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European Migration Network

EMN Annual Report on Immigration and Asylum 2015

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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

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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 2015 Annual Policy Reports from 26[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, 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 2015. 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 2015 and specifically the contributions from their EMN National Contact Points. More detailed information on the topics addressed here may be found in the available *2015 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 2015 is based on information collected from all Member States[2] and Norway in late 2015 and early 2016. It provides an overview of the main **legal and policy developments** 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 have been identified:

COMMON EUROPEAN ASYLUM SYSTEM

What have been the drivers for change in 2015?

Political instability and on-going crises in Europe's neighbourhood regions, including in Syria, Iraq, Afghanistan, the Sahel and Ukraine resulted in a sharp increase of asylum applications to EU Member States and Norway in 2015. A total number of 1,321,600 applications were submitted in the course of the year, more than double compared to 2014 (626,960 asylum applications). The main countries of citizenship of the applicants were Syria (368,400) representing 28% of total EU-28 applicants, Afghanistan (181,360 or 14%) and Iraq (124,905 or 9%).

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

Member States[3] reported various **challenges** to their asylum and international protection systems during the year, due to the high and/or unexpected number of applications. Associated challenges included managing the registration of applicants for international protection (e.g. EL, HR), a lack of reception capacity (AT, DE, SE, NO), overcrowding in existing reception facilities (AT, DE, EE, FI, PL, NO), lack of sufficient staff (CZ) including interpreters (DE, EL, SE, NO), prolonged procedures to decide on applications (BE, CZ, DE, IT, SE, NO) and an increased backlog of pending applications (BE, DE, LU, SE, NO).

In response to these challenges, Member States have implemented a range of measures. In terms of **prevention**, some Member States adapted Emergency Operational Plans (IT, NO) or put in place additional risk analysis and monitoring capabilities (AT, ES, FI). **Mitigation** measures included initiatives to speed up the decision-making process by hiring additional staff to process asylum claims (AT, BE, DE, ES, FI, FR, HU, IT) and fast-tracking certain types of applications, notably from Syria (BE, CY, DE, EL, ES, SE). Finally, **response** measures focused in particular on expanding the national reception capacity through the establishment of emergency reception structures (AT, DE, FR, HU, SE), the building or opening of new facilities (AT, BE, DE, EL, FI, FR, HU) or the re-structuring and optimization of existing reception capacities (BE, ES).

How are Member States implementing the EU asylum acquis?

Changes in Member States' national legislation were primarily underpinned by the requirements of the Common European Asylum System, in particular as regards the implementation of the recasts of the Asylum Procedures and Reception Conditions Directives.

Changes linked to the **processing of applications** for international protection were many and varied. In order to improve procedural guarantees, several Member States introduced changes related to access to information and legal counselling (EE, LU, FR) as well as interpretation (EE, HR, IT). For example, in **Luxembourg** national legislation was changed to ensure that applicants had free access to legal assistance throughout the asylum procedure (with some exceptions). To ensure efficient processing of applications, Member States introduced changes related to the registration of applicants (CZ, DE, HR, LU, LV, PL, SI), the upgrading of technical/IT equipment (DE, FI, IT, MT, SE, SI, NO), as well as the establishment of special procedures (DE, IT, LT, NL, PL, NO). For instance, the **Czech Republic** removed the obligation to first submit an intention to apply for international protection as a separate step from the application itself, **Italy** and **Sweden** established a digitised system for the registration of applications for international protection and **Norway** introduced the possibility of conducting interviews with applicants via Skype/video link. Concerning special procedures, changes primarily related to accelerated procedures, with some Member States introducing a national list of safe countries of origin (e.g. DE, HU, NL) and others modifying their border procedures (HU, NL, PL), prioritised procedures (DE, IT) and admissibility procedures (NO). For example, **Italy** prioritised the processing of applications of unaccompanied minors, manifestly unfounded claims and claims lodged by applicants held in detention, while **Norway** refused to examine asylum applications on their merits from persons who previously resided in the Russian Federation, after an individual assessment as to whether they could safely return there. In relation to appeal procedures, whilst **France** systematised the suspensory appeal before the National Court of Asylum, the **Czech Republic** limited possibilities of automatic suspensive effect.

Some Member States (e.g., AT, BE, CZ, EE, IT, LU, LV, NL, SE, SK) also revised their **reception practices** with a view to provide more adapted reception conditions, in particular for vulnerable persons (see below). Seven Member States

[2] With the exception of Denmark which does not participate in the EMN and has not formed an EMN National Contact Point.
[3] Reported e.g. by AT, BE, CY, DE, EL, ES, FI, IT, LU, NL, SE, SI, NO.

(BG, CZ, FR, HR, HU, IT, LU) reduced possibilities for placing applicants in detention in line with the recast Reception Conditions Directive.

Other important developments connected to the Common European Asylum System concerned in particular **Country of Origin Information** (COI), where Member States developed new toolkits and methodologies (BE, SE), conducted COI missions (FR) and provided additional training to staff (BE).

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

All Member States and Norway continued to support EASO activities in 2015, contributing in various ways and to different degrees, including through the secondment of staff for the deployment of Asylum Support Teams (AT, BE, CZ, DE, ES, FI, FR, HU, MT, NL, PL, SE, SI, NO); the deployment of experts for training-related activities, including regional train-the-trainer sessions (AT, BE, DE, EE, FI, FR, IE, MT, NL, PL, SE, SK, NO), and participation in the development of common practical tools, e.g. COI activities/reports, European Asylum Curriculum modules, the EASO Quality Matrixes etc. (AT, BE, BG, DE, EE, ES, MT, PL, SE, SI, SK, UK, NO). Following the unprecedented flow of migrants and the high influx of asylum applications, EASO continued to provide emergency/special support to **Bulgaria**, **Cyprus**, **Greece** and **Italy** throughout 2015.

