian nationals. A further development has been the overturning by the Italian Constitutional Court[107] of a regional law of 2013, requiring residency of at least eight years in Italy to access public housing, on the grounds of unreasonable discrimination against third-country nationals.
- Norway launched a new national strategy on social housing and support services for the period 2014-2020 outlining goals of shared work to help disadvantaged citizens in the housing market, including immigrants and refugees.
- The development of state housing policy for foreigners is proposed in the new Integration Policy of the Slovak Republic.

[107] Constitutional Court Judgment No 168/ 2014.

Figure 3.12: Overview of measures reported on enhancement on migrants' integration on the labour market by EU Member States and Norway

As shown in Figure 3.12 almost half of all Member States[108] and Norway reported on new measures to enhance migrants' integration into the labour market. These included the following:

- In Austria the negotiation of an Act concerning the recognition of qualifications acquired abroad, while in Sweden negotiations concerned the provision of additional funding.
- Finland, where new measures to recognise qualifications and skills gained abroad included the launching of a new project. The aim is to develop the services processes of the Employment and Economic Development Office so that the skills of the immigrants can be utilised as comprehensively as possible.
- New training initiatives were launched, including: vocational training for third-country nationals, especially in the sector of manual occupation (CY); a new programme targeting mothers with migration backgrounds (DE); skills training for better integration (EE); programmes to support refugees in reception facilities (LT), enhancement of existing training activities and increasing of the participation age limit (LU).
- Ireland implemented the Employment of People from Immigrant Communities (EPIC) programme, which aims to assist European Economic Area nationals and immigrants who can work in Ireland without a work permit to find employment and/or further training and education in Ireland.
- The Netherlands has implemented advice and counselling initiatives, where a new pilot project (Link2Work) links young migrants to business community mentors to provide them with support in study and career choices.
- Sweden introduced training 'on the job' and vocational language courses for newly arrived migrants with low educational levels over the age of 30 years, with the possibility of transfer onto job guarantee schemes. It also provided additional funding for apprenticeships for new arrivals, to take account of their additional support needs. Amendments were also made to the regulatory framework for the subsidised labour market scheme "step-in" jobs to encourage employers to hire newly arrived third-country nationals.
- In Spain Law 18/2014 of 15 October, approving urgent measures for growth, competitiveness and efficiency provides in its Article 97 the requirements to enrol in the National System of Youth Guarantee. The law specifically states that foreign holders of an authorisation to reside in Spanish territory enable to work may enrol the system.
- In Norway, a grant scheme was launched to support migrants to access company-based mentors and trainee programmes. Also an action plan for making better use of the competence of immigrants in the labour market, named 'We need the competence of immigrants', was implemented.
- Sweden and Norway each introduced funding to target efforts to support entrepreneurs with a migrant background**,** adapting counselling support to make the services more relevant for and adapted to the needs of migrants.

Measures to facilitate access to the labour market for specific categories of migrants were introduced in the following Member States:

[108] AT, BE, CY, DE, EE, ES, FI, HU, IE, IT, LV, LT, LU, MT,NL, PL, SE

- Italy introduced the possibility of converting entry visas for vocational training into residence permits for work, and permits for seasonal workers to permits for paid employment without the need to return to the country of origin first.
- The Slovak Republic waived some labour-market test conditions to vulnerable groups of migrants, for example, victims of trafficking in human beings and victims of labour exploitation and reduced the period after which asylum seekers will be able to access the labour market, from one year to nine months. The working hours for students of higher education institutions were also increased to 20hrs a week.
- In Germany, measures were introduced to facilitate labour market access for asylum seekers. The waiting period, after which applicants for asylum are entitled to take up employment, was reduced from nine to three months. Furthermore, persons granted exceptional leave to remain because they cannot be removed due to practical or legal reasons can also access the labour market after three instead of twelve months, provided they are not responsible for the obstacles to their removal.
- Greece's Asylum Service in 2015 will includes the development of a legislative framework in 2015 to provide, amongst other measures, access to the labour market for applicants and beneficiaries of international protection.

### 3.3.2 PROMOTING INTEGRATION THROUGH PARTICIPATION, INCLUDING ACCESS TO RIGHTS AND OBLIGATIONS, ACHIEVING EQUAL TREATMENT AND BELONGING

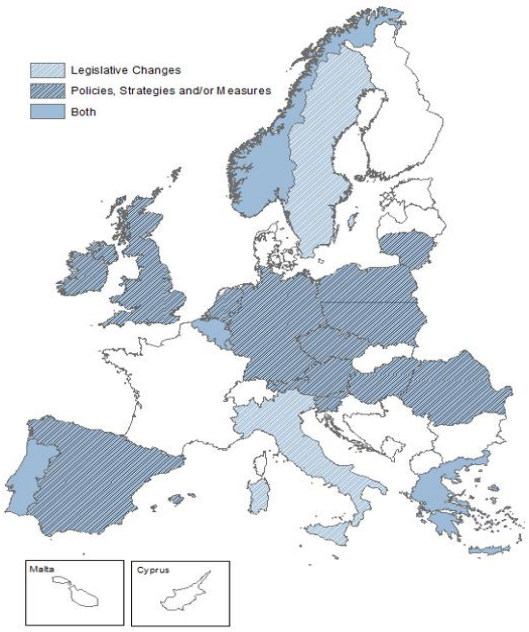



Figure 3.14: Overview of measures reported to promoting integration by EU Member States and Norway

New or planned legislative, policies/measures or practices to facilitate integration of migrants (including vulnerable migrants) through improving rights and obligations, achieving equal treatment and belonging have been widely implemented. Figure 3.14 shows the Member States that either introduced, legislative changes and/ or Policies, Strategies. These are further described below:

***Legislative Changes***

- In Belgium, a legal amendment[109] has made voluntary work accessible to asylum seekers, allowing for their active participation in society.
- In Greece, Law 4244/2014 abolished the relevant provision of Law 3852/2010 and marked a significant step backwards regarding the participation in public affairs and thus the integration of legally residing third-country nationals, who had the right to vote and be voted for in local self-administration bodies. Nevertheless, the new immigration Law provides for the establishment of a Committee for the Coordination of Migration policy and Social Inclusion to promote the integration of third-country nationals, including their rights and obligations.
- In Italy, regulatory measures were introduced to pursue the principle of equal treatment. In particular, a rule that prevented hiring foreign workers in public transport companies was repealed (Legislative Decree No 40/2014).

[109] Amendment of the law of 22 May 2014 concerning the rights of volunteers

- In Luxembourg, following a legislative amendment in 2014, access to nominations as members of the Economic and Social Council (CES) is now open to foreigners.
- In Portugal a new Regional Regulatory Decree 3/2014/ established the Regional Advisory Council for Immigration to ensure the participation and cooperation of immigrant associations, social partners and social solidarity institutions for defining and coordinating policies on social integration and fighting immigrant exclusion.
- In Sweden, changes to the Citizenship Act were approved and to enter into force in April 2015, setting out that Swedish citizenship consists of rights and responsibilities, stands for affinity with Sweden and links all citizens.
- Norway's Interpreting Services Review Committee has presented a Green Paper[110], on the right to due process of law and equal treatment in relation to interpreting services.

Regarding *planned measures*, in France a draft Law on foreigners rights, to be examined in 2015, states that migrants should be enrolled in a five-year reception programme and calls to design a more individualised approach to better respond to the changing needs of migrants over time. In Luxembourg, a bill on the organisation of a referendum concerning various questions in relation to the drawing up of a new constitution was deposed at the Chamber of Deputies, which included a question concerning the voting rights of non-Luxembourgish nationals at the parliamentary elections.

***Policies, Strategies and/or Measures***

- New integration strategies were launched (RO, as part of a wider Immigration Strategy) or planned (IE) during the reference period, plus a new programming document on integration (PL).
- In Ireland, organisational changes have included the reconstitution of a Cross-Departmental Group on Integration to review activities promoting the integration of migrants being taken across government agencies and departments. In addition, measures to enhance democratic participation, by encouraging active citizenship, were implemented.
- New projects and programmes were implemented during 2014, including: projects to promote migrant women's integration and personal development through individual initiatives (HU); to assist in the exercise of migrants rights and obligations (BE (Wallonia), NL); and across a wide range of integration related themes (UK), including boosting social mobility, celebrating commonalities, encouraging responsibility, tackling extremism, and encouraging participation in economic and social life of all people.
- Measures to increase the participation of migrant representatives in the design and implementation of integration policies were reported in the Czech Republic, Germany, Greece, Ireland, Slovenia, Spain and Norway. These included the development (IE) or launching (CZ) of new Integration Strategies based on the inputs of the migrant groups; the establishment and funding of the Umbrella Organisation of Migrant Organisations as a 'voice' for this sector (DE); the development of a new plan of mutual cooperation with migrants' representative (SI); the development of cooperation networks between representatives of Migrant Integration Councils and other similar organisations at a European level (EL); and an annual dialogue conference to collect inputs from immigrants (NO).
- In the Czech Republic, training for civil servants, policemen and teachers to support their inter-cultural competences were organized in relevant regions.
- In Slovenia, training for civil servants for acquiring inter-cultural competences and building relations and dialogue were delivered in relevant departments.
- Spain has worked in 2014 on the development of projects involving organisations and volunteers working for the most vulnerable, where the role of social organisations in the design and implementation of public policies in the field of social services (poverty reduction, support for vulnerable groups, etc.) has been reinforced.

[110] NOU 2014:8

- In Lithuania, a new Action Plan for the Implementation of the Foreigners' Integration Policy 2015-2017 provides for measures intended to help increase the involvement of third-country nationals in democratic processes.
- In Luxembourg the National Council for Foreigners (CNE) recognised, amongst ten key factors for integration, the right to vote for foreign residents at the parliamentary elections (under certain conditions).

### 3.3.3 PROMOTING INTEGRATION OF SPECIFIC GROUPS

Several Member States introduced new legislative and policy measures to support the integration of specific groups of migrants, and vulnerable groups[111] such as beneficiaries of international protection (BE, BG, CZ, EE, FI, HR, IT, SE, SK), including their family members (SE); and minorities (AT, IT).

***Legislative Changes***

The following legislative changes to promote the integration of beneficiaries of international protection were introduced:

- In Croatia, a Decision on Programmes for learning Croatian language, history and culture for asylum seekers and persons under subsidiary protection for integration into Croatian society entered into force on 24 December 2014.
- In Italy, Legislative Decree No 18/2014 set up a National Coordination Committee, attached to the Ministry of the Interior Department for Civil Liberties and Immigration, specifically to enhance the reception systems for and integration of applicants and/or holders of international protection.

***Policies, Strategies and/or Measures***

Member States launched several new policies and initiatives in 2014, these included:

- A National Strategy for Integration of Persons with International Protection Status in 2014-2020 in Bulgaria, which includes a specific section devoted to specific vulnerable groups.
- A State Integration Programme (SIP) unifying provision for both categories of international protection beneficiaries (recognised refugees and subsidiary protection beneficiaries) in the Czech Republic.
- Estonia launched an 'Adaptation Programme' with a specific module for beneficiaries of international protection.
- In Portugal, SEF continued to develop the Programmes 'Self in motion', 'SEF goes to school' and the work of SEF's Contact Centre, to facilitate the relationship with groups of vulnerable population, the contact between foreign citizens and SEF and to promote the reception and integration of migrant communities.
- The Slovak Republic introduced measures to facilitate access to the labour market by beneficiaries of international protection.
- In Sweden changes were introduced to the rules regarding 'introduction benefit' to encourage newly arrived immigrants covered by the Introduction Act to combine employment with introduction activities i.e. to have a salaried job under the introduction plan and still receive introduction benefit for up to six months without incurring income loss.
- Austria launched and continued to implement several projects targeting Roma, Sinti and also minorities with a Turkish background, including the introduction of Roma school mediators at Viennese schools, intercultural mentoring, plus measures to improve labour market integration.

[111] Measures for the reception and integration of unaccompanied minors are addressed in section 2.

- Italy approved a "Two-Year National Action Plan for the Protection of the Rights and Development of Children and Adolescents" with a specific "Roma, Sinti and Caminanti Children and Adolescents Inclusion Project".

*Planned activities* include:

- Belgium plans to facilitate the transition from material support in collective reception centres to financial support to live in society at large**,** by reserving a number of Local Reception Initiatives (individual reception) for beneficiaries of international / subsidiary protection, as well as asylum seekers who have obtained a residence permit for medical or humanitarian reasons.
- In Bulgaria, a draft Act was prepared to amend and supplement the Asylum and Refugees Act in order to regulate the quality of protection of particularly vulnerable persons, including unaccompanied minors.
- Portugal prepared the 'Strategic Plan for Migration' for the 2015-2020 period. The plan aims to provide a complementary approach in migration management (immigration and emigration), focusing on immigrant integration, coordinating flows (attraction, facilitation, mobilisation, retaining and movement) and in strengthening legal migration and quality of services.

### 3.3.4 MEASURES TO ENSURE NON-DISCRIMINATION OF MIGRANTS

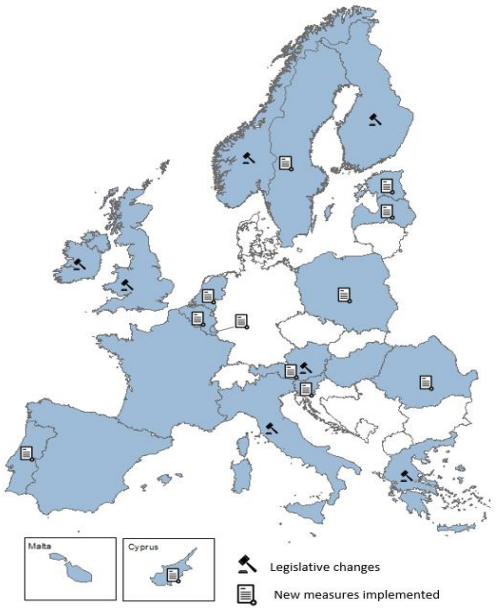



Figure 3.15: Overview of measures reported to ensure non-discrimination by EU Member States and Norway

Efforts to ensure non-discrimination of migrants were widespread in almost half of all Member States[112] and Norway as shown in Figure 3.15.

Overall, Member States introduced new or further developed existing measures to tackle discrimination in particular on grounds of ethnicity, race or others grounds of relevance to third-country nationals. These are further described below:

***Legislative Changes***

The following legislative changes were introduced. Changes in Finland, Ireland, Italy and Norway were of a more general nature, whereas in Austria, Greece and United Kingdom, the changes targeted specific issues:

- In Austria, amendments to the Security Police Act (1st July 2014) were introduced, expanding the competencies of the police to tackle offences related to racism or extremism, for example during major sport events by imposing stadium bans.
- In Finland, the new non-discrimination Act to ensure equal protection against discrimination regardless of the 'grounds or field of life' was adopted and would enter into force in 2015.
- In Greece the adoption of Law 4285/2014 extended the competence of the Office dealing with Abuse Incidents also to include complaints about illegal conduct, guided by a racist

[112] AT, BE, CY, EE, EL, ES, FI, FR, IE, HU, IT, LU, LV, MT, NL, PL, PT, RO, SE, SI, UK.

motive or other forms of discrimination. In addition, specific offices were established to offer assistance against discrimination to third-country nationals.

- In Ireland, the Irish Human Rights and Equality Commission Bill was enacted;
- In Italy, the Rome Declaration on Non Discrimination, Diversity and Equality was approved within the framework of the Italian Presidency of the Council of the European Union and the Commission.
- In Norway, a new Ethnicity Anti-discrimination Act entered into force in January 2014.
- In the United Kingdom, the Immigration Act 2014 introduced new legal measures to protect the rights of women and vulnerable men, and to 'tackle harmful traditional practices where they occur' including forced marriages, now a criminal offence, and new measures to prevent and support victims of female genital mutilation (FGM). In both instances, agreement was secured from faith leaders for declarations against these practices.

