



Ad-Hoc Query on Practical measures for reducing irregular migration

Requested by FR EMN NCP on 17 October 2011

Compilation produced on 22 December 2011

Responses from Austria, Belgium, Czech Republic, Estonia, France, Hungary, Latvia, Lithuania, Luxembourg, Netherlands, Slovenia, Sweden, United Kingdom (13 in Total)

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1. Background Information

In preparation of the FR NCP 2nd national conference on “Recent developments in French immigration policy and implementation of European guidelines”, we would like to present a **synthesis of compilations of ad-hoc queries on irregular migration**, in order to make more use of information gathered, as mentioned in the work programme 2012.

The three selected ad-hoc queries are as follows:

1. National definitions of irregular migrants and available data (launched by COM on 1st March 2011).
2. Illegal migration in the Mediterranean Sea Basin (launched by PL EMN NCP on 23rd March 2010).
3. Practical measures for reducing irregular migration (launched by FR EMN NCP on 17th October 2011).

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We would like to invite EMN NCPs to answer the following questions:

Please provide up to three examples of practices measures (taken the last three years 2008-2011) that have been particularly effective in tackling irregular migration for each of the following stages:

- Pre-entry: practical measures undertaken to address irregular migration before the migrant arrives in the host Member State;
- Entry: practical measures undertaken to identify and detect irregular migrants at borders;
- Stay: practical measures undertaken to control irregular migration in the Member State's territory;
- Pathways out of irregularity.

Please provide your answer before Monday 14th November 2011.

2. Responses¹


		Wider Dissemination? 2	
	Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	Belgium	Yes	<p>1. Pre-entry: practical measures undertaken to address irregular migration before the migrant arrives in the host Member State;</p> <p>(a). Controls and checks prior to arrival at the national borders. For example, field workers (locally recruited) have been specifically trained in order to check the authenticity of documents in some countries, whose administrative practices are considered as problematic. In the case that these local field workers have relevant doubts, they can implement additional tests to detect the use of false or forged documents. (b) training activities of border staff and other responsible for carrying out practical measures (for example, training to detect false travel documents are also provided to border control staff and airline companies in the countries of origin by the "Air police" section of the Federal Police, (c) identification of irregular migration routes into Belgium and (d) organisation of information campaigns and awareness raising in third countries to discourage irregular migration (for example: Cameroon, DR Congo; Western Balkans. In March 2010, the Belgian Secretary of State for migration and asylum policy and the Belgian Prime Minister went together to the Balkans to raise awareness to the Macedonian and Serbian citizens on the risks of massive migration movements).</p>

¹ If possible at time of making the request, the Requesting EMN NCP should add their response(s) to the query. Otherwise, this should be done at the time of making the compilation.

² A default "Yes" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "No" should be added here if you do not wish your response to be disseminated beyond other EMN NCPs. In case of "No" and wider dissemination beyond other EMN NCPs, then for the Compilation for Wider Dissemination the response should be removed and the following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further."

EMN Ad-Hoc Query: Practical measures for reducing irregular migration


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			<p>2. Entry: practical measures undertaken to identify and detect irregular migrants at borders;</p> <p>The use of new technologies (among others, X-ray, heartbeat detection and passive millimetric wave detectors) to facilitate the work of Federal Police officers. Use of biometric visas by various Belgian posts to help the fight against fraud and to speed up control at the border.</p> <p>3. Stay: practical measures undertaken to control irregular migration in the Member State’s territory;</p> <p>Control at the address to avoid overstaying: Controls at the foreigners’ address are organised when an irregular migrant has received an order to leave the territory (OLT). The local police executes these checks at the request of the Immigration Department. If an irregular migrant does not comply with an OLT and still resides in Belgium, the mayor sends a notification to the relevant authority. Police agents check the foreigner’s address in order to eventually carry out a removal procedure.</p> <p>4. Pathways out of irregularity.</p> <p>(a) Organisation of 2 exceptional regularisation campaigns: the first one via the “Law of 22/12/1999”; implemented during the period 2000-2003 and the second one in 2009 via instructions of the Secretary of State for Migration and Asylum Policy (for example, in case of lengthy asylum procedures; for (irregular) parents of children born in the EU; for irregular migrants with sustainable local anchoring, including the condition of uninterrupted stay of five years minimum, etc).</p> <p>(b) Promotion of assisted voluntary return programs, among others by providing more financial means for the AVR-programs.</p>
	<p>Czech Republic</p>	<p align="center">Yes</p>	<p>1. Pre-entry: Practical measures undertaken to address irregular migration before the migrant arrives in the host Member States</p> <p>Inspections with regard to visa granting</p> <p>Inspections with regard to visa granting process proved to be particularly effective. Please see below three examples of such inspections.</p> <p>After an application for a visa is submitted to a diplomatic mission of the Czech Republic (or to the Ministry of the Interior of the Czech Republic), it will be verified whether there are no records of the applicant in the police information systems.</p> <p>Invitation letters are also being inspected very often. This is primarily to make sure that the person who is inviting must be aware of the obligations which go along with the invitation. In the Czech Republic this showed to be a special case with regard to the health care. Health care is in general open to everyone; the services are usually covered by health insurance. If a person does not have health insurance the services are provided for a fee. If the foreigner doesn’t pay the fee, it becomes an obligation of the person who invited the foreigner to the country to pay for their medical treatment. The police is therefore inspecting whether the person who is inviting is aware of their obligations and has finances to cover expenses of the invited person. These inspections also partly eliminated the risk of selling the invitation letters by Czech nationals to foreigners just to make profit.</p>