How are resettlement and relocation activities being implemented?

With regard to **resettlement** activities under national schemes, most of the resettled refugees arrived from third countries to the EU under general resettlement schemes. However ten Member States (AT, BE, CZ, DE, FR, HU, LU, SE, SK, UK) and Norway also increasingly resettled refugees originating from regions impacted by the Syrian crisis under various humanitarian resettlement schemes. **Lithuania** and **Poland** adopted specific measures concerning resettlement from Ukraine and, in the case of Poland, also from Eritrea.

With regard to **relocation**, all Member States pledged to relocate a certain number of applicants from Italy and Greece as agreed by the adoption of the EU emergency relocation mechanism.[4] Several Member States reported on relocations having taken place by the end of 2015 including (planned) relocations for 2016.[5]

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 93,295 asylum applications were submitted by UAMs in 2015. The Member States receiving the highest amount of asylum-seeking UAMs were **Sweden** (35,250 or 37.8% of the total EU number), **Germany** (14,440 or 15%), **Hungary** (8,805 or 9.5%), **Austria** (8,275 or 9.5%) and **Norway** (5,050 or 9%), taken together representing more than 77% of the total.[6] The main countries of origin of UAMs in 2015 were Afghanistan, Syria, Eritrea, Iraq, Somalia and Gambia.

The majority of Member States (AT, BE, BG, CZ, DE, EL, ES, FI, FR, HR, HU, IE, IT, LV, LU, MT, NL, PL, SE, SI, SK, UK) and Norway reported on changes to law and practice with regard to UAMs, to improve accommodation and reception capacity (AT, BG, DE, FI, FR, HU, IT, MT, NL, SE, SI, SK, NO), to better arrange the appointment of guardians and/or legal representatives (AT, BE, EL, HR, LU, PL, NO), to address vulnerability and enhance respect for the best interest of the child principle (BE, ES, IE, IT, LU, PL, SK). A number of other measures were introduced: some Member States improved identification and age assessment procedures (BE, DE, EL, LU), and provided special training for staff working with UAMs (BE, CZ, EL, ES, LV, PL). In **Austria**, alternatives to detention are now required for minors between 14 and 18 years of age subject to pending removal , while in **Finland**, the detention of UAMs seeking asylum was prohibited. In relation to return and reintegration, in **Norway** the government decided to resume the efforts to establish care centres for UAMs in their countries of origin.

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. In five Member States (AT, HR, FR, LV, LT) legislative amendments clarified which categories of people could qualify as vulnerable. In addition, legal measures concerning needs assessment and the identification of vulnerable persons were introduced in five Member States (AT, EL, HR, LU, SK). For example, in **Austria** special needs are now assessed upon admission, with family relationships, ethnic particularities and the special needs of vulnerable persons now being taken into account when assigning vulnerable asylum seekers to care facilities. New measures were also introduced for specific groups including children and their families (NO) and victims of trafficking (DE, PL).

[4] Agreed as per the adoption of Council Decision (EU) 2015/1523 of 14 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and of Greece and Council Decision (EU) 2015/1601 of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece

[5] For the latest state of play on relocation activities see http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/press-material/docs/state_of_play_-_relocation_en.pdf (last accessed on 10th June 2016).

[6] Eurostat data, 2015

EUROPEAN POLICY ON LEGAL MIGRATION AND INTEGRATION

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

In 2015, some Member States reported on **efforts to attract workers from third countries to cover particular occupations** (BG, CY, DE, EL, ES, IE, LU, LT, UK), while others reported on measures to simplify entry and stay conditions for labour migrants (AT, CZ, DE, EE, FR, HU, LV, SK, NO). Measures related to particular shortage occupations have been adopted in eight Member States (BG, CY, DE, EL, ES, LT, UK) where entry conditions for these particular occupations were made more favourable. Legal migration measures with regard to specific nationalities were adopted in some cases (DE, PL). For instance, **Germany** broadened the scope for legal migrations available to nationals of Albania, Bosnia and Herzegovina, Kosovo, the Former Yugoslav Republic of Macedonia, Montenegro and Serbia.

Protection against **social dumping**[7] was strengthened through measures targeted to promote equal pay conditions (AT, DE, EL, LT, PL), address social dumping in particular professions/occupations (FR, IE, IT, LT, UK), and reduce illegal employment (ES, NO, UK).

Eleven Member States (AT, BG, CZ, EE, ES, FR, IE, IT, LT, NL, UK) reported efforts in 2015 to **facilitate admission of highly qualified workers** as part of the global competition for talent. These efforts concerned more favourable entry and stay conditions (CZ, EE, LT, NL), amendments related to the transposition of the **EU Blue Card Directive** (BG, IT), and the introduction of 'trusted partner' initiatives in cooperation with employers to facilitate recruitment of highly qualified third-country nationals (ES, IE, IT).