***Policies, Strategies and/or Measures***

New measures to tackle discrimination were implemented in fifteen Member States[113], focusing on training and capacity building (CY, ES, EE, FI, LU, MT and PL) and awareness raising (ES, FI, HU, LU, NL, PL, RO, SI) and Norway.

Member States implemented training and capacity building measures which covered a range of target groups, these included:

- Cyprus organised training seminars / workshops for employers and school parents' associations on handling diversity and intercultural issues in their everyday work, and providing information on new approaches and best practices.
- In Finland, some of the measures included the development and distribution of a guide to support the equality planning of educational institutions. Also, electronic learning material and a teacher's guide on the history and culture of Roma and the everyday life of young Roma was published for upper grades of the comprehensive school.
- In Malta, the National Commission for the Promotion of Equality (NCPE) continued to promote, implement and monitor non-discrimination policies by organising trainings for employers, events on multicultural activities, training on equality to teachers and the same NCPE staff.
- Luxembourg provided training courses for diversity officers to embed the practical guide published under Luxembourg's Diversity Charter, while Estonia provided training on implementing the principles of equal treatment for lawyers and NGOs.
- Poland developed an anti-discrimination guide for the Police entitled "Firstly, the human being – anti-discriminatory actions in the Police Units" to support the equal treatment of persons from minorities and other socially-excluded groups.

  Portugal adopted its V National Plan for Gender Equality, Citizenship and Non-Discrimination 2014-2017 which provides for the adoption of 70 measures on integration within different areas such as: equality, social inclusion, education, health amongst others.

***Spain- Evaluation of the measures implemented to ensure non-discrimination of migrants***

The Spanish Monitoring Centre on Racism and Xenophobia has begun an evaluation on the development of the strategy against racism during the past two years. The report is expected to be a useful tool to study the implementation of the Strategy's objectives and to identify potential weaknesses and the possible improvement of some of the policies developed in this field. In 2014 the Ministry of the Interior published a report on the 2013 incidents which includes a total of 1,172 incidents classified as hate crimes and broken down into different categories according to the profile of the victims and motivation of aggression incidents.

[113] AT, BE, CY, FI, EE, ES, HU, LU, LV, NL, PL, PT, RO, SE, SI.

Member States also targeted specific issues through awareness raising:

- Hungary developed the project 'Training of media experts for an inclusive society'. As a result a manual was elaborated for Hungarian journalists and other media experts with a view to enhancing their thorough understanding of the ever-changing phenomenon of migration.
- Latvia promoted intercultural awareness in the Liepaja region, where the population is diverse in terms of origins, ethnicity, traditions and language, through a new film "Cosmopolitan Liepaja", while Romania promoted intercultural dialogue.
- Luxembourg promoted (mainly labour market) diversity, while Slovenia promoted the integration of migrants into life and work.
- The Netherlands targeted discrimination against specific ethnic groups, including Muslim and Jewish communities.
- Poland aimed to improve the public's perception of foreigners and overcoming stereotypes on migrants through new immigration rules implemented under the 2013 Act on Foreigners, which entered into force in May 2014.
- Norway combated hate speech online, targeting predominantly young people, but aiming to combat discrimination on the grounds of gender, ethnicity and religion, sexual orientation and disability).

Other new activities introduced in 2014 included:

- A hotline against discrimination and intolerance to help those affected by discrimination based on ethnicity, national background or religion was introduced in Austria.
- Sweden introduced a Government inquiry on how to improve opportunities for the victims of discrimination to take advantage of their rights.
- National Action Plans (NL, PL), focusing on labour market discrimination and equal treatment and non-discrimination respectively.

The following *planned measures for* 2015 were reported:

- Belgium include would implement an 'Integration Pact' with local authorities, social partners, the media, and migrant associations where each partner assumes responsibility for combating direct and indirect discrimination and racism and promoting respect for diversity.
- In France, a plan for 2015-2020 was adopted in 2014 for the prevention and fight against discrimination through local tools and actions conducted by dedicated associations and measures on the history of immigration. Specific focus will provided to prevention of racism and sexism towards children and young persons.

Institutional changes also took place aiming to widen access to support for equal opportunities and equal treatment at regional / local levels:

- In Belgium, the former Centre for Equal Opportunities and Opposition to Racism has been reorganised into two institutions, the Interfederal Centre for Equal Opportunities and a Federal Migration Centre. Belgium also aims to create an umbrella organisation to serve as a National Institute on Human Rights, bringing in also the Institute for the Equality of Women and Men.
- Also in Malta a Human Rights and Equality Commission (similar to Ombudsman) *is going to be created* to replace the National Commission for the Promotion of Equality (NCPE). This new body is expected to lead to a robust human rights and equality legislation.
- In Poland, a new mechanism of institutional cooperation within the government administration at the central and voivodeship (regional) level has been created. 'Plenipotentiaries of Voivodes for Equal Treatment' have been designated in voivodeships and in ministries and selected subordinated units as coordinators for Equal Treatment.

### 3.3.5 MEASURES TO IMPROVE COOPERATION, CONSULTATION AND COORDINATION OF STAKEHOLDERS AND PROMOTING ACTION FOR INTEGRATION AT LOCAL LEVEL?

The majority of Member States[114] reported on new or enhanced activities to support the integration of migrants involving the active participation of local authorities and/or civil society.

***Policies, Strategies and/or Measures***

New policy documents were approved in the following Member States:

- In Estonia, the Strategy of Integration and Social Cohesion 2020 was approved by the Government on December 29th 2014.
- In France, recommendations based on the conclusions of a national evaluation of the government's decentralised departments' 'regional programmes for the integration of immigrant populations' (PRIPI - *programmes régionaux d'intégration des populations immigrées*) suggested that the new reception policy should identify new directions to guide the implementation of the reception and support policy at the local level.
- In Hungary the integration contract applied since 1st January 2014, allows for cooperation, consultation and coordination of national, regional and local authorities regarding recognised refugees and beneficiaries of international protection. The contract requires a multi-level governance of integration involving various stakeholders at different levels.
- In Latvia a new Action Plan for 2014 – 2016 of the National Identity, Civil Society and Integration Policy Guidelines (2012 – 2018) was implemented in 2014.
- Lithuania approved a new Action plan 2015-2017 for integration of foreigners.

New infrastructure developments to encourage cooperation, consultation and coordination of stakeholders and to promote action at local level were reported, these included:

- In the Czech Republic, at a conference held under the Minister of Interior, representatives of local governments presented their integration projects focused on the prevention of xenophobia and intolerance, as well as on eliminating tensions between society and immigrants. These projects would allow municipalities to develop their own tailor-made local integration strategies based on their defined needs and issues.
- In Malta a new Integration Unit and an inter-ministerial committee for integration are being developed.
- In the Netherlands a new governmental partner institute to inform government officers and social institutions on integration issues in the Netherlands was also appointed and a new expert unit was set up to deal with the theme of social tensions in relation to cultural diversity in the community.
- Finland established a new centre of expertise in integration.

***Finland: Centre of Expertise in Integration***

Finland has established a Centre of Expertise in Integration within the Ministry of Employment and the Economy, funded by the state budget. The aim of the Centre of Expertise is to improve the effectiveness of integration activities through information guidance. The Centre is staffed by a Development Manager and three Senior Advisers, specialising in: integration of children, young people and families with an immigrant background; communications; and statistics respectively. A further Senior Adviser will specialise in employment issues. Operations are divided into three areas:

1) developing the skills of public and third sector professionals operating at regional and local levels for example, by organising training and expert meetings;

2) strengthening networks among different actors and clarifying service processes; and

3) developing the information base, which guides integration activities, by compiling statistics,

[114] AT, CY, CZ, DE, EE, EL, FI, FR, HR, HU, IT, LT, LU, MT, NL, PL, RO, SE, SI, SK, UK

utilising research information and maintaining an indicator monitoring system.

Start-up activities in the year included: recruitment; establishing a website; planning the operational logistics of the centre; promoting research and reporting activities; investigating regional and local expectations from the centre; and launching a nationwide training tour.

Other Member States have implemented *specific projects* to enhance cooperation for integration these included:

- In Poland the project "From tolerance to integration" aims to build positive intercultural relations in small towns outside Warsaw where centres for refugees are located.
- In the Slovak Republic the "BUK: Capacity Building at the Level of Local Territorial Self-Governments in the Field of Integration Policy" project, aims to provide assistance to local authorities and members of the Association of Slovak Towns and Municipalities (ZMOS) in managing migrant integration through testing of pilot measures in five Slovak towns and other supporting activities.

*Practical measures* to support the coordination of stakeholders reported during the year included:

- Austria provided national support to municipalities to improve integration, for example, by providing customised counselling and regionally adapted information materials for migrants.
- Italy implemented actions to better understand migrants' associations including a national mapping exercise and setting up a register of associations and organisations working with immigrants.
- In Luxembourg a practical guide for realising a "Communal Plan on Integration", was elaborated by the Luxembourgish towns and local communities union (SYVICOL), to implement a sustainable and shared integration policy at the local level with stakeholders from civil society. The latter included information sessions, awareness campaigns and individualised workshops.
- Croatia developed a leaflet for integration of third-country nationals into Croatian society.
- The Netherlands, under the Ministry of Social Affairs and Employment conducted dialogue with migrant groups and key figures from migrant communities.
- In Cyprus a *new Inter-European Municipalities network* including other EU Member States was established to exchange of information and best practices regarding organisational structures for integration and diversity management. The network intends to improve the quantity and quality of integration programmes proposed or implemented by municipalities across Europe through exchange of information and best practices.
- In Spain a process to renew the members of the Forum for Social Integration of Immigrants has been launched.

### 3.3.6 INVOLVING COUNTRIES OF ORIGIN IN INTEGRATION

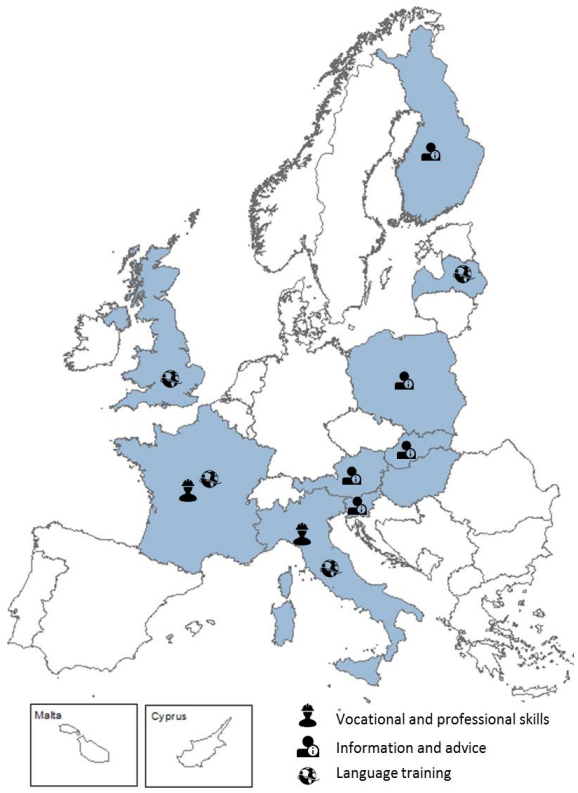



Figure 3.16: Overview of measures reported on early processes of integration by EU Member States and Norway

As shown in Figure 3.16 several Member States[115] have introduced pre-departure measures aimed at starting early the process of integration for new migrants.

Overall measures included:

- the provision of vocational and professional skills;
- the provision of information and advice and;
- language training:

Measures introduced by Member States are further described below:

- In Austria developments on information and advice provision build on the integration concept "integration from the beginning", and an integration commissioner has been established in the Austrian Embassy in Serbia to provide first-hand advice and orientation to potential migrants.
- In Italy, vocational and professional training interventions (as well as language training) have been introduced in the countries where migration-related agreements have been or are about to be signed, and is intended for third-country nationals intending to travel to Italy for work reasons. A preparatory project for the development of a language and civic guidance programme intended for pre-departure Moroccan nationals migrating to reunify with families in Italy has also been implemented.
- In Austria, Belgium, the Czech Republic, Italy, Germany, Hungary, the Netherlands, Portugal and Slovakia the project 'HEADSTART: Fostering Integration Before Departure' has been implemented from January 2014 to June 2015. The project combines a review and analysis of the existing practices in pre-departure integration support to migrants, with the development of new practical tools and intensive network, as well as a partnership-building among the policymakers and practitioners in the countries of origin, but also with their counterparts in the countries of destination.
- In Latvia, several activities under a European Fund for the Integration of third-country nationals (EIF) project, were implemented including a support mechanism for learning Latvian language for third-country nationals that have recently entered or will enter Latvia by supplementing interactive materials and exercises and by developing learning informative electronic materials accessible via an online portal. Also, the inclusion of third-country national children was ensured within the creative platform competition, which facilitated understanding, cooperation, working along and tolerance for both representatives of local public and immigrants.
- Slovenia provided written materials (leaflets, brochures) for its diplomatic-consular representation offices whose employees distribute them to third-country nationals intending to migrate to Slovenia.
- Slovenia and Finland have launched new websites with relevant information targeting, respectively, all migrants and quota refugees.
- In the Slovak Republic, a new Integration Policy envisages the setting up of information and consultation centres in the countries of origin, as one of the measures to improve the pre-departure provision of information to migrants.

[115] AT, FI, FR, IT, HU, LV, PL, SI, SK, UK

- Poland, under an EU funded project "Officials for Foreigners", has conducted pre-emigration information meetings in third countries for third-country nationals applying for long term visas to Poland setting out their rights and obligations, conditions for legal stay and for life in the country.
- Portugal completed the project 'Strengthening of capacities of Cape Verde in migration management' under the Partnership for Mobility between EU-Cape Verde- in partnership with France, Luxembourg and the Netherlands- aimed at the control of migration flows and collection and analysis of statistic information regarding Cape Verde migration.
- France is planning to extend measures to provide language and vocational training in the countries of origin for new migrants arriving in France.
- The United Kingdom has established projects funded through the European Integration Fund in Pakistan and Bangladesh to provide English language training and orientation guidance primarily to spouses intending to enter the United Kingdom under family reunification to assist them in meeting new language requirements for migrants introduced in 2014.

## 3.4 PROMOTING AND PROVIDING INFORMATION AND AWARENESS RAISING ON LEGAL MIGRATION

### 3.4.1 ROUTES TO AND CONDITIONS OF LEGAL MIGRATION

Figure 3.17: Overview of measures reported to improve information on routes and conditions of legal migration by EU Member States and Norway

New policies, measures or practices to improve the provision of information to third-country nationals on the routes to and conditions of legal migration were reported by the Member States[116] illustrated in Figure 3.17.

Overall, measures were mainly driven by the aim of improving channels of communication about legal entry and stay and promoting safe alternatives, thus reducing the risks of trafficking in human beings, smuggling and other irregular migration channels. The types of measures introduced by Member States are further described below:

***Legislative Changes***

- In Belgium, authorities plan to coordinate the existing immigration legislation and compile existing rules in an Immigration Code, to ensure readability, transparency and clarity in the law and procedures in place. To this end, a working group will be set up in 2015.

***Policies, Strategies and/or Measures***

The following immigration policies or strategies focusing on better information on the conditions of entry and stay of third-country nationals were reported:

[116] AT, BE, CZ, EE, ES, FI, FR, HU, IE, IT, LT, LV, PL, RO, SE, SI, SK and NO

- In France, measures aiming at providing information in a single site in several languages were implemented in 2014. Specific measures concern foreign students with dedicated sites while other measures were destined to researchers and investors.
- The Declaration of Rome and the 2015-2017 Rome Programme was adopted under the Italian Presidency of the Council and aimed at organising mobility and regular migration, by developing a regional dialogue on migration between the EU and Western, Central and Mediterranean African countries. Some of its objectives are to support regional mobility and facilitate exchanges among the various mobility stakeholders, to integrate migration into education and employment policies, to ensure respect for migrants' rights, and to protect, promote and facilitate civil procedures and issuing of travel and identification papers or documents.
- Spain in order to promote Law 14/2013, which promotes international mobility, launched a website of the Residency Programme for Investors and Entrepreneurs (PRIE) which is provided in four languages (Spanish, Portuguese, Russian and Chinese).
- Norway plans to support a Migration Response centre in Sudan in 2015, which will be operated by IOM Sudan. The centre will provide information on the risks of migration, offer assistance to vulnerable migrants, tracing, and Assisted Voluntary Return (AVR) services.