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		<p>What is also being inspected, whether a foreigner does not apply for a visa repetitively yet always with a different purpose of stay. As this could suggest an applicant just aims to receive a Schengen visa or a long-term visa in order to gain access to Schengen countries under any circumstances. These types of inspections aim to prevent irregular migration with regard to potential illegal employment, illegal business and abuse of resident permits for the purpose of family reunification (marriage of convenience).</p> <p>2. Entry: Practical measures undertaken to identify and detect irregular migrants at borders</p> <p>At the external borders</p> <p>Before the arrival to the territory: Active use of the list of passengers – API data (Advance Passenger Information). With regard to certain flights the carriers are requested to forward lists of passengers. The information is then analyzed according to special criteria and selected passengers might be checked more thoroughly after the arrival.</p> <p>At the time of arrival: There are also gate checks (checks of passengers when getting off a plane) with regard to flights which have been identified as of special risk. In this way it is possible, for instance, to refuse entry to a person without travel documents.</p> <p>At the internal borders</p> <p>At the internal land borders there is an institute of common guards in use. This is a special project on which apart from the Czech Republic all other neighboring countries take part. In addition to the common guards institute there is an information and coordination support of the common information centers.</p> <p>3. Stay: Practical measures undertaken to control irregular migration in the Member State’s territory</p> <p>Residential inspections</p> <p>These inspections are used to verify whether a foreigner fulfills the purpose of residence as stated in the residence permit, e.g. inspections against illegal employment of foreigners.</p> <p>Other forms of inspections might include controls of automobile and railway transport. Such inspections suggested on misuse of truck transport to transfer illegal migrants through the Czech Republic’s territory to the West European countries.</p> <p>Programmes of assisted voluntary returns also represent a very effective way how to prevent irregular migration; more information about them will be given with regard to question n. 4.</p> <p>4. Pathways out of irregularity</p> <p>Assisted Voluntary Returns</p> <p>Programmes of assisted voluntary returns offer to foreign nationals without a legal status a possibility how to step out of irregularity. The return programmes address the issue of illegally staying foreign nationals as well as they are means of prevention of irregular migration as such. In the Czech Republic there are three permanent voluntary return programmes implemented at the moment. <i>The programme for seekers of international protection, the programme of returns of illegally staying foreign nationals with administrative expulsion</i>, which concerns either detained foreign nationals or foreign nationals without travel documents. And last but not least there are returns under the</p>
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			<p>programme of support and protection for victims of human trafficking.</p> <p>Return programme for seekers of international protection</p> <p>This programme is designed for failed seekers of international protection. Assisted voluntary returns of foreign nationals of this group are sometimes called as repatriations.</p> <p>Programme of returns of illegally staying foreign nationals</p> <p>This programme is designed for third country nationals for whom a time limit for leaving the territory of the Czech Republic was set in a decision on their administrative expulsion or third country nationals who have been detained with regard to the issued decision on the administrative expulsion.</p> <p>Programme of support and protection for victims of human trafficking</p> <p>Within this programme returns of persons, who have become victims of human trafficking, are implemented.</p> <p>Apart from the permanent programmes, two temporary projects were realized in 2009. These were mainly to address the impacts of the economic crises. More concretely, there was a voluntary return project for legally staying foreign nationals and a project for returns of illegally staying foreign nationals undertaken in 2009.</p> <p>Legal statuses in case the return of a foreign national is not possible</p> <p>If there are reasons due to which a foreign national cannot be returned to their country of origin, he/she could be granted one of the following legal statuses:</p> <ul style="list-style-type: none"> - Visa for residence of over 90 days for the purpose of leave to remain in the Czech Republic - Long-term residence permit for the purpose of leave to remain in the Czech Republic - Subsidiary protection <p>The abovementioned statuses may be granted in case that the departure of a foreign national is not possible due to reasonable concerns that if the foreign national is returned to the country of origin he/she would be under threat of serious harm.</p> <p>Serious harm shall be:</p> <ul style="list-style-type: none"> • Imposition or execution of a death penalty • The danger of torture, inhuman or humiliating treatment or sanctions • Immediate danger to life or human dignity due to wanton violence in the situation of an international or domestic armed conflict <p>If such departure were contrary to international obligations and commitments of the Czech Republic.</p>
	Estonia	Yes	1. Visa and residence permit applicants' background checks. Transposition of EU directives into national legislation.