To support also the agenda for growth, a significant number of Member States introduced measures to attract **migrant entrepreneurs and investors,** for example in relation to special 'start-up' visas of residence permits for migrant entrepreneurs (ES, FR, IE, IT, LT, NL, SK, UK). Member States (including AT, BG, CY, FR, HU, LT, LU, NL) reported also on their preparations and plans to transpose the **Directive on Intra-Corporate Transferees**, with **Spain** highlighting that the Directive had already been incorporated in national law.

Similarly, Member States (including AT, BG, CY, EL, ES, FR, HU, IT, LT, LU, NL, SI) widely reported on preparations to implement the **Seasonal Workers Directive**. Other initiatives related to the admission of seasonal workers concerned the setting up of admission quotas (AT, ES, IT). In response to increased levels of misuse of this migrant route, **Poland** introduced modifications to the national 'simplified system of employment of foreigners' which is based on the registration of employers' declarations of intent to entrust work to workers from specific third countries.

New developments also took place in some countries to further **strengthen the rights of third-country nationals** who were already legally residing on the territory. These included measures on the liberalisation of the requirements for obtaining long-term residence status (BE, CY, EE, EL, FR, IT, LU, MT, NL, PL, SE, SI, SK).

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

Measures planned or introduced in Member States in 2015 aimed to further **facilitate the reception and stay of students and researchers**. In most cases these measures were intended at enhancing labour market access during studies and after graduation (AT, BG, EE, EL, ES, FI, FR, LT, LV, NL, NO), facilitating and simplifying entry and stay conditions (AT, CZ, EE, EL, ES, FI, FR, HU, IE, LU, UK), and facilitating cooperation with third countries in order to attract international students (CZ, ES, LV, NL, SK). For instance, in the case of **Latvia**, the Riga Technical University opened a study and information centre in Colombo (Sri Lanka) to promote study opportunities at the University as well as to facilitate mutual cooperation of researchers in science. Other Member States introduced measures to tackle misuse of this migration route (IE, LV, UK).

What have been the main developments in family reunification?

A significant number of Member States introduced measures on family reunification. Overall, changes implemented aimed to simplify family reunification requirements (CY, DE, EE, ES, FR, HU, SK), clarify family reunification rights of refugees or persons under subsidiary protection (DE, LT, NL, SI), adapt family reunification rights for family members of EU citizens (CY, ES, HR), restrict family reunification and tighten requirements (BE, DE, FI, NL, SE), and prevent cases of misuse of this migration route (BE, LU, UK).

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

A number of Member States (AT, BE, CZ, DE, EE, EL, ES, FR, LT, LU, PL, SK)[8] reported that in 2015 the **Visa Information System (VIS)** had been fully rolled out to the third and last set of countries (i.e. countries of the Eastern Partnership, Russia, China, India, Pakistan and Afghanistan) in line with the timeframe established by the European Commission. Various support measures were also taken throughout the year to implement visa policy, e.g. to facilitate

[7] Social dumping refers to the practice where workers from third countries are exploited as "cheap labour" in order to increase profit margins of companies.
[8] In Austria the joint EU roll-out to the external Schengen borders, which is the final VIS roll-out region worldwide, was scheduled for 29 February 2016. In Germany the VIS rollout has been completed for all regions except region 0 (border crossing).

the application process by setting up a multilingual portal where applicants could receive information, lodge their visa applications and monitor the process (FR), exchange experiences in the area of visa policy (AT) and provide training to employees (EE). Several Member States and Norway reported on **cooperation between consulates, the set-up of joint consular services and outsourcing measures** (AT, BE, CZ, EE, ES, FI, FR, HU, IE, LV, LT, NL, SE, SI, SK, UK). Efforts were made to **improve services in granting short-term visas** in three Member States (FR, IE, IT), with **France** extending its 48-hour visa programme (in place since 2014 with China) to individual applications from India, South Africa, Qatar, Kuwait, Bahrein, Oman and the United Arab Emirates. Other national developments included the issuing of biometric visas in several Member States (CZ, DE, EE, EL, FR, IT, FR, LV) and Norway.

Member States also reported on new measures to support **Schengen governance** during the reporting period, including the introduction of changes in national legislation and its implementation (HR, NL, PL); and actions related to the Schengen Evaluation and Monitoring Mechanism (AT, BE, CZ, DE, ES, FR, HU, LU, SI). A number of Member States (AT, DE, HU, LT, SE, SI) and Norway reintroduced controls at internal borders in 2015, in most cases in response to the unprecedented migration flows (AT, DE, HU, SE).

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

Across the EU-28, the unemployment rate for third-country nationals was 19.1% in 2015 compared with a total unemployment rate of 9.4%. In comparison with 2014, both the total unemployment rate (10.2% in 2014) and the unemployment rate of third-country nationals (20.4% in 2014) had slightly decreased in 2015. The highest unemployment rates for third-country nationals were reported by **Spain** (33.5%) and **Greece** (32.2%) compared with national averages of 22.1% and 24.9% 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 and school age **language training** (AT, EE, FI, LT, LU, LV). Due to the large influx of asylum seekers to the EU, seven Member States (AT, CY, DE, HR, LU, NL, SK) also introduced targeted measures to **improve the linguistic skills of asylum seekers and beneficiaries of international protection**. New initiatives introduced to facilitate migrant access to social security, healthcare and housing also contributed to integration in ten Member States (DE, EL, EE, FI, FR, HU, IT, LT, LU, NL). More than half of the Member States (AT, BE, DE, EE, EL, ES, FI, HR, HU, IE, IT, LV, LT, LU, SE, SK, NL) and Norway also reported on new measures to enhance migrants' **integration into the labour market**. Eleven Member States (AT, DE, EL, ES, FI, HU, IT, LT, NL, SE, SK) put in place specific measures addressing the **labour market integration of asylum seekers and beneficiaries of international protection**. Six Member States (BE, CZ, DE, EE, FI, IE) adopted or implemented new programmes or strategies that aimed at **fostering migrants' participation** or were devised with migrants' participation. Efforts to ensure non-discrimination of migrants were widespread, being reported in 24 Member States (AT, BE, CY, EE, EL, ES, FI, HU, IE, IT, LU, LV, MT, NL, PL, PT, RO, SE, SI, UK) and Norway, with new or enhanced measures to tackle discrimination in particular on grounds of ethnicity, race or others grounds of relevance to third-country nationals being introduced.