Also, to increase the efficiency and the coordination of the provision of information targeted at immigrants, the following implementation measures were introduced in 2014: provision of information to (possible) immigrants through the up-to-date websites (AT, CZ, EE, ES, FI, LV, PL, SE), public awareness campaigns and activities (BE, CZ, PL), distribution of guides or manuals (IT, LV, PL, SK) delivery of pre-departure measures (BE, CZ), tailored projects (CZ, HU,LT, SE), or organisation of trainings (SK, NO).

### 3.4.2 PREVENTION OF UNSAFE MIGRATION

New policies, measures or practices to prevent unsafe migration from third countries of origin and transit and to inform people about the potential risks and challenges of irregular migration to Europe, are shown below:

- Belgian authorities, in the continuation of projects undertaken by the Immigration Office in close cooperation with the IOM in 2009-2010, plan to organise a prevention campaign addressed at potential Brazilian victims of economic exploitation in Belgium in 2015.
- Hungary, in the framework of the Budapest Process, started in February 2014 the EU funded project 'Support to the Silk Routes Partnership for Migration under the Budapest Process'. The project aims to strengthen the migration management capacities of national authorities in Iraq, Afghanistan and Pakistan, and includes capacity building, sustainable training systems, enhance data management and expertise, support to policy development frameworks and intergovernmental dialogues.
- In Italy, the Presidency of the Chamber of Deputies organised a study workshop 'Before sailing: from resettlement to humanitarian admission', after the topic of strengthening safe migration channels to the EU gained special significance during the last European elections. It especially referred to "humanitarian corridors" to organise the safe and legal entry of migrants.
- In Luxembourg, the Ministry of Justice in cooperation with the NGO *Femmes en détresse asbl* produced and distributed brochures focusing on the phenomena of trafficking in human beings.
- In the Netherlands, the implementation of the 'National Campaign on Child Protection to ensure prevention of, and response to violence, abuse, exploitation and neglect of

children in Afghanistan', in partnership with UNICEF, provided information about the risks of irregular migration.

### 3.4.3 AWARENESS RAISING ON THE PHENOMENON OF MIGRATION IN THE HOST SOCIETIES

Figure 3.17: Overview of measures reported to raise awareness on migration by EU Member States and Norway

Figure 3.18 provides an overview of the Member States[117] which in 2014 reported the introduction of new policies.

Overall measures or practices aimed at raising awareness about the phenomenon of migration in their own territories (host societies).

The measures introduced are further described below:

***Legislative Changes***

- In Poland a new legislation entered into force on 1 May 2014 (new Act on Foreigners and amended Act on employment promotion and labour market institutions), and the National Labour Inspectorate carried out preventive actions to prevent illegal employment of foreigners and violation of their labour rights.

***Policies, Strategies and/or Measures***

- In Poland, the National Broadcasting Council prepared 'The Regulatory Strategy for 2014–2016', which foresees a series of actions to change the discriminatory image of persons belonging to groups exposed to unequal treatment in media coverage. A public debate is expected in 2015, which should result in developing guidelines and recommendations to be implemented by all media broadcasters.
- In Latvia, a public debate about immigration took place in Riga, where the participants agreed on joint recommendations for possible further steps in the immigration and immigrant integration policy. The results of the debate were communicated to the Office of Citizenship and Migration Affairs, currently working on the concept of Immigration Policy, and to the Ministry of Culture, responsible for the immigrant integration policy.

Projects were also carried out in Austria, Lithuania, and Slovenia, to raise public awareness about the positive impact of migration for reaching social progress and cohesion, and the importance of an active integration of migrants in host societies. For example, the programme "Together: Austria," has been a flagship project for over three years, which has sent more than 300 so-called 'integration ambassadors' as role models to schools, who have reached out to over 15,000 pupils.

Notifying migrants of their rights and duties and raising awareness about prejudice towards immigrants, has been done through the use of:

[117] AT, BE, ES, FI, IT, LT, LU, LV, NL, PL, SE, SI, SK and NO

- In Poland an information campaign was conducted including, Ukraine, Belarus and Armenia, providing assistance to migrants in crisis situations and victims of trafficking, as well as free legal advice, support in mediation with the employer and organising anti-discrimination trainings.
- The Slovak Republic is planning to launch campaigns and discussions on migrants´ integration, with an emphasis on persons under international protection, in cooperation with the final beneficiaries of EU funds.
- In Spain surveys on tolerance indicators towards migrants were carried out. Results showed that despite of the economic crisis, the Spanish society does not see immigration as a problem and no increase in xenophobic attitudes has been identified.

### 3.4.4 AWARENESS RAISING ON THE PHENOMENON OF MIGRATION IN COUNTRIES OF DESTINATION

In Italy, a specific project was implemented, in collaboration with the Centro Studi IDOS and IOM, to provide guidance on Italian legislation concerning legal migration mainly in Morocco and Niger respectively. In Morocco, information material, including the EMN glossary on asylum and migration, was distributed to develop a social network for information about legal migration and to interconnect the two shores of the Mediterranean.

## 3.5 MAXIMISING DEVELOPMENT IMPACT OF MIGRATION AND MOBILITY

### 3.5.1 PROGRESS TOWARDS MAINSTREAMING OF MIGRATION IN DEVELOPMENT POLICIES

On 28 November 2014, at the first EU-Eastern African countries Ministerial Conference, organised by the Italian Presidency in Rome, the EU and the Eastern African countries launched the Khartoum Process aiming at enhancing cooperation on trafficking in human beings and smuggling of migrants. In addition, the EU and the Western African countries continued to deepen cooperation in the framework of the Rabat Process. In this regards, the Declaration of Rome and 2015-2017 Rome Programme were adopted at the Ministerial Conference of the Rabat Process, held in Rome on 27 November 2014[118]. The Rome Declaration emphasises as one of its priorities the strengthening of the links between migration and development. Likewise, maximizing the development impact of migration is one the main elements of the Mobility Partnerships signed with Jordan and Tunisia and the Dialogue launched with Lebanon during 2014 as well as of the Common Agenda on Migration and Mobility concluded with Nigeria during 2014 and signed in March 2015.

Efforts to strengthen national inter-institutional cooperation in the field of migration and development, in particular to ensure complementarity and coherence between national policies were noted by some Member States during 2014. These efforts included legislative changes, policy measures or the establishment or continuance of strategies, as well as the implementation of projects. These are described in below:

***Legislative Changes***

- Belgium introduced a new structure[119] in order to reinforce its commitment to Policy Coherence for Development (PCD). The changes included the establishment of a new Advisory Body[120] and an Interdepartmental Commission[121] with the aim of supporting the

[118] More information available at: http://processusderabat.net/web/index.php/process.
[119] By means of the Royal Decree of 2 April 2014.
[120] Composed by representatives of NGO's, the academic field, the Development Cooperation and the Cabinet, it shall provide guidance and develop proposals to the government and stakeholders, as well as

relevant ministries, stakeholders and government representatives. A new cell for PCD to seek complementariness on immigration and development polices and to avoid conflicts between these two policy areas, was also established within the Development Cooperation Department of the Federal Public Service Foreign Affairs, External Trade and Development Cooperation.

- Italy's new legislation introduced a policy coordination role for the Interministerial Committee for Development Cooperation (CICS). Overall, the new law[122] will revise the rules relating to subjects, tools, intervention methods and principles applied by the international community, in order to align the Italian development cooperation system to the practices prevailing among EU partner countries.

***Policies, Strategies and/or Measures***

- France confirmed its new strategic framework on mobility, migration and development in its Law on programme and orientation on development policy and international solidarity. The latter aims to strengthen the mobility and migration contribution to the development of countries and regions of origin, while ensuring that migration issues are by no means conditional upon promoting this contribution.
- Hungary adopted its 'International Development Cooperation Strategy and Strategic Concept for International Humanitarian Aid of Hungary 2014-2020' in 2014. The strategy refers to a mainstreamed approach with other policy areas and geographical and sectoral priorities are selected in compliance with Hungary's foreign policy and other policy objectives (regional policy, national policy, security policy, foreign economy, climate protection, science, culture etc.).
- Portugal envisaged the adoption of the Strategic Plan for Migration for a six-year period (2015-2020). The plan includes amongst its priorities, the coordination of migration flows, strengthening legal migration and the quality of migration-related services, as well as the promotion, monitoring and assistance to the return of emigrants.
- The Middle-Term Strategy of Development Cooperation in Slovak Republic 2014 – 2018 was adopted in the reference period and serves as a basis for the annual National Programme of Official Development Aid. The Strategy recognises the principle of coherence of development policies and will seek to map other development flows from ODA, including remittances.
- Sweden's Government Committee on Migration Studies (DELMI)[123], which aims at analysing migration to inform future policies, held its first Committee meetings, organised its first public events and launched a website.

***Development Cooperation Projects***

The Commission provides significant financial assistance and capacity-building support on migration-related issues to third countries through the EU development cooperation instruments. In 2014, EU-funded bilateral and regional assistance for a total amount of about 500 million EUR was on-going.

to respond to the governments' requests regarding national measures impacting on developing countries.

[121] Composed by representatives of federal, regional and local level, the commission is aimed to exchange information and develop recommendations to the Ministries responsible for policy areas exercising direct or indirect influence on developing countries. It shall also follow up and raise awareness about the impact of the policy decisions on developing countries when necessary, at national, EU and international level.

[122] Law No 125/2014 on General regulations on international cooperation for development

[123] DELMI was launched in 2013 as an independent body charged with commissioning research and analysis on migration to inform future policies in the field of migration, and to contribute to an informed public debate.

- The Czech Republic, within the Prague Process Framework, continued its projects on circular migration and student mobility. On the latter a "Handbook on Labour and Circular Migration" was published in cooperation with Hungary. The handbook included developments on remittances, brain-drain, brain-waste, diasporas, etc., as well as policies and recommendations on circular migration schemes for policy-makers in the EU and other partner states of the Prague Process was published.
- Germany implemented projects on the development of concepts and tools to enhance positive effects of migration for development and links between the different development sectors.
- Spain, in the framework of the Mobility Agreement with Morocco in which Spain is part along with other Member States (BE, DE, FR, IT, NL, PT, SE and UK), is developing significant projects on technical support and advice from the Moroccan authorities in the design and implementation of the renewed Moroccan immigration policy that affects the protection of human rights.

***International Dialogues***

- A large number of Member States participated in multilateral dialogues or platforms, such as the Global Forum for Migration and Development (GFMD).
- Sweden chaired the GFMD up to 2014 where it highlighted the contribution of migration to inclusive economic development through labour migration, circular migration and labour market matching, as well as the contribution of diaspora groups to trade and investment, among other issues.
- Belgium will take the presidency of the IOM Council in Geneva in 2015.

### 3.5.2 COOPERATION WITH PARTNER / THIRD COUNTRIES FOR ECONOMIC MIGRATION

Eight Mobility Partnerships have been signed between the EU and third countries, including Moldova, Georgia, Armenia, Azerbaijan, Cape Verde, Morocco, Tunisia and Jordan. The participation in such agreements by individual Member States is shown in Table 8.1 below. France participates in all of the Agreements; Austria, Finland, Ireland, Malta and Norway do not participate in EU level Mobility Partnerships.

In addition, a new Migration, Mobility and Security Dialogue was launched with Lebanon in 10 December 2014 and a Common Agenda on Migration and Mobility was concluded with Nigeria, signed in March 2015.

Table 3.1: Member States involvement in EU Mobility Partnerships

| **Region** | **East and South of Europe** | | | | **Africa** | | | **Middle East** |
|---|---|---|---|---|---|---|---|---|
| **Mobility Partnership**<br>Date signed | **Moldova**<br>5th Jun. 2008 | **Georgia**<br>30th Nov. 2009 | **Armenia**<br>27th Nov. 2011 | **Azerbaijan**<br>5th Dec. 2013 | **Cape Verde**<br>5th Jun. 2008 | **Morocco**<br>7th Jun. 2013 | **Tunisia**<br>3rd Mar. 2014 | **Jordan**<br>9th Oct. 2014 |
| Austria | | | | | | | | |
| Belgium | | ✓ | ✓ | | | ✓ | ✓ | |
| Bulgaria | ✓ | ✓ | ✓ | ✓ | | | | ✓ |
| Croatia | | | | | | | | |
| Cyprus | ✓ | | | | | | | ✓ |
| Czech Republic | ✓ | ✓ | ✓ | ✓ | | | | ✓ |
| Denmark | | ✓ | | | | | ✓ | ✓ |
| Estonia | | ✓ | | | | | | |
| Finland | | | | | | | | |
| France | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Germany | ✓ | ✓ | ✓ | | | ✓ | ✓ | ✓ |
| Greece | ✓ | ✓ | | | | | | ✓ |
| Hungary | ✓ | | | | | | | ✓ |
| Ireland | | | | | | | | |
| Italy | ✓ | ✓ | ✓ | | | ✓ | ✓ | ✓ |
| Latvia | | ✓ | | | | | | |
| Lithuania | ✓ | ✓ | | ✓ | | | | |
| Luxembourg | | | | | ✓ | | | |
| Malta | | | | | | | | |
| Netherlands | | ✓ | ✓ | ✓ | ✓ | ✓ | | |
| Poland | ✓ | ✓ | ✓ | ✓ | | | ✓ | ✓ |
| Portugal | ✓ | | | | ✓ | ✓ | ✓ | ✓ |
| Romania | ✓ | ✓ | ✓ | | | | | ✓ |

| **Region** | **East and South of Europe** | | | | **Africa** | | | **Middle East** |
|---|---|---|---|---|---|---|---|---|
| **Mobility Partnership**<br>Date signed | **Moldova**<br>5th Jun. 2008 | **Georgia**<br>30th Nov. 2009 | **Armenia**<br>27th Nov. 2011 | **Azerbaijan**<br>5th Dec. 2013 | **Cape Verde**<br>5th Jun. 2008 | **Morocco**<br>7th Jun. 2013 | **Tunisia**<br>3rd Mar. 2014 | **Jordan**<br>9th Oct. 2014 |
| Slovak Republic | ✓ | | | ✓ | | | | |
| Slovenia | ✓ | | | ✓ | | | | |
| Spain | | | | | ✓ | ✓ | ✓ | ✓ |
| Sweden | ✓ | ✓ | ✓ | | | ✓ | ✓ | ✓ |
| United Kingdom | | ✓ | | | | ✓ | ✓ | |
| **Total no. of Member States** | **15** | **16** | **10** | **9** | **5** | **9** | **10** | **14** |

### 3.5.3 EFFORTS TO MITIGATE 'BRAIN DRAIN'

Legislative changes and measures introduced by Member states during 2014 were mainly related to circular migration. Some Member states reported measures also concentrated on the implementation of existing cooperation agreements including provisions to ensure circular migration, as well as some specific projects, cooperation agreements or programmes and international development assistance. With the exception of Kosovo, support measures reported were mainly focused on African countries.

***Legislative Changes***

- Sweden introduced a government bill on circular migration and development which entered into force on 1st July 2014. The aim was to remove obstacles to circular migration and thus enhance the positive development effects of migration on development and to encourage brain circulation. If a foreign citizen with a permanent residence permit leaves Sweden to reside elsewhere, the residence permit is not automatically revoked if the person notifies the Migration Agency that he/she wishes to keep the permit.

***Policies, Strategies and/or Measures***

- Germany's Federal Ministry for Economic Cooperation and Development plans to introduce a new phase of the programme Migration for Development with a stronger focus on knowledge-transfer.
- Luxembourg continued to implement its cooperation agreements with Kosovo (2013-2016) and Cape Verde (2011-2015). Both cooperation agreements focus on the support and establishment of competence centres to provide education and vocational training. In Kosovo training has focused on the paramedical and commercial sectors, while in Cape Verde the agreement also aims to provide assistance for the implementation of the integrated policy on education, training and employment of the Cape Verdean government. Similar projects are under implementation in Burkina-Faso, Niger, Mali and Senegal, under framework agreements with the third countries.