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			<p>2. Providing border control personnel with updated situation picture and knowledge by conducting regular threat assessment and risk analysis, outcomes of which create situational awareness (at the local and regional level) and provide tactical level (1st and 2nd level checks at BCP's) with risk profiles for targeted checks. Processing pre-information of passengers (API - advanced passenger information) on air borders and sea borders. Implementation of the carrier's responsibility in various modes (obligations and also sanctions in national laws through which carriers have become more attentive and also trainings regarding travel documents to the personnel of carriers, especially on air borders).</p> <p>3. To identify irregular migrants in the territory the migration surveillance service officers carry out spot checks of foreigners, companies and hotels. Illegally residing persons procedures conducted in a single database.</p> <p>4. Falsified documents and visas, illegally border crossing, marriage of convenience.</p>
	<p>France</p>	<p align="center">Yes</p>	<p>Pre-entry</p> <ul style="list-style-type: none"> - Verification of the legality of marriages abroad with local authorities - Control of passenger carriers - Sanctions against carriers <ul style="list-style-type: none"> * Inspection of travel documents * transmission of information on persons carried - Biometric visas - Fight against networks <p>Entry</p> <ul style="list-style-type: none"> - Participation in international actions - Identification of opportunities for the implementation of the control device in case of massive influx of foreigners by sea <p>Stay</p> <ul style="list-style-type: none"> - Fight against illegal work <ul style="list-style-type: none"> * Joint control operations * Strengthening sanctions against employers * audit requirement by the employer of the administrative situation of overseas pre-employment - Fight against identity fraud and document fraud - Fight against marriages of convenience - Fight against the abuse of false declarations of paternity - Identification of roads and traffic - mapping migration flows <p>Pathways out of irregularity</p> <ul style="list-style-type: none"> - removal measures - Assisted voluntary returns and humanitarian assistance return - Adjustments on a case by case basis depending on the situation abroad and the decision of the prefect.
	<p>Hungary</p>	<p align="center">Yes</p>	<p>1.) Pre-entry: practical measures undertaken to address irregular migration before the migrant arrives in the host Member State;</p>