Eleven Member States (BE, CY, CZ, DE, EE, EL, HR, LU, LV, SE, UK) reported on new or **enhanced activities to support the integration of migrants involving the active participation of local authorities and/or civil society**. The activities included fostering networks and best-practice sharing, involvement at the ministerial level for planning or jointly implementing actions, information dissemination actions and initiatives to strengthen local actors' capacity. Several Member States have also introduced **integration measures involving countries of origin** (BE, CZ, FI, FR, IT, LT, LU, UK, NO). These included pre-departure and return and reintegration measures to facilitate the integration of migrants in the Member States or migration circularity.

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 the Member States (AT, BE, CZ, DE, EE, EL, ES, FR, HU, IE, IT, LT, LV, NL, SE) and Norway. Overall these measures mainly aimed at improving the channels of communication and the quality of information about legal entry and stay, as well as promote legal migration pathways, for example for students and entrepreneurs. New policies, measures or practices to **prevent unsafe migration** from third countries of origin and transit and to inform people about the potential risks of irregular migration to Europe were reported by seven Member States (BE, DE, EL, FI, FR, UK) and Norway. These measures included information, dissuasion and prevention campaigns (BE, DE, FI, NO), projects or activities involving grass-roots NGOs (BE) and cooperation with other Member States and third countries (El, FR, UK).

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 (e.g., BE,

CZ, ES, FI, IT, LV, NL) during 2015. These efforts included policy measures, the establishment or continuance of strategies, as well as the implementation of projects and activities to strengthen international dialogue. For example, in 2015, leaders from European and African countries participating in the **Valletta Summit** adopted a political declaration and an action plan designed to: address the root causes of irregular migration and forced displacement; enhance cooperation on legal migration and mobility; reinforce the protection of migrants and asylum seekers; prevent and fight irregular migration, migrant smuggling and trafficking in human beings; and work more closely to improve cooperation on return, readmission and reintegration.[9] The **EU Emergency Trust Fund**, which aims to promote stability and address the root causes of irregular migration and displacement in Africa, was formally launched at the Summit and several Member States have contributed to it (including among others CZ, ES, IE, LU, NL, MT). Concerning the **EU Regional Development Protection Programmes** (RDPPs), **Italy** and the **Netherlands** took the lead in the implementation of the RDPP in North Africa and the Horn of Africa respectively.

During the year, measures to **improve services for remittance payments** to third countries were implemented by some Member States (including CZ, SE). In addition, measures to **support diaspora communities** included the introduction of institutional changes (LT) and the implementation of development cooperation projects to promote cooperation with diaspora organisations (AT, BE, DE, FI, FR, LU, NL, SE), and international dialogues (DE, UK).

SECURING EUROPE'S EXTERNAL BORDERS

In 2015, Member States reported more than 1.8 million irregular border crossings (associated with an estimated 1 million individuals) along the external borders of the EU.[10] This is more than six times the number of detections reported in 2014, which was in itself an unprecedented year with record monthly averages. In addition to the Member States bordering on the Central Mediterranean route (IT) as well as on the Eastern Mediterranean route (EL), the Member States along the Western Balkans route (HU, SI) were the most affected by these irregular crossings.

A high number of Member States (AT, BE, BG, CY, CZ, DE, EE, EL, ES, FI, FR, HU, IE, LT, LV, MT, NL, PL, SE, SI, SK, UK) introduced or planned **new border control measures** in 2015. These included the developments of advanced passenger databases/ other IT systems (AT, BG, CY, CZ, EE, EL, ES, FR, FI, HU, LV, NL, PL, SE, SI, SK, UK); the installation of surveillance equipment/Automated Border Controls (ABC) (BE, BG, DE, EE, ES, FR, HU, IE, LT, LV, MT, PL, SK); and the implementation of cooperation activities with EU and third countries (AT, CZ, DE, EE, ES, FR, HU, LT, LV, PL, UK). Specific border control initiatives reported by Member States in 2015 related to the development of Entry/Exit System and Registered Traveller Programme; the second generation Schengen Information System (SIS II) (EL, IE, LV, SE, SI, SK, UK); and the European Border Surveillance System (EUROSUR) (EL, ES, HU, LV, PL, SE, SI, SK).

Initiatives were also adopted to **prevent and tackle misuse of specific legal migration channels**, namely irregular migration associated with visa liberalisation, family reunification, international student migration, and the abuse of free movement rights. For instance, seven Member States (AT, BE, DE, FI, FR, SE, SK) introduced measures to ensure the accelerated and swift return of persons from visa-free third countries making unfounded asylum applications. The developments included the consistent enforcement of returns of rejected asylum applicants and enhanced cooperation with third country authorities (AT, DE, SE); the organisation of Joint Return Operations to Albania and Serbia, in collaboration with Frontex (BE, DE, FR); and the organisation of national return flights (BE, FI).