***Financial support and cooperation projects with third countries***

- The Netherlands launched a new project on "Circular Migration and Brain Gain: Supporting migrant entrepreneurs" to contribute to the enhancement of economic growth by providing possibilities to migrants (particularly women and youngsters) to establish an own business in the country of origin.
- Germany implemented projects on the development of concepts and tools to enhance positive effects of migration for development and links between the different development sectors.
- Sweden continued to fund and support international development assistance in the health sector in Zimbabwe and Somalia, particularly to enable health workers to return to their country of origin and in Zambia, to develop national policy on human resources in the health sector.

### 3.5.4 MIGRANTS' REMITTANCES

Measures to improving services for remittances were implemented by some Member States, including through cooperation with the World Bank. Some of the measures included:

***Legislative Changes***

- In Greece the adoption of Law 4249/2014 now limits the right to maintain a bank account and make remittances for certain categories of third-country nationals.

***Policies, Strategies and/or Measures***

- Germany made available enhanced remittance price comparison between different money transfer institutions through a restructured and re-launched website (www.geldtransfair.de)
- Sweden introduced for the first time its own website, serving a similar purpose (www.moneyfromsweden.se/en).
- In the United Kingdom international remittance payments to some developing countries had been adversely affected due to the risks of money-laundering and financing of terrorism.

***United Kingdom: Mitigating against risk in the remittance sector***

Remittance payments under the account of the largest Money Service Business (MSB) active between United Kingdom and Somalia (Dahabshiil) were temporary suspended by Barclays Bank. In response to the need to address risks of money-laundering and financing of terrorism, United Kingdom has provided new guidance for MSBs and banks operating in the remittance sector, developed by Her Majesty's Revenue and Customs (HMRC) in cooperation with the Joint Money Laundering Steering Group (JMLSG). Government has also doubled the number of supervisory visits to MSBs. An online e-learning programme was also developed during the year. In addition, the Department for International Development (DFID) in the United Kingdom in cooperation with the World Bank has designed a project to improve transparency, auditability and security of UK-Somali remittances, the implementation of the project is planned by early 2015

***Financial support and cooperation projects with third countries***

- Belgium contributed some 8m Euros to the International Fund for Agricultural Development (IFAD) and also contributed to the UN Capital Development Fund (UNCDF) to launch an initiative for African Postal Financial Services covering ten African countries. The aim is to enhance competition in the African remittance market by promoting and enabling post offices in Africa to offer remittance and other financial services.
- France and the Netherlands have each developed cooperation projects with the World Bank, including the Greenback 2.0 'Champion Cities' network (FR) and a pilot on the remittances between Spain and Senegal (NL).
- Luxembourg also continued implementing its projects concerning the savings of migrants in Mali, Senegal and microfinance in Cape Verde.

### 3.5.5 WORKING WITH DIASPORAS

Implementation measures to support diaspora focused on project funding activities, including the provision of training and empowerment activities, capacity building and the transfer of knowledge; cooperation initiatives and dialogues with diaspora NGOs and organisations and the introduction of national legislation provisions related to diasporas. Most activities reported were developments of existing arrangements rather than new initiatives.

### *Legislative Changes*

- Italy's new national legislation[124] recognises the importance of diasporas and it also recognises as development cooperation subjects those organisations and associations of immigrant communities that maintain cooperation and development support relations with countries of origin. This measure was noted as a significant step towards the recognition of the direct involvement of migrants in the development of policies in this sector.

### *Development Cooperation Projects*

- Belgium developed projects on capacity building and training in the health sector in the Democratic Republic of Congo.
- Finland continued a training project for health care professionals aimed to develop the sector's human resources due to the lack of health care services and administration in Somalia.
- The Netherlands implemented technical assistance missions and training to enhance the capacity of twelve diaspora-related African ministries[125], as well as projects on the transfer of knowledge with Kenyan and Burundian Diasporas to start new businesses and investment.

#### Projects promoting cooperation with diaspora organisations

- Germany implemented projects for the promotion of cooperative partnerships with diaspora organisations, to support the development of small-scale development projects in their countries of origin, including the implementation of vocational training and income-generating measures, as well as investments in agriculture and the renewable energy sector.
- France reported local development projects co-financed by migrants and their diaspora associations in Senegal and Mali, to support solidarity initiatives for development, as well as projects to support migrant entrepreneurs such as the Support Programme for Migrants Productive Investment in Senegal and Cameroon.
- Luxembourg implemented projects to strengthening the management of labour migration and return in Cape Verde by providing the economic reinsertion component.
- The United Kingdom implemented a project cooperation with the Somali diaspora, through a community engagement strategy to exchange information between the government and other stakeholders on market developments and for the diaspora to convey their concerns
- Finland provided financial support to 27 projects in Somalia, more than half of the financial support was channelled through immigrant organisations.

### *International Dialogues*

- Austria finalised its support to the three-year transnational initiative for Migration and Development (CoMiDe) by the end of 2014. The initiative aimed to enhance coherent migration and development policies in four European countries (AT, IT, SI, SK).
- During the Swedish Chairmanship of the Global Forum on Migration and Development (GFMD) in 2013/2014, Sweden provided support to include the voice of young migrants on migration and development, as a result, the group became an NGO which currently works with several diasporas in Sweden.

[124] Law No 12/2014

[125] Assistance missions- from 2012 to 2015- are taking place in Kenya, Ghana and Uganda, and 24 policy makers from African countries, including Benin, Burundi, Ethiopia, Ghana, Kenya, Liberia, Mali, Nigeria, Rwanda, Sierra Leone, Uganda and Zimbabwe, are being trained.

- The United Kingdom, through the Common Ground Initiative, also aims to increase funding to small and diaspora organisations to create real and sustainable change in disadvantaged communities in Africa.

# 4 SECURING EUROPE'S EXTERNAL BORDERS

In 2014, more than 276,000 migrants irregularly entered the EU which represents an increase of 155% compared to 2013, which represented a huge challenge in particular for Member States bordering on Central Mediterranean (Italy, Malta) as well as on Eastern Aegean (Greece).

The EU reinforced its legal and operational framework as well as its financial resources in order to provide better tools to manage and secure its external borders.

While the previous Schengen evaluation mechanism was applicable in 2014 and evaluations were carried out, preparations for the implementation of the new Schengen evaluation mechanism were on-going and developed in line with the scheduled timetable. The Commission adopted, in 2014, 4 Implementing Decisions framing the new Schengen evaluation mechanism. The first announced evaluations in line with the new mechanism started in February 2015.

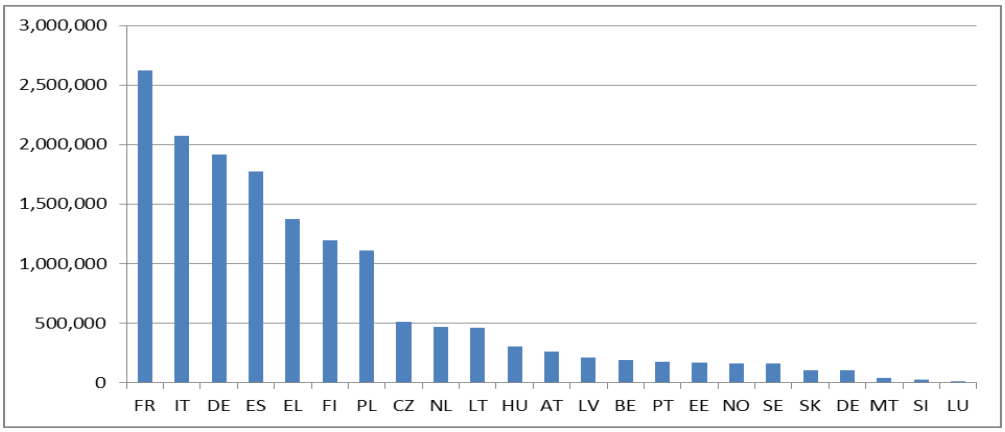
In line with its Communication of 16 September 2011 on 'Schengen governance - strengthening the area without internal border control', the Commission submitted, in 2014, the regular bi-annual reports to the European Parliament and to the Council on the functioning of the Schengen area (fifth and sixth reports for the respective periods 1/11/2013 – 30/04/2014 and 1/05/2014 – 31/10/2014).

During 2014, all the preparations for extending EUROSUR to the remaining 11 Member States were carried out. As a result, all the 30 National Coordination Centres were set up by 1 December 2014 and are currently operational. In addition, all Member States have made progress in further developing their National Situational Pictures. The work on the EUROSUR practical handbook containing technical and operational guidelines for the implementation of EUROSUR was finalised in 2014. The handbook will be adopted in 2015.

A growing number of joint operations coordinated by Frontex in 2014 supported Member States in their efforts to achieve an efficient, high and uniform level of border control. The Joint Operation Triton launched on 1 November 2014 supports the Italian authorities' efforts to ensure effective surveillance of the maritime borders and to provide assistance to any person on board of a vessel in distress; following last tragic events, a significant increase in the resources were made available.

The total number of Schengen (short stay) visas issued during 2014 within the Schengen States amounted to 15,390,419[126]. Figure 4.1 below and Table 10 in the Statistical Annex provide an overview of the number of visas issued. Data shows that the highest number of visas was issued in France (more than 2.5 million or 17% of the total) followed by Italy (2,073,795 or 13%), Germany (1,914,284 or 12 %) and Spain (1,776,025 also 12%).

Figure 4.1: Total short-stay visas issued in 2014 by Schengen State




*Source: DG Migration and Home Affairs, 2014*

[126] The total number does not include Switzerland and Iceland.

## 4.1 ENHANCED BORDER MANAGEMENT AT THE EXTERNAL BORDERS

### 4.1.1 BORDER CONTROL MEASURES: TECHNOLOGY, EQUIPMENT AND INFRASTRUCTURE, INCLUDING SYSTEMS LINKED TO EU INSTRUMENTS AND ACTIONS TO COORDINATE DIFFERENT TYPES OF BORDER CHECKS

Figure 4.2: Overview of new border control measures reported by EU Member States and Norway

Figure 4.2 provides an overview of the Member States[127] which introduced or planned new border control measures in 2014. Measures included:

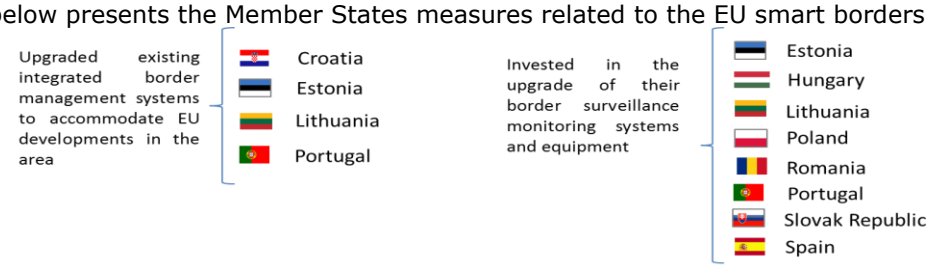
- National Action plans[128]
- Cooperation programmes with EU and third countries[129]

Specific initiatives on border control measures reported by Member States in 2014 related also related to:

- The EU 'smart' border package; Entry/Exist and Registered Traveller Programme;
- Eurosur;
- The advance passenger information (API) / passenger name record (PNR) systems

#### EU 'smart' border package

Figure below presents the Member States measures related to the EU smart borders package:

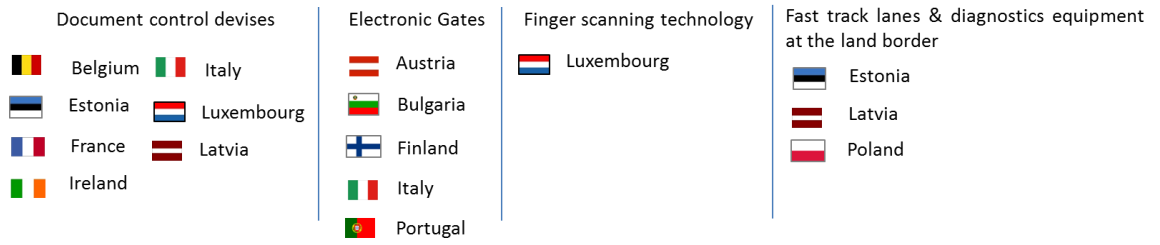



#### Pre-border and border checks measures

With regard to pre-border checks, a few Member States also modernised their Advance Passenger Information Systems (PT) in view of the creation of the Passenger Name Record (PNR) system (BG), of its integration into national border management systems (EE, HR, RO) or extended its use to other border types (HR, FI, LU). Hungary also developed the Hungarian entry-exit system (HERR), as a result the biometric control (in case of short-stay visas) has become possible on the entire external Schengen border.

With regard to border checks, some Member States invested in the upgrade of some of their border crossing points through the use of Automated Border Control (ABC) related technology. Figure below shows some of such updates:

[127] AT, BE, BG, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, IT, LU, LT, LV, NL PL, RO, SI, SE, SK.
[128] AT, CZ, SK, SE
[129] AT, BG, CZ, DE, ES, FR, IT, LV, LT, NL, UK




Croatia researched the feasibility of introducing a national Schengen Information System (SIS) while a few other Member States made improvements to their national systems and/or trained police and border forces to use it (LV, PL, PT, SI, SK). Lastly, a few Member States prepared for the implementation of the Entry Exit System (BG, CZ, EE, PT, SK.) and Registered Traveller Programme (BG,SK) or started or continued their work towards the implementation of the system (FI). In Spain the ABC system was installed at Malaga airport with single door configuration. The system includes seven kiosks identification, three doors and two control rooms, while in Hungary the ABC gates were installed at the Liszt Ferenc International Airport in Budapest, facilitating the checks of holders of biometric travel documents.

### Border surveillance

Over half of the Member States made progress with the implementation of the European Border Surveillance System (EUROSUR). Figure below shows the type of progress:

***Impact of changes and measures***

In some Member States the changes resulted on the increasing efficiency of their border controls. For example Germany and France reported the speed up of their border crossing processes, while Latvia and Poland noted a reduction of the waiting time during the flow of passengers across the (land and air borders).

- ★ Since July 2014 France has hosted a remote EUROSUR station at the Central Directorate of the French Border Police (DCPAF - *Direction Centrale de la Police Aux Frontières*) to monitor events and will be used for analysis purposes when the *ad hoc* European module is developed.
- ★ In 2014 Spain also upgraded the EUROSUR border surveillance system to increase their technical skills in Malaga, Granada and Ceuta.

### 4.1.2 BORDER CONTROL MEASURES: OTHER ACTIVITIES TO IMPROVE THE EFFECTIVENESS OF CONTROLS AT EXTERNAL BORDERS (E.G. TRAINING AND POLICY)

The majority of the Member States reinforced the capacity of border control staff[130] by providing training activities and/or introduce new developments, for example:

- ★ development of e-learning systems
- ★ encouragement of self and continuous learning,

[130] AT, BE, BG, CY, CZ, DE, EE, FI, FR, HR, IE, LT, NL, PL, PT, RO, SI.

- participation in the Frontex training exchange programme, or organising seminars
- diversification of border force staff (e.g. by hiring and training civilians).

Examples of training topics addressed were: document fraud and forged documents, sea border controls, control of passengers with a special status, stolen vehicles, child abduction.

Austria, Bulgaria and the Czech Republic continued implementing legislative measures related to their domestic legal framework and/or the implementation of the Schengen *Acquis*.