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			<p>Immigration liaison officers are posted abroad into third countries (Egypt, Turkey, Vietnam) by the Office of Immigration and Nationality (Ministry of Interior). The contact with the liaison officers are continuous showing appropriate professional quality. Liaison officers support the border policing activities especially assisting issuing visas, making pre-filtering, sending information about false and forged documents (detected in third countries or handed over by other Member State's liaison officers) and making migration report about the host country.</p> <p>Liaison officers are involved in the implementation of return operations to the host countries. The Office of Immigration and Nationality has also posted specialised consular officers to the Hungarian Embassy in Kiev and the Embassy Consular Offices in the following cities: Moscow, Beijing, Chisinau, Istanbul, Damascus, and Teheran. The specialised consular officers are subordinated to the Ministry of Foreign Affairs, although they are reporting regularly to the Immigration Office.</p> <p>The Hungarian National Police posted on 1st October, 2011 a police liaison officer to Belgrade (Serbia), who has competence also to contribute to the fight against illegal migration. In his work, he is professionally subordinated to the Police (although belonging to the staff of the Ministry of Foreign Affairs). The Police also has a liaison officer in Wiesbaden, who is tasked with cooperation in the fight against illegal migration with the German authorities. As from October, 2012, the Police plans to post 1-14 document experts to Istanbul and Chisinau (as immigration liaison officers).</p> <p>2.) Entry: practical measures undertaken to identify and detect irregular migrants at borders</p> <p>The local police organs performing border control duties (the border policing office in authority, the police headquarters in charge of a border region along the Croatian border or the Airport Police Directorate at Liszt Ferenc International Airport) deny entry to the person concerned in accordance with Article 13 of the Schengen Borders Code and, with a Form under Appendix 5 Part B, send the person back to the territory of the country that:</p> <ul style="list-style-type: none"> - (s)he has come from, - is obliged to readmit this person, - where this person has his/her usual residence or - (s)he can enter. <p>Hungary is fully committed to improve the common integrated border management system. The Hungarian National Police made great efforts to enhance the border control and border surveillance at the external borders of the Schengen area. According to the National Strategy of the Hungarian National Police on Integrated Border Management that is based on the Stockholm Programme, Hungary supports the creation of the European Border Surveillance System (EUROSUR). With regard to the EUROSUR, the National Police Headquarters set up the National Co-ordination Centre in 2011, as the national centre office of the EUROSUR System. Implementing the Strategy, the Hungarian National Police strengthened its border control and border surveillance capability and implemented technical developments at the external borders of Hungary through use of the External Borders Fund 2007-2013 allocations.</p> <p>In the framework of the annual programmes 2007-2010 of the External Borders Fund the Hungarian National Police implemented 52</p>
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<p>border management related projects in 2010.</p> <p>With financial support of the External Borders Fund the staff of the police serving at the external borders took part in methodological, document knowledge training and foreign language trainings.</p> <p>The external border to Serbia and Ukraine was equipped with stabile thermo camera system in order to increase the effectiveness of the border control.</p> <p>During the year 2010 the development of the HERR (Border Registration System) was completed and the same year the development of RITA (Informatics Support System to Border Control) was completed.</p> <p>In accordance with the development of VIS computers and printers were purchased.</p> <p>Since cooperation is a crucial tool to strengthen the security of the external borders of Hungary, Serbian border guards were involved into the FRONTEX joint operations which were implemented at the Hungarian-Serbian border section.</p> <p>3.) Stay: practical measures undertaken to control irregular migration in the Member State's territory;</p> <p>The fight against illegal migration is mainly based on the above mentioned legal acts:</p> <ul style="list-style-type: none"> - Act XXXIV of 1994 on the Police and regulations of the implementation, Act I of 2007 on entry and stay of persons with the right of free movement and residence and regulations of the implementation; - Act II of 2007 on entry and stay of third-country nationals and regulations of the implementation; - Act IV of 1978 on the Criminal Code; - Act XIX of 1998 on Criminal Proceedings; - Joint Order No. 8 / 2010. (II. 19.) of the minister of interior, minister of finance, minister of labour, and the minister of transportation on increasing the effectiveness and the coordination of the relevant authorities fighting against illegal migration and other related unlawful acts; - Order No. 21/2008. (OT 11) of the head of the national police headquarters on police tasks managing illegal migration related violations of law. <p>The police is the primary organization responsible for the fight against illegal migration. According to this the police is the general investigating authority concerning illegal migration and related crimes. The Organized Immigration Crimes Unit of the National Bureau of Investigation (NBI) Organized Crime Department has a nationwide competence and jurisdiction. There are Immigration Crimes Units set up along our Serbian and Ukrainian external borders on county level (in Bács-Kiskun, Csongrád and Szabolcs-Szatmár-Bereg counties). These Immigration Crimes Units may also investigate in secret. Based on the relevant legal competence and jurisdiction, illegal migration related crimes are also investigated by the crime units of the city police on local level and of course by the criminal investigation units in the other counties on county level.</p> <p>The police is responsible for border control and the detection of persons residing illegally in the country. The border control is carried out</p>
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			<p>in the border area by the border policing offices, and (only at the Hungarian-Croatian border) the city police. Detection of persons residing illegally in the country is a general police task, but in-depth checks (within the country) are also carried out by special police units. The In-Depth Checks Unit of the Riot Police implements its duties with a nationwide competence. In the counties the deployment units have these tasks done.</p> <p>In order to increase the effectiveness of the relevant authorities fighting against illegal migration and other related unlawful acts (task coordination) the Integrated Management Centre was established by the ministries concerned. The Integrated Management Centre - which is led by the Police - coordinates the tasks of the Police, the Office of Immigration and Nationality, the National Tax and Customs Administration, the National Labour Inspectorate, and the National Transport Authority.</p> <p>The basic method of checking foreigners is to make unexpected control in different places and times, particularly in the major traffic routes, junctions, or other places (e.g. markets, major building sites), where greater number of foreigners are expected to appear. The current police operations are based on risk analysis, on the information the police has, or sent by other authorities. Order of the head of the national police headquarters [No. 21/2008. (OT 11)] includes the proposed police methods fighting against illegal migration.</p> <p align="center">4.) Pathways out of irregularity</p> <p>The strong and the efficient management of the irregular migration is a prerequisite of the authentic migration and mobility policy. It is evident that the EU should have solid, common asylum and migration policy, however, the EU should fulfil the promise to provide shelter for the vulnerable. The migration flows should be threatened properly in order to the cooperation, as well as migration and mobility partnership should be established with third countries. Furthermore there is a need for cooperation in the field of border control and visa issuance.</p> <p>In order to the management of irregular migratory flows the Bilateral and Multilateral Collaboration with third-countries will be an essential task</p> <p>One of the most important tools is a statistical system, where it is possible to exchange data relating to illegal cross-border with which can be monitored effectively the evolution of the migration situation on the EU external, eastern borders.</p> <p>Further enhance the cooperation with the relevant third countries, especially with the neighbouring countries, including joint activities, such as joint patrol and other operational activities with the competent authorities of the neighbouring countries.</p>
	<p>Latvia</p>	<p align="center">Yes</p>	<p>Pre-entry: practical measures undertaken to address irregular migration before the migrant arrives in the host Member State;</p> <p>Before the irregular immigrant has entered the Republic of Latvia the operation of each involved institution has an important role.</p> <p>The State Border Guard, the Office of Citizenship and Migration Affairs and Consular Representative Offices cooperate in order to detect fraudulent documents that are submitted with the aim of irregular entry into the European Union.</p> <p>The State Border Guard liaison officers cooperate with airlines in order to give advices on the conditions of entry, stay and transit of the nationals of the third countries in the territory of the member states of the European Union and Schengen member states.</p>