New measures to prevent and identify and/or investigate the **fraudulent acquisition and use of false travel documents** were introduced by some Member States (e.g., BE, BG, EE, EL, CY, CZ). For instance, the **Czech Republic** established a National Centre for Checking Documents, which was expected to be operational from January 2016. The centre is to focus on the detection of forged documents with the goal of exchanging information on the identity of migrants who use forged documents to stay in the territory of the EU.

IRREGULAR MIGRATION AND RETURN

According to Eurostat data, approximately 300,000 third-country nationals were refused entry at external borders. At the time of writing (May 2016), the EU-28 overall figure of third-country nationals found to be illegally present was not available from Eurostat. The highest numbers of refusals at the border were reported by **Spain** (168,345) which accounted for 57% of the EU total. **Poland** was second with 30,245 third-country nationals refused entry followed by **France** (15,849), the **United Kingdom** (14,950), **Hungary** (11,505) and **Croatia** (9,355). The highest numbers of those found to be illegally present had so far been reported by **Germany** (376,435), **France** (109,720), **Austria** (86,220), the **United Kingdom** (70,020) and **Spain** (42,605).

[9] Council of the European Union, 'Valletta Summit on migration, 11-12/11/2015', http://www.consilium.europa.eu/en/meetings/international-summit/2015/11/11-12/, last accessed on 13 May 2016

[10] Frontex, Annual Risk Analysis 2016, March 2016, available at: http://frontex.europa.eu/assets/Publications/Risk_Analysis/Annula_Risk_Analysis_2016.pdf, last accessed on 11th June 2016. The data refers to the number of persons detected at the EU external borders. Irregular border crossings may be attempted by the same person several times in different locations at the external border.

In 2015, more than 500,000 third-country nationals (533,395) were ordered to leave while 193,565 were returned, which represented an increase of 13.3% and 14.6% respectively compared to 2014. The highest numbers of third country nationals ordered to leave were reported by **Greece** (104,575), followed by **France** (88,991), the **United Kingdom** (70,020), **Germany** (54,080) and **Spain** (33,495).

At EU level, the **EMN Return Expert Group (REG),** which was established as part of the EMN in 2013, became increasingly consolidated during 2015. The mandate of the EMN REG was enhanced for the group to become the platform for the follow-up, planning and monitoring of practical cooperation among the Member States and other relevant stakeholders in the return domain, linking policy-making to implementation and operational activities.[11]

During 2015, Member States introduced or planned new measures to address the issue of **facilitation of irregular migration**. These measures involved legislative developments (BG, EE, HR); and new measures to strengthen prevention (BE, HR, DE, FI, FR). For instance, three Member States introduced amendments to their penal codes to better fight irregular migration (BG, EE, HU). In the **United Kingdom,** Part 3 of the Modern Slavery Act 2015 set out new maritime enforcement powers for constables and enforcement officers to use in relation to ships on which slavery and/or human trafficking was suspected of taking, or having taken place. Eight Member States (BE, DE, EL, FI, FR, HR, LT, UK) introduced non-legislative measures to fight smuggling, ranging from the adoption of action plans, through operational activities and training, to cooperation with EU Member States, third countries and other stakeholders.

Measures to **monitor and collect information on smuggling** present challenges to Member States due to the irregular and clandestine nature of the activity. In this regard, **Austria**, the **Czech Republic**, **Greece** and the **United Kingdom** referred to the benefits of cooperation and exchange of information at the EU level, for example within the framework of European Agencies' operational activities. Four Member States (CZ, DE, LV, SK) highlighted the role of **Immigration Liaison Officers** in collecting information about migrants' routes.

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 four Member States (FR, HR, LT, LV). In the interests of visibility and transparency, the inclusion of independent entities (such as the ombudsperson) and non-state actors (generally NGOs) in the national monitoring system was reported in six cases (BG, ES, FI, HR, IT, SI).

Seven Member States (AT, BE, BG, DE, FI, FR, PL) also reported important developments in the area of **Assisted Voluntary Return and Reintegration (AVR(R)).** For example, in cooperation with the International Organisation for Migration (IOM), Germany started the project 'Integrated Reintegration in Iraq (Autonomous Kurdistan Region)' which supports the reintegration of third-country nationals returning to the Autonomous Kurdistan Region in Iraq, while **Poland** launched the process of internal evaluation of the assisted voluntary return scheme and verified the possibilities to broaden the list of entities involved in providing AVR(R) support.

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 2015, 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. Other measures included the **training and awareness-raising measures for different stakeholders** who might come into contact with victims, including labour inspectors, guardians, the police, prosecutors, the staff working in reception centres, etc. (AT, BE, BG, CZ, EL, FI, NL, PL, SK). Member States also introduced new strategies and measures to improve the **identification of and assistance to victims of trafficking** in human beings, including National Referral Mechanisms (NRM) (AT, BG, EL, FR, LV, NL, SE, SK). For example, throughout 2015, **Austria** continued to work on the creation of an NRM specifically for child victims of trafficking, while in **Slovakia** the Expert Group on Combatting Trafficking in Human Beings adopted a new NRM in November 2015. Member States also reported on cooperation initiatives amongst national authorities (BG, ES, FR, IE, LT, PL, SE), with other Member States[12] and with third countries (AT, BE, EL, ES, HU, LV).