- A new Act on the Control of the State Borders of the Czech Republic is now under legislative procedure.
- Finland and France implemented structural and organisational changes to border crossing points such as the extension of some border crossing points, while Slovakia and Poland hired additional border control guards.
- In Greece the operational plan with the code name "Poseidon Land borders' continued in 2014, together with Frontex and in cooperation with Bulgaria, which now extends also to Greek-Turkish sea borders.
- Spain established additional visa issuing points at the Spanish border crossings and today it already has 76 posts in operation are installed.
- Austria amended its Border Control Act to prevent, for example, minors who do not have the consent of their legal guardian and who intend to take part in combat operations abroad from exiting the country. Also the Citizenship Act was amended by stipulating that citizenship is withdrawn from a citizen who participated voluntarily and actively in an organised armed group fighting abroad in situations of armed conflict, provided that he/she does not become stateless. Both amendments aim at tackling the issue of so-called foreign fighters.

Some Member States implemented national action plans, and/or cooperation programmes with EU Member States as well as with third countries. Some of these examples are shown in box below:

***Italy: New measures introduced to improve border management and combat irregular migration***

The 2015-2017 Rome Programme, signed on the occasion of the Fourth Euro-African Ministerial Conference on migration and development, contains several actions to "Improve border management and combat irregular migration, among countries of origin, transit and destination".

The interventions planned are:

1. Supporting the countries of origin, transit and destination in Africa in their effort to prevent and manage irregular immigration;

2. Strengthening cooperation in the field of border management on both the technical and operational level;

3. Fighting against criminal groups, trafficking and smuggling;

4. Facilitating voluntary return and reintegration.

Among bilateral and multilateral initiatives aimed at increasing cooperation in the field of border control and irregular immigration, the following are highlighted:

1. Alpentreffen meeting (Italy, Austria, Germany and Switzerland) for the creation of a joint investigation team to exchange information on smuggling and "foreign fighters";

2. Intensification of operational synergies with the French border police and their partners in compliance with an operational protocol.

***Impact of changes and measures***

In some Member States the changes resulted on the increasing efficiency of their border controls. For example an effective flow for travellers and the detection and prevention of irregular migration was reported in Sweden, while Austria, France and Slovenia reported an improvement on the risk analysis practices. Ireland reported a potential reduction in costs and overall greater efficiency of border control activities, while a better allocation of resources was noted in Finland and France.

### 4.1.3 PREVENTING AND COMBATING IRREGULAR IMMIGRATION BY ENSURING REINFORCED COOPERATION WITH THIRD COUNTRIES IN THE AREA OF BORDER MANAGEMENT.

A number of measures have been introduced to prevent and tackle misuse in relation to specific legal migration channels. These include: irregular migration associated with visa liberalisation; family reunification; international student migration and more generally, the use of false documents.

#### *4.1.3.1 Irregular migration caused by visa liberalisation*

The following Member States reported having introduced new measures to monitor the effects of visa free regimes:

- In Italy the circulation of a Practical Guide for diplomatic and consular offices for the management of visa services and the adoption of Guidelines on risk management took place.
- In Latvia new IT system developments such as an Expelled Foreigner and Entry Ban Register were introduced.

To reduce the risk of negative impacts of visa liberalisation, Germany has added Bosnia and Herzegovina, Macedonia and Serbia to their list of safe countries of origin. Applications from asylum-seekers from safe countries of origin are considered as 'manifestly unfounded', unless the applicant presents facts or evidence which justify the conclusion that they might be persecuted in spite of the general situation. Germany noted a rapid rise in the number of asylum applications from these countries following the abolition of the requirement for a visa; however, the actual protection rate for these countries is below 1%. On the other hand France has removed Ukraine and Kosovo from the national list of safe countries of origin (the list is composed now by 16 countries).

A few Member States expected positive impacts on the detection of misuse of the visa free regime e.g. countering possible negative effects of visa liberalisation and the prevention of mismanagement and corruption (IT). Others provided evidence that irregular migration resulting from visa liberalisation decreased (BE) or was minor (LV, PL).

A few countries introduced measures for ensuring the accelerated and swift return of persons from visa-free third countries making unfounded asylum applications (BE, SK). The developments reported related to Joint Return Operations and participation in TAIEX[131] study visits to relevant countries.

#### *4.1.3.2 Irregular migration through misuse of family reunification*

New measures to reduce the number of cases of misuse of family reunification were mainly introduced through legislative changes and focused on the recognition and prevention of marriages, civil partnerships and cohabitations of convenience, forced marriages, and misuses concerning the acquisition / transfer of social benefits. Such measures were introduced in six Member States (BE, EL, IE, LU, PL, SI, UK) and Norway.

Evidence provided by Member States highlights the importance of this phenomenon:

- In Belgium, as from April 2014, registrars in municipalities have the duty to mention, in the Waiting Register, information relating to formalities and decisions preceding marriage and legal cohabitation, particularly those motivating a suspicion relating to a marriage or a legal cohabitation of convenience.
- In Greece, the new immigration code provides the withdrawal of the granted residence permit for the purposes of family reunification when the family relationship has been established/declared in order to circumvent the provisions of the immigration law.
- In Slovakia, 14 complaints regarding suspicion of misuse of family reunification were reported resulting in charges brought against 23 persons during the year.

[131] TAIEX is the Technical Assistance and Information Exchange Instrument managed by the Directorate-General Neighbourhood and Enlargement negotiations of the European Commission.

- The United Kingdom estimates that around 4,000 applications a year to stay in the Member State are based on marriages of convenience. Between 2014 and beginning of 2015 some 1,508 interventions were carried out using enforcement and crime team staff resulting in 903 arrests and 275 removals. In total 88 investigations into gangs facilitating marriages of convenience were conducted in 2013 resulting in 250 arrests, 656 convictions and 70 years of custodial sentences.
- Estonia experienced some 20 cases of suspicion of marriages of convenience during the year; however, this represented a reduction in the number of cases reported in 2013 (46).

#### *4.1.3.3 Irregular migration through misuse of student migration*

The following new or planned measures to reduce, prevent and identify and/or investigate the misuse of student migration were reported:

***Legislative Changes***

- In Greece the new immigration code provides a maximum limit for the renewal of the residence permit for study purposes and provides for cancellation procedures where the conditions were not fulfilled for part-time working and/or where the student does not make progress in his/her studies
- In Ireland, the Regulatory Reform of the International Education Sector and the Student Immigration Regime, which was expected to enter into force in 2015, includes restrictions on eligible educational programmes, an enhanced inspection and compliance regime and changes to the employment concession for students. The reforms respond to cases of misuse revealed in a number of privately operated colleges.
- The United Kingdom also introduced new rules for universities and colleges in order to prevent known cases of misuse of student migration. The reforms have reduced from 20% to 10% the rejections by the Home Office of prospective student visas as a basis for educational institutions retaining their Tier 4 'Trusted Sponsor Status'. New rules were also introduced to tackle cases of misuse of the entrepreneur (graduate) visa scheme which allows students to switch visas to set up businesses in the United Kingdom. Students will now need additional proofs of their business activities.
- In Norway, the Immigration Regulation's provision regarding a one-year permit to study Norwegian language for foreign nationals who are skilled workers was repealed in May 2014.

***Policies, Strategies and/or Measures***

Member States also reported on other measures to prevent misuse, such as

- Cyprus increased the frequency of inspections in higher education institutions.
- The Czech Republic introduced evaluating measures which might have contributed to reduction/prevention of misuse of student migration in the past.
- Poland introduced community interviews carried out by Border Guard officers in order to check that a third-country national is genuinely a student, also cooperation with Polish diplomatic staff to detect possible infringements and cooperation with vice-chancellors of Polish universities as enhanced.
- The Netherlands, based on the recommendations from previous programmes, has involved their Trafficking in human beings Task Force in measures to prevent the misuse of student residence permits in the context of possible forced prostitution of female Chinese students in the Dutch beauty industry.

***Cases of misuse of student migration***

Few Member States have reported cases of misuse of student migration; where information has been reported (EE, FI, PL, SK), the levels of misuse of entry and residence procedures by student migrants was relatively low. Strong cooperation and information exchange between the Police and Border Guard Forces and the higher education institutions was highlighted as a key factor of success.

#### *4.1.3.4 Irregular migration caused by use of false travel documents*

New measures to prevent and identify and/or investigate fraudulent acquisition and use of false travel documents were introduced by some Member States, these included:

***Legislative Changes***

- In Estonia, the Penal Code was amended to include two additional elements for criminal offence, establishing liability for the destruction, damage, theft or concealment of identity documents and for using falsified identity documents, both measures were to ensure compliance with the Council of Europe's Convention on Action against Trafficking in Human Beings.
- In Slovak Republic, the amended Act on Employment Services now lays down the obligation to have the documents submitted by third-country nationals officially verified in the country of origin.
- The United Kingdom introduced new powers for police officers, immigration officers and designated custom officials to search for and seize invalid travel documents including cancelled passports.

***Policies, Strategies and/or Measures***

New measures introduced in 2014 period included: seconded document advisers in the Middle East (AT), exchanges of immigration officers (BE), the introduction of an enhanced biometric residence permit with additional security items (CZ), the issuing of travel documents with a new design and new security elements (EE), the introduction of specialised equipment for detection of forged documents (HR), the introduction of a new biometric policy expanding the use of biometric features in the migration process and appointing an Identifications Manager (NL), the appointment of an investigator to consider measures to discourage the abuse of Swedish passports (SE) and training initiatives for a majority of Member States.

Evidence reported by some Member States (AT, DE, EE, FI, FR, LT, LU, PL, PT, RO, SK) highlights the prevalence of such practices, ranging from seven instances of forged documents during the year in Estonia to 3,285 reported in Germany and a 70 % increase in the number of attempted frauds detected in France.

# 5 IRREGULAR MIGRATION AND RETURN

In 2014, 277,963 migrants entered the EU irregularly, primarily along the Central and Eastern Mediterranean routes, which represents an increase of 159% compared to the same period in 2013. This unprecedented influx of migrants and the ruthlessness of the smugglers, who often expose migrants to life threatening risks and violence, triggered a strong response from the EU.

A number of measures were initiated at EU to tackle migrant smuggling throughout 2014, mainly with an aim of strengthening cooperation at the EU level and beyond, including with third countries of origin and transit, other strategic partners and international organisations, such as:

- Implementation of joint operational actions by Member States law enforcement authorities with support of EU Agencies (Europol, Frontex, Cepol and Eurojust) in the framework of the EU Policy Cycle for organised and serious international crime - Operation Action Plan Illegal Immigration. These operations resulted in disruption of several organised criminal groups involved in the facilitation of irregular immigration.
- Establishment of a dedicated maritime intelligence centre (Joint Operation Team MARE) to better identify and track smuggling networks operating in countries of origin, transit and destination along Mediterranean.
- Expansion of debriefing mechanisms by training and deploying debriefing teams by Frontex during joint operations to gather information about modus operandi, departure points and routes used by smugglers.
- Launch of a pilot project by the European Asylum Support Office (EASO) for information gathering on routes and modi operandi of migrant smugglers during the asylum determination process.

In parallel, the Commission has launched an evaluation of the EU legal framework on facilitation of unauthorised entry, stay and residence (so called Facilitators Package[132]) to assess its practical implementation and impact, as well as to inform possible revision of the framework in the future.

Commission, together with the Italian Presidency has also launched a reflection on further strengthening and more strategic use of the Network of Immigration Liaison Officers set up by the Council Regulation 377/2004. Liaison officers being deployed by EU Member States in priority third countries gather and share intelligence on modus operandi and routes used by smugglers that can be subsequently used by law enforcement authorities during the investigation of criminal groups facilitating irregular migration.

The European Union continued its engagement with third countries of origin and transit in view of addressing irregular migration. Besides pursuing the existing bilateral and regional dialogues on migration and mobility, a new EU-Horn of Africa Migratory Route Initiative (Khartoum Process) was launched in November 2014 to address specific issues of smuggling of migrants and trafficking in human beings in the region.

Finally, the work has been launched in view of preparation of a comprehensive EU Action Plan against migrant smuggling to be adopted in connection with the European Agenda on Migration on 13 May 2015. The Plan will draw on the existing tools and measures and ensure maximising their added value, as well as seek to introduce new solutions to address most effectively the various facets of the smuggling phenomena.

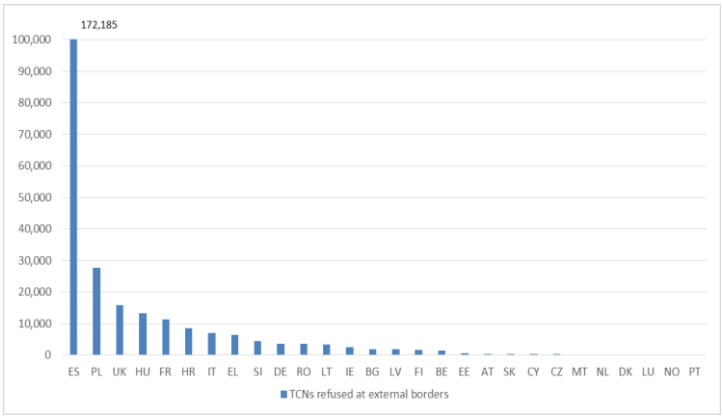
Figure 5.1 and Table 11 in the Statistic Annex shows the number of third-country nationals refused at the external borders and those found to be illegally present in 2014.[133] Approximately 260,000 third-country nationals were refused entry at external borders while more than double third-country nationals were found to be illegally present (547,335). The highest numbers of refusals at the border were reported by Spain (172,185) which accounts

[132] Council Directive EC/2002/90 and Council Framework Decision 2002/946/JHA

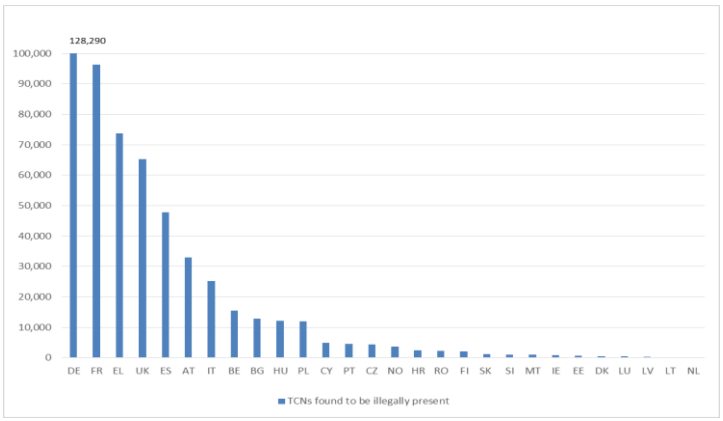
[133] Statistics on third-country nationals refused entry at external borders not available in Finland, Poland, Portugal, Sweden and Norway. Statistics on third-country nationals found to be illegally present not available for Finland, Lithuania and the Netherlands.

for 66% of the EU total. Poland is second with 27, 687 third-country nationals refused entry followed by the United Kingdom with 15,905 Hungary (13,195); France (11,365) and Croatia (8,645). The highest numbers of those found to be illegally present were reported by Germany (128,290); France (96,375); Greece (73,670) and the United Kingdom (65,365), while the lowest numbers of third-country nationals found to be illegally present were reported by Latvia (265), Luxembourg (440), Denmark (515) and Estonia (720).