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			<p>The training for employees, risk analysis, use of available technical resources, as well enforce of sanctions into the normative acts of Latvia, against people who deal in carriage of illegal immigrants are effective measures for reducing irregular migration.</p> <ul style="list-style-type: none"> - Entry: practical measures undertaken to identify and detect irregular migrants at borders <p>In order to ensure the security of the internal and external borders of the Republic of Latvia, the measures of border security and border control are implemented both on the external and on the internal borders of the country.</p> <p>A complete inspection of the nationals of the third countries is performed at the border crossings (inspection of the person, the transport vehicle and personal effects, computerized control using the databases of the law enforcement institutions, thorough inspection of the documents, inspection of means of subsistence, inspection of the substantiation of work and residence conditions).</p> <p>During provision of the security on the borders, the technical equipment is constantly being upgraded and qualification of the responsible personnel is being raised in order to ensure appropriate document inspections.</p> <p>Risk analysis and identification of irregular migration routes as well cooperation with other countries and international organizations is being developed.</p> <ul style="list-style-type: none"> - Stay: practical measures undertaken to control irregular migration in the Member State's territory; <p>Monitoring of immigrants is performed after their entry into the country, the responsible institutions perform inspection of different objects in order to discover individuals, who stay in the country illegally or individuals, who are illegally employed.</p> <p>State Border Guard in cooperation with the State Labour Inspectorate, Civil Registry Offices, tourism accommodation providers and Latvian higher educational establishments performs control of those illegal immigrants, who have entered Latvia declaring false entry purposes - uniting of the family, studies, tourism or education.</p> <p>The State Border Guard in cooperation with the Office of Citizenship and Migration Affairs control those foreigners, who stay in the territory of the Republic of Latvia with long term visas, residence permits (verification of the document validity, observance of conditions of declared residence, observance of conditions of transferring of residence permit)</p> <p>In order to implement the control of the foreigners whose declared purpose of entrance into the Republic of Latvia is a short stay, national level information systems are used additionally.</p> <ul style="list-style-type: none"> - Pathways out of irregularity. <p>Irregular immigrant in order to determinate the legal status in Latvia can apply for the residence permit or for asylum in Latvia, if he/she complies with statutory requirements.</p> <p>If there is no base to grant legal status in Latvia for irregular immigrant, reintegration support is provided (cover of travel costs) within the Assisted Voluntary Return Program (IOM).</p> <p>The priority has to be given to voluntary departure. Forced expulsion is provided as the ultimate measure.</p> <p>If alien does not have citizenship of any state and none of the states, where a connection with the alien has been established, guarantees citizenship, the Office of Citizenship and Migration Affairs shall recognise the alien as a stateless person or issues him/her a travel document.</p>
	<p>Lithuania</p>	<p align="center">Yes</p>	<p>Examples of practical measures:</p> <ol style="list-style-type: none"> 1. Pre-entry stage: <ol style="list-style-type: none"> a. Visa consultation mechanism b. Joint liaison officers in countries of origin (i.e. with Latvia) 2. Entry:

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			<ul style="list-style-type: none"> a. Modernisation of surveillance equipment b. Cooperation with bordering countries (to prevent transit of irregular migrants to other Schengen countries) c. Information system with data on foreign nationals (used to check arriving foreigners on the border) <p>3. Stay:</p> <ul style="list-style-type: none"> a. Checks of potential marriages of convenience b. Checks if enterprises established by third country nationals are economically active (performed jointly with respective tax authorities) <p>4. Pathways out of irregularity: Assisted voluntary return and reintegration.</p>
	<p>Luxembourg</p>	<p align="center">Yes</p>	<ul style="list-style-type: none"> 1. Pre-entry: 1) Diplomatic procedures: Luxembourg has very few diplomatic representations around the world. Their diplomatic missions apply the Visa Code in every visa application. In this case the diplomatic officer during the interview can profile the applicant to determine if this person constitutes an immigration risk or not. In case, the diplomatic officer has a doubt it can ask for more documents or simple reject the application. 2) Information programs: Luxembourg has taken two initiatives to prevent irregular migration from third countries. One of the was the initiative “Migrer les yeux ouverts” (Migrate with the eyes open) established in 2006 and that ended on 31 December 2010, that had as objective to familiarize potential migrants from Cape Verde that has as ultimate goal a family reunification with the social, language and other realities of Luxemburgish society. The other initiative is the Mobility partnership signed between the EU and Cape Verde on 5 June 2008, by which Luxembourg tries to facilitate legal migration and to fight irregular immigration. 3) External border controls: Finally, Luxembourg also contributes to different programs of Frontex to protect and control the external borders (Luxemburgish police participates in joint operations with Frontex (risk analysis; pilot project proposed by another Member State or help another Member State to confront a particular migration situation). Several joints operations in which Luxembourg had taken part in the last few years are: HERA; NAUTILUS, POSEIDON, JUPITER, NEPTUN and SATURN). 2. Entry: Luxembourg has only one external border that is the International Airport, because all its territorial borders are shared with Member States (Belgium, France and Germany). This makes that the entry controls are effectuated by the Central Unit of the Airport Police. This unit, takes the following steps for to identify and detect irregular migrants: 1) verification of passenger lists of flights coming from a non-Schengen country; 2) check-up on different police databases such as: SIS, Interpol, etc., using for this procedure the “Passport reader” and for biometric passports the “chip verifier”; 3) comparison of the photo on the travel document with the physiognomy of the holder by the “imposter” analysis.; 4) interview to the suspect passenger related to the motives of his/her trip; 5) using the “profiling method” by asking precise questions, try his/her language skills, verify the ticket, means of subsistence during his/her stay and in general to examine the conduct of the traveller. For doing all of this in the last years Luxembourg has equipped all immigration counters with a “passport reader” system and the Airport police counts with a Dokucenter, model 4500 that allows the verification of an official travel document. Also the police had created an efficient interface that permit the connection between the counter terminals and the European and international police databases and the VIS and SIS databases. 3. Stay: The control for irregular stay is the competence of various government agencies such as: The Grand-ducal police, the Inspectorate of Labour and Mines and the Ministry of Immigration thorough the Directorate of Immigration. The police are authorized by the law to make an identity control on any person in the territory. The Inspectorate of Labour and Mines has as one