[11] The focus of the EMN REG's activity in the return field is strictly on the practical cooperation/implementation side and thus not to be confused with other existing EU Council Working Groups or fora where strategic guidance is developed by Member States and the Commission. In addition, Frontex remains the key body in what concerns operational implementation.
[12] For example within the context of the BENELUX (BE, LU, NL) and the Baltic Sea Council (DE, DK, EE, FI, LT, LV, PL, SE as well as NO).

Acronyms and abbreviations

Advance Passenger Information Systems (API)
Assisted Voluntary Return and Reintegration (AVR(R))
Asylum Procedures Directive (recast) (APD)
Asylum, Migration and Integration Fund (AMIF)
Automated Border Controls (ABC)
Country of Origin Information (COI)
Court of Justice of the European Union (CJEU)
Directorate General Humanitarian Aid and Civil Protection (ECHO)
Directorate General International Cooperation and Development (DG DEVCO)
Directorate General Migration and Home Affairs (DG HOME)
EMN National Contact Point (EMN NCP)
EMN Return Expert Group (EMN REG)
Entry/Exit System (EES)
European Agency for the Management of Large IT Systems (eu-LISA)
European Agency for the Management of Operational Cooperation at the External Borders (Frontex)
European Asylum Curriculum (EAC)
European Asylum Support Office (EASO)
European Border Surveillance System (EUROSUR)
European External Action Service (EEAS)
European Initiative on Return Management (EURINT)
European Integration Fund (EIF)
European Migration Network (EMN)
European Police Office (Europol)
European Refugee Fund (ERF)
European Reintegration Network (ERIN)
European Return Liaison Officers network (EURLO)
European Union (EU)
European Voluntary Service (EVS)
Federal Agency for the Reception of Asylum Seekers of Belgium (Fedasil)
Former Yugoslav Republic of Macedonia (FYROM)
Fundamental Rights Agency (FRA)
General Directors' Immigration Services Conference (GDISC)
Identity (ID)
Immigration Liaison Officers (ILOs)
Information and Communication Technologies (ICT)
International Centre for Migration Policy Development (ICMPD)
International Organization for Migration (IOM)
Joint Return Operation (JRO)
National Referral Mechanism (NRM)
Organisation for Economic Cooperation and Development (OECD)
Passenger Name Records (PNR)
Policy for the Recognition of Competences (EVC)
Reception and Integration Contract of France (CAI)
Reception Conditions Directive (recast) (RCD)
Regional Development and Protection Programme (RDPP)
Registered Traveller Programme (RTP)
Schengen Information System (second generation) (SIS II)

Small and Medium Enterprises (SMEs)
Transnational Referral Mechanism (TNRM)
Unaccompanied Minors (UAMs)
United Nations High Commissioner for Refugees (UNHCR)
Visa Information System (VIS)

(Member) States' Country Codes[13]

Austria (AT)
Belgium (BE)
Bulgaria (BG)
Croatia (HR)
Cyprus (CY)
Czech Republic (CZ)
Estonia (EE)
Finland (FI)
France (FR)
Germany (DE)
Greece (EL)
Hungary (HU)
Ireland (IE)
Italy (IT)
Latvia (LV)
Lithuania (LT)
Luxembourg (LU)
Malta (MT)
Netherlands (NL)
Poland (PL)
Portugal (PT)
Romania (RO)
Slovakia (SK)
Slovenia (SI)
Spain (ES)
Sweden (SE)
United Kingdom (UK)
Norway (NO)

[13] For further information, see http://publications.europa.eu/code/pdf/370000en.htm, last accessed on 12th June 2016. Denmark is a member of the EU but does not participate in the EMN. Norway is not a member of the EU but takes part in the EMN.

EMN ANNUAL REPORT ON IMMIGRATION AND ASYLUM 2015

1 COMMON EUROPEAN ASYLUM SYSTEM

1.1 THE IMPLEMENTATION OF THE COMMON EUROPEAN ASYLUM SYSTEM

Implementation

Important developments took place in 2015 concerning the implementation of the Common European Asylum System. The **recast Eurodac Regulation** (603/2013/EU)[14] came into effect as of 20th July 2015 and those Member States bound by the **recast Asylum Procedures** (2013/32/EU)[15] and **Reception Conditions** (2013/33/EU)[16] Directives (both adopted in 2013) were required to transpose them into their national law by the same date.[17]

In 2015, the Commission continued to stimulate practical cooperation among Member States in the field of international protection in collaboration with EASO. Activities conducted in that regard included the organisation of meetings and workshops with national experts.

Policy

Following the tragic events off the coast of Libya in which up to 900 migrants are believed to have drowned, the European Council committed to take decisive action in the area of migration.[18] In response, on 13th May 2015, the European Commission adopted the European Agenda on Migration which contains policy proposals for immediate measures to save lives at sea, combat criminal smuggling networks, respond to high volumes of arrivals within the EU with relocation activities and develop a common approach to resettlement, as well as initiatives to strengthen the Common European Asylum System and implement a long term migration strategy.[19]

Resettlement

On the basis of the Commission Recommendation of 8th June 2015 on a European resettlement scheme, on 20th July 2015 27 Member States together with Dublin Associated States agreed to resettle through multilateral and national schemes 22,504 displaced persons from outside the EU who were in clear need of international protection within two years. This marked the first common EU effort on resettlement.