Figure 5.1: Third-country nationals refused at external borders and Third-country nationals found to be illegally present in 2014




*Source: Eurostat - Note: no available data for PT, SE and NO.*

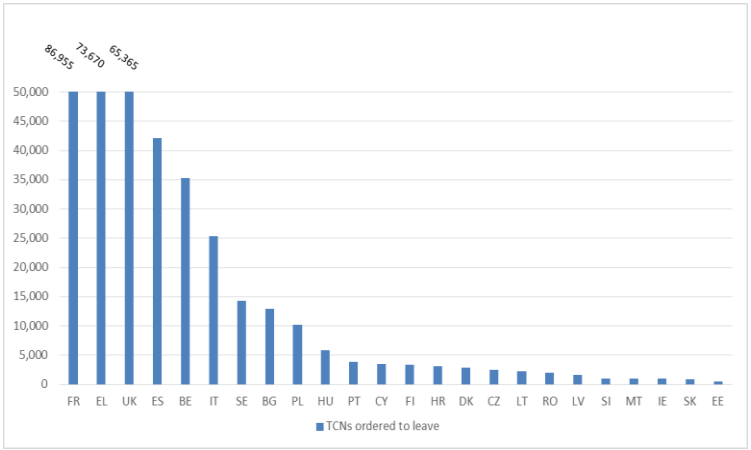



*Source: Eurostat*

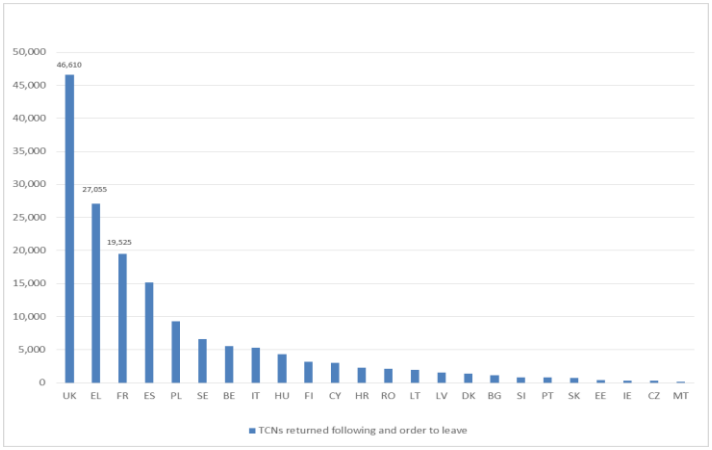
Statistics on the numbers of third country nationals ordered to leave and returned following an order to leave in 2014 are shown in Figure 5.2 and Table 11 of the Statistics Annex. Data was not available for Austria, Germany, Finland, Luxembourg, Netherlands and Norway. Almost 400,000 third-country nationals (397,960) were ordered to leave while about 40% of this number were returned (156,470) in 2014. The highest numbers of third country nationals ordered to leave were reported by France (86,955), followed by Greece (73,670) and the United Kingdom (65,365).

With regard to third-country nationals returned, United Kingdom ranked first with 46,610 persons returned; followed by Greece (27,055); France (19,525) and Spain (15,150), which represented over 70% of the total EU number. The lowest numbers were accounted in Malta (175); Czech Republic (320); Ireland (345) and Estonia (445).

Figure 5.2: Third-country nationals ordered to leave in and Third-country nationals returned following an order to leave in 2014




*Source: Eurostat; Note: no available data for DE, LU, NL, NO, AT.*




*Source: Eurostat; Note: no available data for DE, LU, NL, NO, AT.*

### 5.1.1 EMN RETURN EXPERT GROUP (REG) RETURN AND REINTEGRATION ACTIVITIES DEVELOPED DURING 2014 PLUS OTHER COOPERATION MEASURES

At EU level, the EMN Return Expert Group (REG) was established as a subgroup of the EMN, building on the work started by the Voluntary Return Experts Network (VREN), funded under the European Return Fund until the end of 2013. The aim of the REG is to create a forum to exchange expertise and good practice on (voluntary) return to improve implementation of policy in this area.

A national contact point for the REG was established within the EMN NCP for all Member States except Denmark. Norway also participates in the EMN REG. A Member State co-chair (NL) was elected to co-chair the network along with the Commission. The EMN REG met five times during the reference period. The meetings brought together return experts from the participating Member States with relevant policy officers from DG HOME, as well as relevant external parties, notably Frontex, ICMPD and IOM. Information on aspects of voluntary return was collected during the year and a number of outputs were delivered. These included:

- The development of a Voluntary Return and Reintegration Directory, to foster operational cooperation across Member States. The Directory consists of an introductory section, followed by a country factsheet on return for each participating Member State, providing facts and figures on returns at Member State level, and mapping Member State's actors on return, plus their national projects and programmes supporting effective and sustainable return and reintegration. The individual factsheets were finalised at the end of the reference period, compiled as a compendium and published on the EMN website in early 2015 as the EMN Return Experts Group Directory: Connecting Return Experts across Europe.
- The planning and elaboration of an EMN Inform: Incentives to return and reintegration support based on information collected from each EMN REG contact point and bringing together in one document a summary of all of the return and reintegration packages available across the EU. Detailed comparative tables (tableaux) of information on the various packages available across the Member States were also developed;
- Two regionally focussed EMN Informs on Challenges and good practices in return and reintegration to Western Africa and Practical approaches and good practices in return and reintegration to Afghanistan and Pakistan. These informs explored the issues face by Member States implementing return policy in these regions and the return incentives available, both through general schemes and approaches tailored to these regions.

A further full year of networking activities has been planned for 2015. Outputs will include: an updated Directory, incorporating the latest information for 2014; an updated Inform *Incentives to return and reintegration support* again taking into account changes in 2014; two further regional Informs, focussing on Eastern Africa and the Western Balkans, plus a new briefing paper that will address the issue of effective evaluation of return and reintegration programmes, and will propose good practice examples and relevant evaluation indicators.

The EMN REG shared outcomes with other cooperation programmes and projects during the year, including with representatives of the "European Integrated Return Management" (EURINT) project which facilitates cooperation across Member States on return, plus the EU funded the European Reintegration Network (ERIN), which commenced in 2014 following as a follow-up of the ERI project.

## 5.2 THE FIGHT AGAINST FACILITATION OF IRREGULAR MIGRATION ('SMUGGLING')

During 2014 Member States introduced or planned new measures to address the issue of facilitation of irregular migration. These measures involved:

- Legislative developments and;
- New measures to strengthen prevention

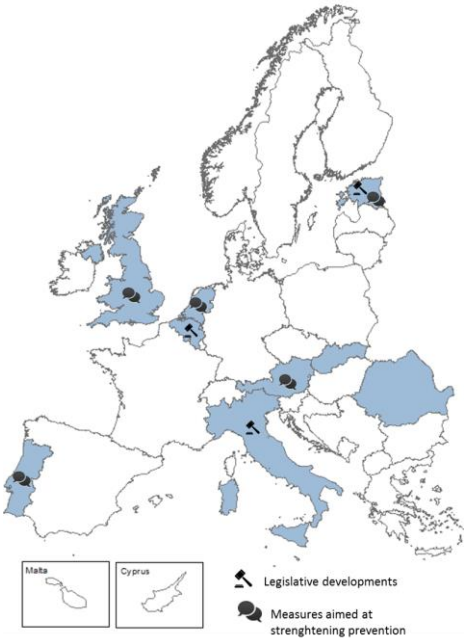



Figure 5.3: Overview of measures introduced to address facilitation of irregular migration by EU Member States and Norway

Member States that reported such developments are illustrated in Figure 5.3, as well as the type of measures introduced.

Detailed information on the measures is provided by Member State below.

### *Legislative Changes*

Legislative developments on the fight against irregular migration were introduced in:

- Belgium, where a new legislation (Royal Decree of 21 July 2014) changed the structure and role of the National Rapporteur responsible for reporting information on both smuggling and trafficking in human beings (see section 6 on actions addressing trafficking in human beings). However, data-collection systems are yet to be harmonised. Belgium also launched an evaluation of the joint Circular (Circular COL 04/2011) on the organisation of investigations and prosecutions of smuggling related cases.
- Estonia, where amendments to the Aliens' Act were introduced, with the aim to combat illegal work for third-country nationals and to better harmonise national legislation with Directive 2009/52/EC. The amendments also include provision of due diligence for subcontractors (in order to avoid illegal employment of third-country nationals through subcontracting).

### *Policies, Strategies and/or Measures*

Several Member States also introduced measures aimed at strengthening prevention either through international cooperation, or nationally-focussed measures. For example,

- Austria and Hungary provided technical assistance to Serbia to address smuggling to the EU via the Western Balkans route, within the framework of the ongoing Europol project 'Facilitated Illegal Immigration Affecting Austria and Hungary' (FIMATHU).
- In Italy, the National Anti-Mafia Prosecutor Office issued "Guidelines to solve issues in the field of criminal jurisdiction and preliminary injunction when crossing international waters". The guidelines recommend an interpretation of international law and operational methods against "mother ships", with the aim of carrying out activities in a coordinated

manner with the relevant EU agencies. In addition, a project was also implemented to contribute to the reduction of irregular migration from Senegal.

- Latvia – through its embassy in Minsk in Belarus - organised a seminar for Belarusian transport companies to inform them of current border crossing issues, irregular migration trends and train them in methods for identifying forged travel documents.
- In the Netherlands, a multi-disciplinary team of institutional representatives was established to ensure that all the organisations concerned can quickly and effectively anticipate illegal secondary migration from other Member States, as well as the coherent forms of cross-border migration criminality, such as human smuggling. Also, a model for a multi-disciplinary approach of human smuggling was developed with the aim of establishing barriers between smugglers and victims, so that smuggling becomes less attractive. This model must be ascertained by the beginning of 2015 at the latest.
- In Portugal, the III National Plan to Prevent and Combat Trafficking in Human Beings 2014-2017 was adopted. The Plan falls within the international commitments made by Portugal, more specifically in the context of the United Nations, the Council of Europe, the European Union and the Community of Portuguese-speaking Countries, on the issue of prevent and fight against smuggling.

Training was also provided by the Netherlands (for the national police, to improve the detection of fraudulent documents) and the Slovak Republic plans to hold training sessions for diplomatic mission staff, to eliminate errors when receiving visa and residence permits' applications and to improve information exchange (training courses will accompany operative and inspection activities already carried out by Bureau of Border and Aliens Police). Estonia is planning to establish a special border guard unit within the Police and Border Guard Board to counter cross border crime and react much faster to any to border incidents.[134] There were also examples of collaboration between Member States:

***France and United Kingdom: Improving French-UK cooperation to tackle smuggling***

The Governments of France and United Kingdom launched a joint initiative to address increasing migratory pressures in Northern France by reducing smuggling and deterring migrants from travelling from France to the United Kingdom illegally. New fencing was installed to increase security at the French Port of Calais and screening technology was introduced to better detect people. An additional £12m (16.6m Euros) investment in the Calais security measures by the United Kingdom is planned. Joint information campaigns in Calais and other parts of France will be launched to dissuade migrants from making the journey. The project builds upon commitments set out in a joint letter to the European Commission from the French Interior Minister, United Kingdom Home Secretary and the interior ministers of Germany, Poland and Spain.[135]

### 5.2.1 ACTIVITIES TO MONITOR SMUGGLING

The irregular and clandestine nature of smuggling presents challenges in collecting statistics on smuggling. The two main challenges experienced by Member States were reported as:

- The identification of apprehended migrants thought to be smuggled; and
- The differentiation of victims of smuggling from other types of irregular migration (including trafficking).

Austria did not report major problems experienced to *collect data on smuggling*, as it contributes to common analytical groups with the Czech and Slovak Republics and with Hungary. Austria and Hungary also support a shared database under the project on Facilitated Illegal Migration (FIMATHU). Furthermore, Austria releases an annual report on Migrant Smuggling.

However, the following Member States identified some shortcomings in existing data collection systems:

[134] Based on information presented in the Ad-Hoc Query on Facilitation of irregular immigration (migrants smuggling) to the EU: national institutional frameworks, policies and other knowledge-based evidence, compiled on 17th November 2014.
[135] For more information see the UK National 2014 Annual Policy Report and the webpage of the French embassy in the United Kingdom: http://www.ambafrance-uk.org/France-and-UK-agree-steps-to

- In Belgium, statistics on smuggling remain less complete than those for trafficking. Data on smuggling are gathered through multiple non-comparable sources such as the judiciary (in relation to prosecutions), the police database and the migration authorities rendering it difficult to obtain a comprehensive overview. Furthermore, each source has its own limitations.

Challenges in obtaining an accurate view of the scale of smuggling were reported by:

- The Netherlands[136] where challenges to obtain an accurate view of the full scale of smuggling are faced when data is based mainly on prosecutions rather than on all actual cases. The Netherlands recognises that many suspected cases of smuggling go unprosecuted due to a lack of hard evidence.
- Greece and Malta highlighted that since the entrance mode of smuggling varies, it remains a challenge to ensure that all the different cases detected in each of the different categories are identified and registered.
- Italy, where smugglers avoid criminal prosecution by mooring a main "mother ship" in international waters, where the jurisdiction for investigating criminal matters in unclear, and then using smaller boats to transport migrants to the mainland. It was within this context of investigating such activities, that the national Anti-Mafia Prosecutor's Office issued the new guidelines interpreting international law as set out above in section 5.2 above. It expected that the guidelines will help officers to investigate the phenomenon.
- The United Kingdom where challenges to obtain a view of the full scale of smuggling are faced when data is based mainly on apprehensions.

Challenges in identifying smuggled persons were reported in:

- Croatia, where the main issue is age assessment, since most irregular migrants detected by the police do not have identification and describe themselves as minors. It is thought that they do so to avoid prosecution and to access reception facilities in order to continue onto destination countries in other Member States.
- Romania, also a transit country, faces challenges in identifying the nationality of irregular (and undocumented) migrants detected at the border, since it is suspected that many claim to be Syrian when they are of a different nationality in order to improve their chances of being granted asylum in the EU.
- The United Kingdom recognised also the phenomenon of 'nationality swapping' and will increase intelligence flows through the current operations they have in place to address this.

EU mechanisms for monitoring smuggling in 2014, including the Frontex Risk Analysis Network (FRAN Tactical), EUROSUR and Frontex's Mare Nostrum mission, which helped monitor migration routes, were noted as useful by most Member States.

### 5.2.2 MONITORING AND IDENTIFYING MIGRATION ROUTES

Information collected on migration routes is frequently used for risk analysis and planning of interventions to prevent smuggling in many Member States, however there is some variation in the extent to which the information is publicised. For example:

- National immigration liaison officers assigned to embassies of the Czech Republic in selected countries identify new trends and potential threats. The information is shared with competent state bodies in order to raise their awareness and help them to perform better targeted inspections.
- In Belgium, information is shared through coordination mechanisms and regular roundtables, as well as 'restricted newsletters' to help Belgian authorities detect hotspots of smuggling and prioritise interventions at thoroughfares such as highways and coastlines.
- In Portugal national liaison officers (NLOs) not only act as contact points with the local authorities in the countries where they are deployed, but they are also link between the consulates and SEF services in Portugal.

[136] Based on information presented in the Ad-Hoc Query, *Ibid* compiled on 17th November 2014.

- In Norway, the information achieved by and through NLOs is used in a range of matters, such as negotiations and follow up on Readmission Agreements, specific readmission or criminal cases, policy matters, asylum practise etc.

The role NLOs was also highlighted by Member States in monitoring and identifying migration routes. Figure below shows the role these play in the different Member States: [137]

The Slovak Republic and Poland have so far relied on immigration liaison officers (ILOs) - police attachés in SK- for data collection on irregular migration. The Slovak Republic however plans to gradually post NLOs to diplomatic missions in third countries with increased migration risks, such as Ukraine.

The following Member States also reported new developments:

- Sweden established a Migration Intelligence Unit within the Swedish Migration Board to coordinate intelligence work and monitor global developments in terms of their possible consequences for migration to Sweden.
- In the Netherlands, a new process was started to provide an overview of migration routes within the EU in order to understand so-called 'secondary movement' and to provide a clearer perspective of the migration route from entry into the EU to the final destination.

The monitoring of smuggling activities can benefit from EU wide cooperation, and several Member States have referred to the value of such approaches. The EU-Horn of Africa Migration Route Initiative (Khartoum Process) is one such initiative.