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			<p>of its duty to fight clandestine labour, so its inspectors can go into any industry, construction site, house without restriction of time and day to verify the regularity of the workers that are on site. Finally, the personnel of the Ministry can verify if a person lives without a residence permit in a specific address.</p> <p>4. Pathways out of irregularity: 1) Regularisation individual case: The modified law of 29 August 2008 on free movement of persons and immigration established a provision (art. 89) that allows for a person that has lived for 8 consecutive years and had work during these years can obtain a residence permit. The problem is that it is very hard to prove not only that he has lived during all those years but it is almost impossible that an employer will testify to this matter because that means paying fines that are retroactive (without mentioning the prison terms that can be apply). 2) Regularisation because of humanitarian reasons: Then article 78 (3) established the possibility to obtain a residence permit based on humanitarian reasons. Until the modification of the law on 1 July 2011 it was very hard to obtain this kind of permit because of certain requisites that the applicant must produce. The reform has facilitated the procedure but it is very earlier to analyse its results; 3) Regularisation because of private reasons: The law foresees the case where there is a third country national that is not a direct member of the family but the links with the person residing in the territory are so strong that can be considered as family bonds. In this case the law foresees a kind of family reunification. In some very exceptional cases the Directorate of Immigration can accept the application in the country (normally article 39 allows the Ministry to reject any application made inside the territory). 4) General regularisation: This is a seldom procedure and normally is taken by a political decision.</p>
	<p>Netherlands</p>	<p>Yes</p>	<p>Pre-entry:</p> <p><i>- Immigration Liaison Officers</i></p> <p>In order to combat illegal immigration, the Netherlands has maintained an active network of Immigration Liaison Officers (ILOs) for several years in the key countries of origin and of transit. Initially, the focus was primarily on the prevention of entry into the Netherlands of undocumented or incorrectly documented foreign nationals, and the activities were mainly aimed at giving on-site advice to airline companies. The range of duties, however, continued to develop over the course of time. As a result of this, information has been collected on increasingly diverse subjects related to migration; various parties have been trained in the area of document analysis and the Schengen acquis; and by now the facilitation and investigation of possibilities of return have become one of the core duties of the ILO.</p> <p><i>I-Map</i></p> <p>The Netherlands supports the MTM i-Map project of the International Centre for Migration Policy Development (ICMPD). The MTM i-Map is an interactive site used to provide an overview of illegal immigration in the countries around the Mediterranean Sea (Mediterranean – MTM). The MTM i-Map was launched by the ICMPD in January 2007 and is a good example of the cooperation among the partner states participating in the MTM dialogue. The MTM i-Map facilitates the practical cooperation between the Arabian and European partner states in the area of migration; one of the reasons why the Netherlands (the Ministry of Justice – now the Ministry of the Interior and Kingdom Relations – and the Ministry of Foreign Affairs) supports this project. The MTM i-Map seeks to support continued information exchange among the partner states in the area of migration. The MTM i-Map started as an interactive map on illegal migration routes in Africa, the Middle East, and the Mediterranean Sea Region and is used as a starting point for further development of a thorough instrument for information exchange and analysis.</p>