Relocation

Following the proposal made by the Commission in May 2015, on 14th and 22nd September 2015, the Council adopted two decisions establishing a temporary and exceptional relocation mechanism for 160,000 applicants in clear need of international protection from Greece and Italy, to be implemented over two years until September 2017. Specific obligations of Member States in terms of the number of persons to be relocated to their territory were defined in the annexes to both decisions in line with the agreement reached in the Council Conclusions of 20th July 2015.

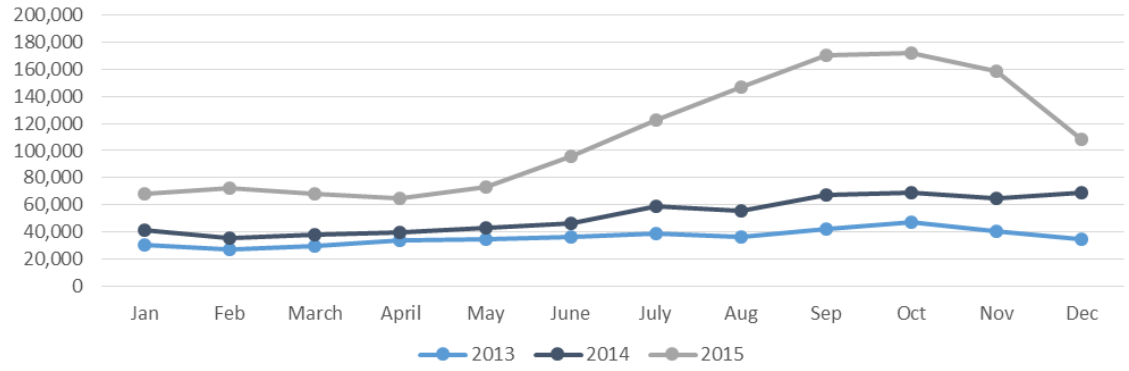
1.1.1 DEVELOPMENTS AT EUROPEAN UNION (EU) LEVEL

Following the continuous political instability and on-going crisis in Europe's neighbourhood regions, including in Syria, Iraq, Afghanistan, the Sahel and Ukraine, 2015 saw a sharp increase of asylum applications. A total number of 1,321,600 applications were submitted in the course of the year, more than double compared to 2014 (626,960 asylum applications – See Figure

[14] Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (recast), OJ L 180, 29.6.2013.
[15] Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection, OJ L 180, 29.6.2013,
[16] Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection, OJ L 180, 29.6.2013
[17] With the exception of some provisions of the recast Asylum Procedures Directive, which have a later deadline for implementation (20th July 2018).
[18] European Council, Special Meeting of the European Council, 23 April 2015 – Statement.
[19] European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - A European Agenda on Migration, COM(2015) 240 final, 13.5.2015.

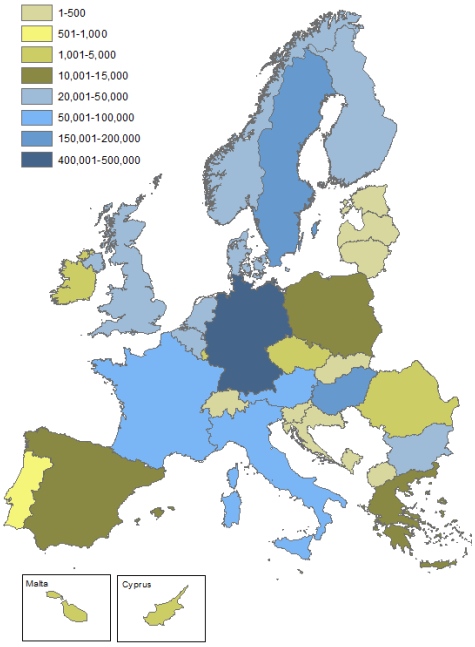
1.1). The main countries of citizenship of the applicants were Syria (368,400) representing 28% of total EU-28 applicants, Afghanistan (181,360 or 14%) and Iraq (124,905 or 9%).

Figure 1.1 Asylum applications in the EU 28: January 2013 – December 2015



Source: Eurostat, extracted: 27 May 2016

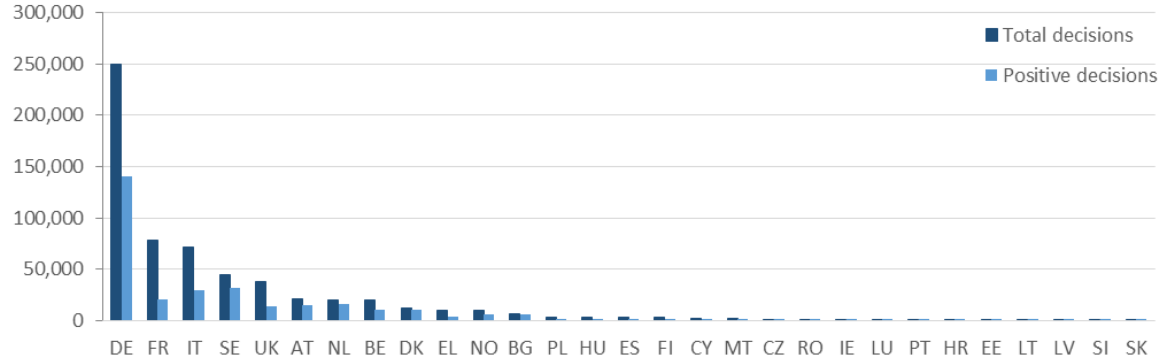
Figure 1.2: Overview of Asylum Applications per EU Member State and Norway (2015)



Germany, **Hungary**, **Sweden**, **Austria** and **Italy** registered 75% of all asylum applicants, with the highest number registered in Germany (476,510 or 36% of all applicants).