***The EU working together: The 'Khartoum Process'***

The aim of the 'Khartoum Process' is to tackle trafficking and smuggling of migrants between the Horn of Africa and Europe. At the launch of the initiative on 28th November 2014, Ministers of EU28 met with Ministers from nine countries of the Horn of Africa region[138] to provide assistance to countries of origin and transit in order to address the root causes of irregular migration. This would involve strengthening cooperation between the EU and Africa in identifying and prosecuting smugglers and traffickers. The European Commission, represented at the meeting by the Commissioner for Migration, Home Affairs and Citizenship, pledged to finance projects that support migrants and refugees stranded along the migration routes from Eastern Africa. However, the Process aims not only to build capacity for urgently responding to rapid influxes, but also to address the root causes of irregular migration, such as poverty. The EU also agreed to help participating African countries in to establish effective asylum qualification procedures.[139]

[137] Based on information presented in the Ad-Hoc Query, *Ibid* compiled on 17th November 2014.
[138] Egypt, Eritrea, Ethiopia, Djibouti, Kenya, Libya, Somalia, Sudan, South Sudan, Tunisia
[139] For more information, see: http://ecre.org/component/content/article/70-weekly-bulletin-articles/911-khartoum-process-eu-and-african-union-launch-initiative-against-smuggling-of-migrants.html

## 5.3 STRENGTHENING COOPERATION WITH THIRD COUNTRIES OF TRANSIT AND ORIGIN ON MIGRATION MANAGEMENT

### 5.3.1 ENSURE IMPLEMENTATION OF ALL EU READMISSION AGREEMENTS TO THEIR FULL EFFECT[140]

The ***status*** of implementing protocols in support of EU readmission agreements according to the information reported by Member States is shown in Table 5.1 below.

Table 5.1: Implementing protocols in support of EU Readmission Agreements

| Third Country | Negotiation planned | In negotiation | Approved &awaiting TCs signature | Signed | Entered into force |
|---|---|---|---|---|---|
| Albania | | PT | IE | | AT, CZ |
| Armenia* | NL, PL | LT | | | |
| Azerbaijan* | BE, DE, HR, LU, NL, PL | EE | | | BG, UK |
| Bosnia Herzegovina | | | IE, SK | FR, RO | AT, HR. CZ |
| Cape Verde | BE | | | | PL, UK |
| FYROM | LT | | IE | SK | DE |
| Georgia | | DE, PT | CZ, IE, PL, SK, ES | | AT, LT |
| Indonesia[141] | | | | | PL |
| Kosovo* | | LT | | | BE, CZ, LU, NL |
| Macao | | | IE | | |
| Moldova | | PT | IE | | AT, CZ, LT |
| Montenegro | PL | PT | IE, HU | | HR, CZ |
| Pakistan | PL | NO | IE | | |
| Russia | | PT* | IE | | FI, LT, CZ |
| Serbia | PL, LT | PT | IE, ES | FR | AT, CZ, HR |
| South Korea[142] | | | | | PL |
| Sri Lanka | | PL | IE | | |
| Turkey | BE, DE, LU, NL | NO | BG | | PL, UK, EL |
| Ukraine | SK | PT | PL | | AT |

*Note: * Bilateral agreements*

## 5.4 ENHANCING MIGRATION MANAGEMENT INCLUDING COOPERATION ON RETURN PRACTICES

### 5.4.1 FRONTEX JOINT RETURN OPERATIONS (JTOs)

EU Member States and Norway also receive assistance on return activities from the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex). Overall, Frontex assists states and ensures the coordination of Joint Return Operations (JTOs), including the following:

- Joint Return Operations accomplishment, including guardian of best practices;
- Cooperation with third countries to identify best practices on the acquisition of travel documents and the return of illegally present third-country nationals;
- Development of Code of Conduct for Joint Return Operations coordinated by Frontex
- Return capacity building – training, establishment of structures

[140] Norway is invited to report on any National agreements in place.
[141] The EU-Indonesia Partnership and Cooperation Agreement containing the so-called readmission clause in Article 34 (3) and (4)
[142] The EU-South Korea cooperation agreement containing the so-called readmission clause in Article 33 (2) and (3)

- Promoting dignity and Fundamental Rights during Joint Return Operations.

Currently all EU Member States (except Croatia) and Norway have now participated in Frontex coordinated joint return operations. Since 2012 the number of JTOs undertaken has remain relatively stable, however the number of these increased in 2014, when Frontex assisted, co-financed and coordinated 45 joint return operations. As a result of such JTOs a total of 2,279 irregular third-country nationals were returned to their country of origin.

| Year | Number of JTOs | Number of returnees |
|---|---|---|
| 2012 | 39 | 2110 |
| 2013 | 39 | 2152 |
| 2014 | 45 | 2279 |

*Source: DG Home and Migration Affairs*

### 5.4.2 NEW OR PLANNED MEASURES TO DEVELOP SWIFT, SUSTAINABLE AND EFFECTIVE RETURN USING A COMMON EU APPROACH

Figure 5.4: Overview of measures reported on sustainable and effective returns by EU Member States and Norway

Figure 5.4 provides an overview of the Member States[143] which reported new or planned measures to develop swift, sustainable and effective returns, using a common EU approach.

Developments reported in relation to recording entry bans in the SIS and facilitating exchange of information on entry bans[144] were the following:

- Croatia founded the national SIRENE office during the reference period as part of their preparations to enter the Schengen area and gain access to the SIS II.
- Poland reported further work to integrating the SIS II system, to improve efficiencies in refusing of entry where necessary, and to improve the speed of information exchange on third-country nationals subject to an entry-ban in the SIS II.

***Legislative Changes***

Progress in implementing national forced return monitoring systems (established in accordance with Article 8 (6) of the Return Directive), in particular in establishing an appropriate institutional framework were reported in:

- Finland, whereas from the 1st January 2014, the Ombudsman for Minorities[145], has jurisdiction to supervise the enforcement of the removal of foreign nationals.
- France, where a new legislation designated an independent administrative authority (*Contrôleur général des lieux de privation de liberté*) as the responsible authority in charge of forced return control and monitoring for illegal third-country nationals.
- Lithuania, where the new legislation designated the Ministry of the Interior, in cooperation with international and non-governmental organisations, as the responsible authority in charge of forced return control and monitoring for illegal third-country nationals.

[143] AT, BE, BG, CY, EE, EL, FI, HR, IT, LT, LU, LV, NL, PL, RO
[144] This category of measure relates to the commitments of the Stockholm Programme specifically.
[145] Starting from 1st January 2015 the title is the "Ombudsman for Equal Treatment".

In the interests of visibility and transparency, the inclusion of non-state actors in the national monitoring system was reported in:

- Cyprus, where the Ombudsman was designated as the responsible body for monitoring of forced return.
- In Poland and Romania, non-governmental organisations may act as observers on the removal decisions executed by the Border Guard officers / the General Inspectorate for Immigration respectively.

***Romania: Role of NGOs as observers in the national system for forced return monitoring***

Forced return operations performed by the General Inspectorate for Immigration in Romania are monitored by the NGO Romanian National Council for Refugees under a project funded by the European Return Fund. Along with the new changes of Government Ordinance 194/2002 on the aliens' regime in Romania, a monitoring mechanism for forced return operations was set up in 2014. According with these new provisions, forced return operations can be monitored by Romanian/international NGOs or international organisations with competence in migration issues. Furthermore, for better visibility and transparency of actions carried out during forced return operations, Romanian/international NGOs or relevant international organisations may obtain from the General Inspectorate for Immigration, information on forced return operations upon request. Representatives of Romanian/international NGOs or international organisations area also permitted to monitor activities carried out during the various stages of forced return operations. The evaluation reports developed for each forced return operation monitored are sent also to the Romanian Ombudsman.

Significant legislative developments to further facilitate (voluntary) return, were also reported by the following Member States:

- In Austria legal changes have removed the automatic link between a return decision and an entry-ban for (non-privileged) third-country nationals.
- Croatia adopted a number of amendments to their 'Book of rules' on the procedure to return foreigners, on issues such as free legal aid and the protection of minors and the new Law on foreigners, which were expected at the beginning of 2015 to regulate the terms of voluntary return.
- In Estonia, the Police and Border Guard officials are required to assess whether the person to be returned meets criteria to be detained as defined by law or whether other surveillance measures are used.
- In Italy, new rules now pose an upper limit (no more than 90 days) on the number of days that a third-country national may stay at the Centre for Identification and Deportation (CIE).
- Following the European Commission's conclusions regarding Luxembourg's' conformity of the Return Directive, amendments were introduced by Law of 26 June 2014 on the Free Movement of Persons and Immigration, to tackle the unconformities.

***Sweden: effectiveness of return measures***

In Sweden due to the use of re-entry bans since May 2012, as stipulated in the EU Return Directive, an increasing number of applicants decided to withdraw their applications for asylum and return voluntarily. The Swedish Migration Board prioritises manifestly unfounded asylum applications in order to expedite processing time for return.

***Policies, Strategies and/or Measures***

Measures to improve and foster voluntary returns were also reported by:

- Cyprus, where the first assisted voluntary return programme is accepted as from January 2015. The Member State also financed research under the Return Fund, implemented by IOM, providing practical suggestions towards building an integrated voluntary return scheme as well as the implementation of assisted re-integration measures in country of origin/residence.
- In Greece a Memorandum of Cooperation was signed in June 2014 between the IOM and the Minister for Public Order for the voluntary return of migrants to their countries of origin.
- Belgium, Luxembourg and Poland, where a European Return Funded Videoconferencing Project, will be launched to use video-conferencing technology enabling staff to link up consulates and embassies with the Immigration Office or detention facilities, so that the consular or diplomatic officer can talk directly with the returnee, without having to travel. The aim is to reduce time and costs and improve efficiencies. The project was expected to be launched in 2015 and to share the results.

The impact of the Ebola virus and the Member States' response to the virus outbreak in countries of Western Africa also involved the implementation of different actions in 2014, these included:

- Carefully monitoring of the spread of the Ebola virus disease and provision of information to returnees (LT, NL, UK);
- Specific training and precautionary measures for staff (NL, SE);
- The suspension of forced returns (DE, MT, BE) and of some voluntary (MT) returns on an individual basis (DE) and to specific countries including Guinea, Liberia and Sierra Leone (BE).

# 6 ACTIONS ADDRESSING TRAFFICKING IN HUMAN BEINGS

Trafficking in human beings (THB) is expressively prohibited in the EU Charter of Fundamental Rights. It is a grave human rights violation and a serious crime. To mark the 8th EU Anti-trafficking Day on 18 October 2014, the European Commission took stock of all coordinated efforts which have been made during 2010-2014. The Commission issued a mid-term report of the 2012-2016 EU Strategy towards the Eradication of Trafficking in Human Beings, accompanied by the second statistical working paper on trafficking in human beings for the years 2010-2012, and the second report on the use of the Directive on residence permits to non EU victims of human trafficking.

Regarding available data on of the scale of THB, according to the 2014 Eurostat statistical working paper on THB, EU Member States registered 30,146 victims over 2010-2012. Over the three year period covered by the data, the top five countries of citizenship within the EU, in terms of absolute numbers of registered victims, were Romania, Bulgaria, the Netherlands, Hungary and Poland. For non-EU citizens, the top five countries were Nigeria, Brazil, China, Viet Nam and Russia.

The Commission also reported on the application of Directive 2004/81/EC that regulates the granting of a residence permit to non-EU victims of trafficking who cooperate with the authorities for the investigation and prosecution of traffickers. Available figures show that the possibility of issuing temporary residence permits to non-EU victims is currently under-used. For example, in 2012 only 1,124 first residence permits were granted in the EU to victims who cooperated with the authorities, whereas for that very same year 23 Member States registered 2,171 non-EU citizens as victims of trafficking.

The Commission will continue to engage with Member States to ensure full and correct implementation of the legislation and to facilitate exchange of good practices, such as individual risk assessments for all victims prior to and during their cooperation.

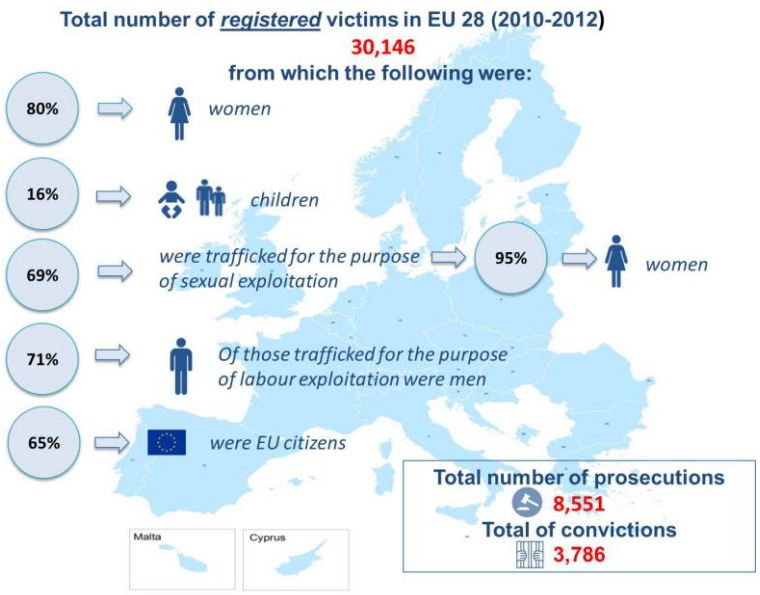
Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victim was to be transposed into national law by 6 April 2013. The Commission has been closely monitoring progress in the Member States, proactively supporting the relevant national procedures. Several infringement cases were launched in 2013 against Member States that had failed to notify the Commission of any transposing legislation. At the time of writing, 25 Member States have indicated that they have transposed the Directive in full. The Commission is currently analysing the information received and will report in accordance with Article 23 of the Directive, on the state of transposition across all Member States.

In addition, as stipulated in article 20 of the Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victim, the Commission will publish the first EU report in 2015 on the progress made in addressing trafficking in human beings. More information on trafficking in human beings will become available in such report.

In October 2014, the European Commission published the second working paper at the EU level on statistics on trafficking in human beings, covering the years 2010, 2011 and 2012. This is the only statistical data collection existing at EU level on trafficking in human beings. Encouraging progress has been achieved in terms of availability of data, but the working paper also points to a need for further improvement. The working paper does not measure the full extent of trafficking in human beings. Rather, it provides data only on the victims and traffickers that have come into contact with authorities and actors at national level.

The report found that Member States' authorities are becoming better at identifying and getting in contact with trafficking victims and regarding evidence below shows the main 2010-2012 findings:

Figure 6.1: Number of registered victims in the EU




Regarding data on traffickers, from those prosecuted by Member States over the three years 2010-2012 over 70% of traffickers were males. This is the case for suspects, prosecutions and convicted traffickers, whereas a total of 3,786 convictions for trafficking in human beings were reported by Member States over the three years.

## 6.1 IMPROVING THE IDENTIFICATION OF AND PROVISION OF INFORMATION TO VICTIMS

Figure 6.2: Overview of efforts reported by EU Member States and Norway

Further efforts towards improving the identification and provision of information to victims of trafficking in human beings were reported in 2014. Efforts were done not only by introducing new legal acts concerning the prevention of trafficking and support to victims or amending existing ones, but also by introducing new strategies and action plans and developing national systems of assistance to victims. Other measures included the training of different stakeholders who might come into contact with victims, as well as dissemination and information campaigns, including the publication of leaflets and handbooks (figure 6.2).

Overall, there was a trend towards improving the identification of and assistance to victims, particularly child victims of trafficking. In some countries, greater recognition was given to the fight against labour exploitation than in previous years. The measures introduced by each Member State are further explained below.

### *Legislative Changes*

- In the Czech Republic amendment 141/2014 of the criminal code 40/2009 col. came into force in August 2014; it introduces an innovation to §168 that defines the crime of trafficking in human beings.
- Estonia became 27th EU Member State to ratify the Council of Europe's Council of Europe Convention on Action against Trafficking in Human Beings.
- The United Kingdom pioneered a new Modern Slavery Bill, which is the first of its kind in the EU and was expected to be adopted by March 2015. The Bill consolidates the current offences relating to trafficking and slavery introducing two new civil orders (a prevention

order and a risk order) aimed at prohibiting convicted or suspected traffickers from travel and other activities which could enable them to commit a trafficking offence. It also establishes an Anti-Slavery Commissioner and makes provision for the protection of modern slavery victims.