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		<p>- <i>Swift Action Teams Pilot Project</i> On 26 May 2008, the State Secretary for Justice informed the House of Representatives about a pilot project with so-called Swift Action Teams (SATs) in Nigeria.²⁹ This project started in January 2008. The purpose of the Swift Action Teams in Nigeria is to prevent potential victims of human trafficking and/or human smuggling, and other persons who do not have the right documents or who do not have any documents at all, from travelling to the Netherlands from Nigeria by air. Such a team is composed of staff members of the Royal Constabulary and one staff member of the IND. The teams have knowledge on vulnerable groups and document fraud. On the basis of risk profiles and documents, during the pilot project the teams checked passengers with the Netherlands as destination.</p> <p>Entry:</p> <p>- <i>The Border Management Renewal Programme.</i> The ambition of this programme is to create an effective and efficient border control process, with maximum use of automated control and risk-driven actions on the basis of pre-obtained information on passengers and their baggage. In this process, the right balance must be sought between maximum security and optimum mobility. The programme is an inter-organisational cooperation of the Royal Netherlands Marechaussee, the Customs, the Seaport Police, the Ministry of Security and Justice, the National Coordinator for Counterterrorism, the IND, the Schiphol Group, and KLM Airlines, under the umbrella of the Ministry of the Interior and Kingdom Relations.</p> <p>- <i>A quality management system</i> A quality management system was introduced, specifically for border control at Amsterdam Airport Schiphol, but there are plans to introduce this system throughout all the KMar units. This system provides border guards 7 steps to complete, with the responsibility resting with the border guards himself or herself. This system has improved the knowledge and quality level of the border guards.</p> <p>- <i>Port related Supervision of Foreign nationals</i> The Port-Related Supervision of Foreign Nationals (HVT), which was established in 2008, was developed in further detail in 2009 by training staff for this specific task. The HVT, which is performed by the Seaport Police, is a form of border control that is related to the supervision of foreign nationals in and around the docks in the harbour, and on the coast line within the jurisdiction of the Seaport Police. The aim of this HVT is to combat illegal immigration (and cross-border crime) at the earliest possible stage, in addition to performing the border control by means of mobile checkpoints. HVT is performed on a project basis and is risk-driven. By deploying flexible teams to perform the HVT, a maximum contribution can be made to improve the information position of specific transport segments (recreational cruising, fishing, and cruise ships).</p> <p>Stay A lot of measures have a focus on the fight against criminal illegal foreign nationals. For example:</p> <p>- <i>Pronouncement of undesirability (persona non grata)</i> Increase in the number of pronouncements of undesirability of illegal foreign nationals. The result of pronouncing a foreign national undesirable is that residence in and illegal return to the Netherlands become punishable.</p>
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		<p>- <i>Optimisation of cooperation between the criminal justice chain and the aliens law chain.</i> A conviction for offences may have consequences for the residence status of the foreign national. In addition, it is essential that the criminal justice chain is aware of the residence status of the foreign national. If the foreign national has does not have lawful residence in the Netherlands, the foreign national must be removed from the Netherlands after the criminal proceedings and possibly be pronounced undesirable. Sound cooperation among the organisations in the area of the criminal justice chain and the foreign nationals chain is essential for this purpose.</p> <p>- <i>Health and Safety Inspectorate</i> All inspectors of the Health and Safety Inspectorate who carry out inspections aimed at illegal employment and underpayment have been trained in the scope of application of the Aliens Act. They are highly experienced in establishing [officially: verifying] the identities and nationalities of the employers found at the working place. They have been trained to establish whether an employer is illegal or not. They provide information on illegality to the police and the aliens police. All these inspectors have also been trained in recognising false or forged identity documents and so-called “look-alikes” (profiling). If necessary, they contact the police or the Royal Netherlands Marechaussee, they draw up official reports, and they arrange for the transfer of any suspects to the police on the spot.</p> <p>Pathways out of irregularity :</p> <p>- <i>Regularisation</i> Although already effected in June 2007 the The ‘Settlement of the legacy of the ‘old’ Aliens Act (a regularisation programme) had its effects in the years afterwards. Approximately 30. 0000 Asylum seekers were regularized under this Settlement.</p> <p>- <i>Residence as a consequence of the Minister using his discretionary power</i> The restrictions applicable to the granting of a regular residence permit are listed in Article 3.4, paragraph 1 of the Aliens Decree. However, the Minister of Immigration and Asylum has the discretionary power (freedom to decide) to grant a regular residence permit subject to a different restriction to the one referred to. This discretionary power is laid down in Article 3.4, paragraph 3 of the Aliens Decree. This power can be invoked in two ways. If unforeseen cases are of a categorical nature, a policy rule will be drawn up the whole group, usually on the grounds of this power. In additional, exceptional individual situations may provide grounds for proceeding to grant using the discretionary power. This authority is limited to the issuing of a regular residence permit. An asylum permit can only be issued on the basis of grounds a to f of Article 29 of the Aliens Act, as referred to in detail above. An asylum procedure conducted by the foreign national cannot therefore result in the issuing of a regular residence permit based on the discretionary power on the grounds of Article 3.4, paragraph 3 of the Aliens Decree. If a regular application is submitted following an asylum procedure, this can, of course, result in the issuing of a such regular residence permit. Generally, the Minister's discretionary power will only be used if the foreign national's individual circumstances are so special that they provide grounds for deciding that their situation is extreme, with the foreign national not being eligible, on the grounds of the policy, for either an asylum permit or a regular permit.</p> <p>- <i>Departure moratoria</i></p>
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EMN Ad-Hoc Query: Practical measures for reducing irregular migration