Other Member States introduced legislative changes[146] to regulate specific areas of activity to identify and assist victim, for example:

- In Finland, amendments to legislation were planned to regulate the existing national assistance system, the aim is to enhance transparency and to clarify the legislation with due respect to the human rights regulations and the equality of the victims.
- The Slovak Republic planned amendments to asylum legislation that will ensure adequate support for vulnerable applicants (e.g. victims of trafficking) in reception facilities. Such development will bring the Slovak asylum system into alignment with Directive 2013/33/EU on reception conditions.
- In Lithuania and Poland, new legislation proposed by police leaders,[147] will standardise the police protocol for identifying and referring victims.
- In Luxembourg a Grand-Ducal regulation related to the structure and the missions of the Committee to monitor trafficking in human beings entered into force. The Committee is currently elaborating a new national action plan which will foresee the establishment and assistance to be provided through a National Referral Mechanism (NRM).

***Policies, Strategies and/or Measures***

Member States also introduced new strategies and measures to improve the assistance to victims of trafficking in human beings, for example:

- In Belgium, the government set out its annual priorities, which included actions to combat trafficking, such as the training of frontline actors in contact with (potential) victims and improvements of profiling to better detect and refer victims towards specialised reception assistance.
- Latvia expanded its existing NRM through the project *Multi-Disciplinary Initiatives for Limiting Human Trafficking* started by the NGO *Shelter Safe House.*
- The Netherlands and Sweden made further steps towards establishing NRMs.
- In Sweden, an action plan specifically focussed on combating trafficking and sexual exploitation of children was presented to the Parliament in February 2014.
- Portugal established Family Planning Association (APF) teams, in the North, Centre, Lisbon and Alentejo regions and protocols were also signed with various organisations, including criminal police bodies, which embody and consolidate the Support and Protection Network for Victims of Trafficking and the National Model of Identification of victims (detection-identification-integration).
- The United Kingdom launched and promoted a new helpline dedicated for reporting suspected cases of slavery. The helpline will support the implementation of the new law (see above) when it enters into force.

New strategies setting out government priorities and planned actions for the next four to seven years were also introduced in France, Latvia[148] and Portugal[149]. In France, for example, the inter-ministerial plan on the fight against trafficking in human beings was adopted in May 2014 and a new Law dated August 4, 2014 reinforces access to residence for victims of trafficking in human beings. New strategies were submitted for further government or

[146] In Lithuania, the change is to soft law.
[147] The Police Commissioner General in Lithuania and the Police Commander in Chief in Poland
[148] Latvia's Human Trafficking Prevention Guidelines for 2014 – 2020 was approved by the 21 January 2014 ordinance of the Cabinet of Ministers No. 29.
[149] In Portugal the III National Plan to Prevent and Combat Trafficking in Human Beings 2014-2017 was also adopted.

ministerial consultations in Estonia and Slovakia.[150] In Austria the National Action Plan to Combat Trafficking in Human Beings for the period 2015–2017 was under development during the reference period.

### 6.1.1 TRAINING AND AWARENESS-RAISING MEASURES

Training in EU Member States in 2014 largely targeted frontline actors who are most likely to come into contact with (potential) victims, such as the asylum authorities (AT, IE, ES, NL, PL), border guards (CZ, NL, PL), police (CY, LU, NL, PL,SK), migration officials (ES, NL, SK) consular staff, armed forces staff deployed on international missions, attorneys and social workers (SK) and judges and prosecutors (NL). The aim of the training was to increase the actors' ability to recognise victimisation and to understand the implications of being a victim. Pilot trainings for judges, prosecutors and investigators are planned to be held in 2015 in the Slovak Republic.

- In Austria, officers from the Federal Office for Immigration and Asylum received training on the identification of trafficked persons in the asylum procedure. Furthermore, a list of indicators for identifying trafficked persons for the purpose of labour exploitation was developed, targeting regulatory authorities, such as the Labour Inspectorate or the Financial Police.
- Belgium re-launched and evaluated an information tool for hospital staff in how to identify and refer (potential) victims.
- In the Czech Republic, training to border guards had the aim of improving their ability to identify, interrogate and refer victims; the training was based upon FRONTEX's 2012 anti-trafficking training manual for border guards.
- Cyprus provided police training focussed on gender-sensitivity.
- Ireland published a user-friendly handbook targeting the general public and outlining the rights of victims of trafficking in human beings under EU law.
- In Spain, under the Police Plan to Combat Trafficking in Human Beings for Sexual Exploitation adopted in 2013, information campaigns have been developed during 2014. These included the elaboration of videos providing information for citizens' collaboration and the access to a complaint and denouncement line for victims as well as helpline and an e-mail contact details, the police website also provides such information.

***Spain – Outcomes of the Police Plan to Combat Trafficking in Human Beings for Sexual Exploitation***

So far and as part of the denouncement channels provided and the information campaigns the following outcomes were registered:

- 234 investigations have been launched
- 42 victims have been rescued
- 47 people have been detained.

### 6.1.2 MEASURES ON COOPERATION BETWEEN NATIONAL AUTHORITIES

In 2014 a few Member States increased cooperation between national authorities either by establishing NRMs (see above) or by establishing coordination platforms (IT, LT, NL). Such cooperation can really improve mechanisms for identification and referral, as discussed in the EMN Study on Identification of victims of trafficking in human beings in international protection and forced return procedures. Some of the measures implemented by Member States are the following:

- In Finland, the anti-trafficking coordinator was established in the Ministry of the Interior's Police Department. Its duties include the coordination of inter-sectoral tasks and issues related to the prevention of trafficking in human beings, as well as participation in international cooperation. The coordinator also develops cooperation between the authorities and third sector operators.

[150] In Estonia, a new strategy document for 2015-2020 was submitted to the government for approval and Slovak Republic's National Programme of Combatting Trafficking in Human Beings 2015-2018 was subjected to inter-ministerial consultation procedure.

- In Greece the National Rapporteur adopted guidelines on procedures for recognition and identification of victims; it also launched a systematic and permanent cooperation and consultation between the various public services, civil society, private initiatives, cultural and educational actors and local authorities.
- In Lithuania, the Police Commissioner General established a joint working group composed of state institutions and NGOs to improve national action to combat trafficking in human beings.
- In Italy, it is expected that identification will improve as a result of increased coordination and sharing of information between the administrations responsible for trafficking and asylum as provided for through the new Decree 24/2014.
- The Netherlands' Ministry of Security and Justice started a project to design a multidisciplinary approach to the identification of victims of trafficking in human beings.
- Spain adopted a common protocol that standardises the practices of detection, intervention and coordination.
- In Malta, the third National Action Plan on Human Trafficking (Jan 2015 – Dec 2016), will be soon adopted and will feature an action for training for the identification of child victims.

### 6.1.3 MEASURES ON COOPERATION BETWEEN MEMBER STATES

Cooperation between Member States can be a good practice for combatting trafficking in human beings, particularly when victims are often trafficked between Member States through networks of organised crime groups. Some of these cooperation measures included:

- Benelux countries (BE, LU, NL) within the framework of their Common Action Plan Senningen 2013-2016 held a second annual meeting to exchange experiences on how to jointly tackle trafficking.
- The Irish police force, *An Garda Síochána* made plans to participate in a future project with Portugal, Spain and the United Kingdom focussing on the prevention of trafficking in the maritime industry.
- The Czech Republic is also working with the United Kingdom, as well as Romania, on enhancing cooperation between their national police.

Some Member States (DE, DK, EE, FI, LT, LV, PL, SE) and Norway forming part of the Council of the Baltic Sea States also collaborated in 2014 through a conference on '*How to Enhance Assistance to Victims of Human Trafficking'* and began to implement the project *Strengthening the role of municipalities for the work in fighting human trafficking in the Baltic Sea region*.[151]

***National Rapporteur or Equivalent Mechanisms (NREMs) as a tool for facilitating cooperation between Member States***

In accordance with Article 29 of the Council of Europe Convention on Action against Trafficking in Human Beings, rapporteurs may also monitor the anti-trafficking activities of State institutions and the implementation of national legislation requirements. In 2014, Belgium established the Federal Migration Centre as independent NREM and Luxembourg appointed the Consultative Commission on Human Rights.

### 6.1.4 MEASURES ON COOPERATION WITH THIRD COUNTRIES

Few major developments in relation to third countries cooperation included:

- Luxembourg continued its work via the international NGO End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT). Luxembourg's funding has supported projects to prevent sex tourism in Nepal, Mali, Benin, Burkina Faso, Niger, India and Senegal.

[151] The project involves ten CBSS countries: Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Norway, Poland, the Russian Federation, and Sweden. For more information, see: http://trace-project.eu/otherprojects/

- The United Kingdom's Foreign and Commonwealth Office (FCO) collaborated with the National Society for the Prevention of Cruelty to Children (NSPCC) to raise awareness about child victims and the FCO also cooperated internationally with high risk countries, including Albania, China and Vietnam. In Albania, the FCO focussed on providing reintegration assistance for victims of trafficking in human beings returning home and continued working towards a Memorandum of Understanding (MoU) with Albania which includes data sharing. FCO works also with four other EU Member States (AT, ES, FR, PT) on an EU funded initiative run by IOM to provide tailored support for victims of trafficking to return home.

### 6.1.5 TRENDS IN MEMBER STATES' APPROACHES TO ADDRESSING TRAFFICKING IN HUMAN BEINGS

Austria, Portugal and Sweden shifted greater attention to male victims (AT) and victims of trafficking in labour exploitation (SE), their measures included:

- Austria set up a national contact point to provide support to male victims of trafficking as part of a pilot project initiated in 2014.
- Portugal established the Reception and Protection Centre for male victims and its national multidisciplinary team.
- The Swedish Migration Board's working group on trafficking in human beings increased its focus on labour exploitation, as its capacities were increased in 2014 as a result of organisational restructuring.

Additional efforts in 2014 also concentrated specifically to assist child victims of trafficking (BE, CY, LU, SE, PL, UK) for example:

- Luxembourg introduced new legislation which states that Members States shall appoint a guardian or a representative for a child victim.
- Poland introduced pilot programmes in selected *voivodeships* to combat and prevent trafficking in minors. Activities included the development of guidelines for the identification, rules and procedures of conduct in the case of disclosure of a minor victim of trafficking in human beings.
- In Cyprus, new legislation (see above) provides that child victims (including UAMs) will be protected and assisted during criminal investigations and procedures.

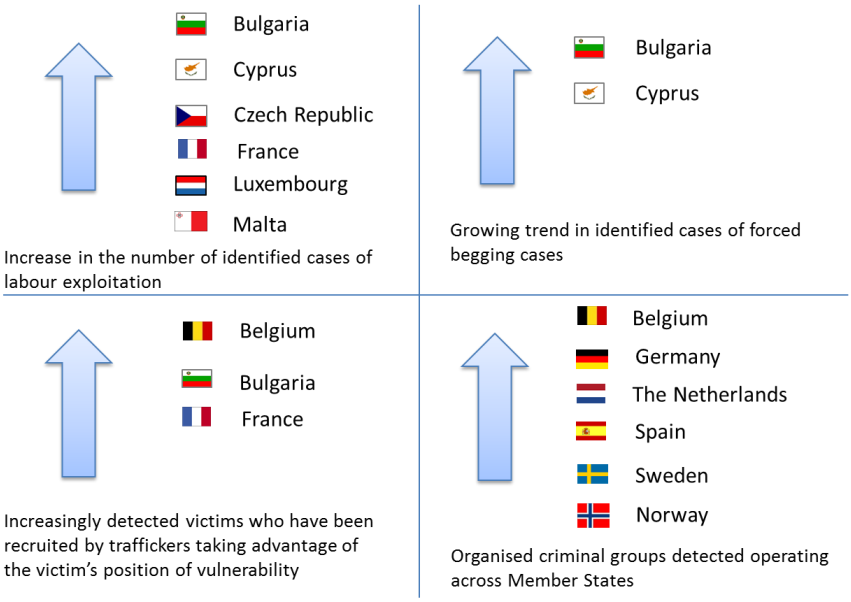
***Facilitating child victim's journey through assistance and support systems***

In recognition of the fact that different agencies are involved in the welfare and protection of child victims of trafficking, in Bulgaria, guardians will be appointed in the future through an interdisciplinary and multi-agency mechanism that was in development in 2014.

The United Kingdom is also currently piloting a system that will also aim to reduce the burden, stress and confusion on child victims of trafficking passing through social care, criminal justice and immigration systems simultaneously. The UK 'Child Trafficking Advocates' are being trialled through a project, which will conclude in September 2015, with the findings to be published by the Home Office soon after.

### 6.1.6 TRENDS IN THE SCALE AND NATURE OF TRAFFICKING IN HUMAN BEINGS

The number of identified cases of labour exploitation increased from previous years in some Member States, as well as the growing trend in identified cases of forced begging cases. Cases of victims who have been recruited by traffickers taking advantage of the victim's position of vulnerability have been increasingly detected. For example, in Belgium vulnerable victims recruited by traffickers include victims with drug addiction whilst in Bulgaria, victims frequently have a mental disorder. In addition, organised criminal groups have also been detected operating across Member States exchanging victims between them. Information is shown in Figure below:




- Belgium reported that some traffickers use drugs to recruit victims of sexual exploitation by first making them addicted to drugs and has also identified some trends in the way that third-country nationals are trafficked into the EU: victims trafficked for the purpose of labour exploitation have been increasingly entering the country legally as posted workers, self-employed workers or student workers, only to be exploited on entry. Belgium noted that traffickers are increasingly paying attention to investigations and as soon as they note a victim mentioned in an investigation, they transport them to another country.
- Bulgaria reports that the overall increase in the number of victims identified shows a growing confidence in the institutions concerned with combatting trafficking in human beings, including the National Commission (NCCTHB). However, in relation to cases of labour exploitation, it also acknowledges that actual cases may have also risen (in addition to detected cases) because of the financial crisis, which may have made employers more likely to use trafficked workforces.
- Hungary reported to be mainly a country of origin and transit for women and girls trafficked for sexual exploitation and for men and women trafficked for labour exploitation.
- Portugal reported potential and presumed trafficking for labour exploitation of adults. Situations were potential cases of trafficking in the agriculture sector, the majority identified in the Alentejo region, in the olive harvest. As a result, inspection actions were carried out by the Unit against the Trafficking in Persons of the Immigration and Borders Service, as well as awareness raising actions.

### 6.1.7 ACTIVITIES TO EVALUATE NATIONAL IDENTIFICATION OF AND ASSISTANCE TO VICTIMS

In 2014 Member States continued to learn from and improve practices by evaluating them, for example:

- Sweden started a review of law enforcement authorities' handling of possible trafficking in human beings cases and related criminal law provisions; the report should be issued around March 2016.
- The United Kingdom commissioned a review of its National Referral Mechanism (NRM) with a view to improving support to victims; the report is expected later in 2015.
- Belgium finalised its NRM review in 2014, resulting in recommendations for increased protection of minor victims and other changes. Indeed, in Belgium, several multidisciplinary evaluation groups function to continually assess the system of identification of and assistance to victims of trafficking in human beings. In October 2014, the Belgian government announced that it would make modifications to the Circular of 26 September 2008, by taking into account recommendations made by these groups.

- Finland sought to identify good practices and challenges in assisting victims of trafficking in human beings at its conference with other Baltic Sea State countries in 2014.

***Evidence of the positive impact of activities to improve identification of victims of trafficking in human beings in 2014***

Bulgaria reports an improvement in the identification of victims of trafficking. The reasons for the improvement are: an increase in self-reporting by victims, as trust in the National Commission for Combating Trafficking in Human Beings (NCCTHB) and other institutions has grown; the enhanced capacity of the employees themselves from the various institutions and organisations regarding the identification of the victims of trafficking in human beings.

In Finland, the anti-trafficking project *HAPKE 2*, won the national crime prevention competition in 2014. The winning project represented Finland in the European Crime Prevention Award (ECPA). The project, implemented by the Finnish asylum reception centres (Joutseno and Oulu), focussed on labour exploitation of applicants for international protection. A handbook of operations for the National Assistance System for Victims of Trafficking in Human Beings was produced, a website aimed at raising national awareness was launched, and anti-trafficking workshops in the reception centres were organised.

**********