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			<p>Other situations are imaginable in which, after the application has been irrevocably rejected and the foreign national is required to leave the Netherlands, the situation in the country of origin changes in such a way that it is not certain whether they can be repatriated. In such a situation the Minister can decide that this category of foreign nationals is not to be forcibly repatriated. What is referred to as a 'departure moratorium' then applies.</p> <p>A foreign national who is covered by this departure moratorium has lawful residence in the Netherlands. He will be issued with proof of lawful residence for the duration of the departure moratorium. The period of validity of the lawful residence is equal to the period of the departure moratorium. The document is issued by the Aliens Police.</p> <p><i>- Asylum seekers who have exhausted all legal remedies, with medical problems</i></p> <p>In 2009 the cabinet announced a policy change for asylum seekers who have exhausted all legal remedies but who have medical problems. Subject to a number of conditions, asylum seekers who have exhausted all legal remedies and who have submitted a new application for a residence permit on medical grounds and who are awaiting a decision on that application will be provided with accommodation facilities by the Central government.</p>
	Slovenia	Yes	<ul style="list-style-type: none"> - Pre-entry: personnel training, technical asset management, liaison officers' activity, international cooperation - Entry: multiple aspects of border control, use of technical means, document fraud detection system with full IT support, risk analysis, database management and utilisation, cooperation with FRONTEX, return measures - Stay: activities related to detection of illegal stay and illegal labour, compensatory measures, interdepartmental and law enforcement agencies, migration policy development, regulation of migration - Pathways out of irregularity (legalisation of stay): permission of temporary stay, residence permits and visas, international protection status, refugee status <p>Please note that an EMN study covering these topics in detail and describing the whole system in Slovenia is just about to be published.</p>
	Sweden	Yes	<ul style="list-style-type: none"> - Pre-entry: The central unit for border control (CGE) at the National Criminal Policy cooperates with Swedish agencies on issues regarding border control and also with Frontex and the Baltic Sea Regional Border Control Cooperation. Swedish police are stationed in for example Slovenia to assist in hindering persons with the objective to travel to other countries in the EU. The central unit for border control is conducting inspections at different police authorities to promote a joint implementation in order to counteract irregular migration. In connection to this training has also been provided. The central unit for border control also has an advisory function to Swedish authorities within the country and Swedish missions abroad. The goal is to improve the capacity to discover for example false documents. The central unit for border control has also been in contact with certain airports (for example Istanbul) to inform about Swedish travel documents. - Entry: Sweden has very little border control since we are mostly surrounded by other Schengen-countries. External border control is mostly done at the airports. There have on occasions been border controls in Southern Sweden at the Öresund bridge to control extensive bus travel from the Western Balkans. Programs are implemented at the airports in Stockholm to identify unaccompanied minors to hinder trafficking and exploitation in Sweden. - Stay: Identity issues are very important and units within the Swedish Migration Board and the Swedish Police are developing

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			<p>methods to be able to better cope with situations with a large numbers of asylum seekers without identity documents. DNA-analysis is conducted in family reunification cases for certain groups to establish maternity/paternity. The Swedish Police is conducting internal control of foreigners including control of work places.</p> <ul style="list-style-type: none"> - Pathway out of irregularity: Sweden had a regularisation program 2005-2006 during which approximately 17 000 residence permits were issued. <p>Reestablishment support has been in force since 2008. The support is given to asylum seekers who:</p> <ul style="list-style-type: none"> • Had their application for asylum rejected or withdrew their application for asylum in Sweden • Plan to return voluntarily and the country, or part of a country, to which he/she will return, offers limited opportunities for reestablishment due to difficult conditions. <p>As of today reestablishment support are granted for the following countries: Afghanistan, Angola (persons coming from Cabinda), Burundi, Central African Republic, Chad, Democratic Republic of the Congo, Eritrea, Guinea, Guinea-Bissau, Iraq, the Ivory Coast, Kosovo — ethnic Albanians from northern Kosovo (northern Mitrovica, Leposavic, Zubin Potok, Zvecan) and Strptce as well as ethnic Serbs who come from areas in northern Kosovo other than those just named as well as other minorities, Kyrgyzstan (persons coming from Jalalabad and Osh), Liberia, Mali, Niger, Rwanda, Russia - Dagestan, Ingushetia, Chechnya, Sierra Leone, Somalia/Somaliland, stateless persons from Gaza and the West Bank, Sudan, Togo, Uganda and Yemen.</p> <p>Sweden conducts a project co-financed by the European Return Fund in order to ensure legally secure and efficient return. The project is cooperation between the Swedish Police, the Swedish Migration Board and the Transport Service of the Prison and Probation Service.</p>
	<p>United Kingdom</p>	<p>Yes</p>	<p>Pre-entry: The UK uses the e-Borders programme to analyse Advanced Passenger Information to identify those abusing the immigration system or those who present a threat to the UK prior to arriving in the UK. The UK also uses a range of intelligence data to identify trends and patterns in irregular migration. Rigorous pre-departure document checks and co-operation with carriers help prevent Inadequately Documented Arrivals from travelling to the UK.</p> <p>Entry: Using sophisticated detection technology at the border, such as Carbon Dioxide probes and Body Detection Dogs allows the UK to detect irregular migrants at the border, concealed in different ways, before they enter the UK. Juxtaposed controls, a reciprocal arrangement with France and Belgium, allow the UK to detect irregular migrants before they make their intended journey to the UK. The National Document Fraud Unit leads the UK in detecting fraudulent documents at the UK border by providing specialist officers and training border staff to detect migrants arriving with documentation that does not allow them to enter the UK legally.</p> <p>Stay: Local Immigration Teams enhance the UK Border Agency’s ability to detect and apprehend irregular migrants, working with communities to raise awareness of irregular migration. The UK issues civil penalties to employers that are found to employ irregular</p>

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			<p>migrants. The UK Border Agency and Home Office work with other Government Departments and Agencies to prevent irregular migrants from accessing public services to which they are not entitled.</p> <p>Pathways out of irregularity: The UK does not conduct amnesties for irregular migrants, and regularisation is only available on a case-by-case basis under the Immigration Rules. Assisted Voluntary Return Schemes are the preferred option for the UK when regularisation is not available to an irregular migrant. If an irregular migrant is not eligible for regularisation and does not choose to leave the UK voluntarily, they will be removed from the UK through an enforced return, which includes those conducted with other EU Member States and FRONTEX.</p>
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