A total of 592,845 first instance decisions were issued in 2015 (see Figure 1.3), of which 307,620 were positive decisions (52%) and 285,220 or 48% of all decisions were negative. Of these positive decisions, 229,425 applicants were granted refugee status (39%), 56,120 subsidiary protection (9.5%) and 22,075 (4%) an authorisation to stay for humanitarian reasons. Syrians (368,400 or 28%), Afghans (181,360 or 14%) and Iraqis (124,905or 9.5%) are the main three groups of beneficiaries of protection in the EU.

Figure 1.3: Total first instance decisions on asylum applications and total positive decisions in first instance in 2015



Source: Eurostat, extracted: 27 May 2016

1.1.2 CHALLENGES IN THE ASYLUM FIELD AT NATIONAL LEVEL

Overall, the year 2015 was characterised by unprecedented flows of migrants which put a significant strain on the asylum systems of several Member States'. Thirteen Member States and Norway experienced disproportionate pressures and/or a high and unexpected influx of applicants for international protection.[20]

In contrast to previous years, the influx was of such extent that it presented **significant challenges** in terms of the **registration** of applicants for international protection. Some Member States who were particularly affected (e.g. EL, HR) reported that they had been unable to consistently meet their duties under the **Eurodac Regulation** related to the fingerprinting of applicants. This meant that some applicants could travel on unregistered and undocumented. On some occasions, the failure to fingerprint applicants led to the non-application of the **Dublin Regulation** (604/2013/EU),[21] given that the latter heavily relies on the correct implementation of the Eurodac Regulation. Other reasons for suspending Dublin transfers related, for instance, to the purposes of procedural facilitation or providing practical solidarity to Member States under pressure.

Other challenges associated with the influx of applicants concerned the reception and processing of asylum claims. These included: a **lack of reception capacity** (AT, DE, SE, NO); **overcrowding** in existing reception facilities (AT, DE, EE, FI, PL, NO); lack of sufficient staff (CZ) including interpreters (DE, EL, SE, NO), **prolonged procedures** to decide on applications (BE, CZ, DE, IT, SE, NO) and an increased **backlog** of pending applications (BE, DE, LU, SE, NO). In **Greece** the high number of applications in combination with a lack of staff at regional asylum application centres also led to problems in terms of **access to the asylum procedure**. Although this was generally observed throughout the country, it was most challenging at the regional asylum centre in Attica. In **Poland** a significant, although decreasing, percentage (56% in 2015 in comparison to 77% in 2014) of third-country nationals applying for international protection disappeared from the territory of the state during asylum procedure. Recurring constrains in the management of the asylum system in Poland were mainly linked to third-country nationals who had left the reception centres for asylum seekers before completion of the asylum procedure or who failed to show up at the reception centre within two days of filing an application for international protection, mainly at the border.

Moreover, the higher number of applications resulted in further challenges related to the **integration** of beneficiaries of international protection (in case of positive decisions) as well as to the **return** of rejected applicants (in case of negative decisions). **Italy**, for example, mentioned that the high number of rejected applicants had put a particular strain on their return system whilst **Finland** reported challenges concerning the provision of Assisted Voluntary Return and Reintegration (AVR(R)) support. At the same time, **Latvia** emphasised possible future challenges related to the integration of a higher number of beneficiaries of international protection.

[21] Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person, OJ L 180, 29.6.2013.

Member States who found themselves under disproportionate pressure and/or a high and unexpected influx of applicants undertook **various actions to meet these challenges**.

In an attempt to regain control over migration flows within the EU, some Member States temporarily re-introduced internal border controls (see section 3.2.2 on Schengen governance). **Sweden** for example introduced a new law in 2015 following which, since January 2016, carriers have had to check the identity of all persons crossing the Swedish border by bus, train or boat.

Examples of other measures related to the reception and processing of asylum claims, sub-divided into those aimed at prevention, mitigation and response, included the following:

Prevention

- Adoption of an **emergency Operational Plan**, setting out a number of measures to be implemented, by whom, and to what effect (IT, NO);
- **Risk analysis** or **monitoring** (AT, ES, FI); e.g. in response to the high influx **Finland** set up an expert group which compiled daily and weekly asylum situation reports. On that basis, it was able to identify preventive measures. In the case of **Spain**, a high-level inter-ministerial group has been established.

Mitigation

- **Mechanisms to speed up the decision-making process** e.g. hiring more case workers (AT, BE, DE, ES, FI, FR, HU, IT, SE) and/or fast-tracking certain types of applications (ES), notably from Syria (BE, CY, DE, EL). For example, **Sweden** and **Germany** temporarily suspended the initial interviews with applicants from Syria and/ or Eritrea. With a view to processing certain applications in accelerated procedures, three Member States (DE, HU, NL) newly introduced a national list of safe countries of origin. Similarly, **Finland** and **Hungary** established transit zones (HU) or a first registration centre (FI) where applications were registered and their admissibility assessed. Manifestly unfounded applications were subsequently dealt with in accelerated procedures. To speed up decision-making of all applications in general, **Finland** streamlined its asylum procedures by temporarily conducting the initial and in-depth interviews at the same time. **Spain** approved an emergency plan to speed up the decision-making process as well as personal interviews and a standard operating procedure for handling asylum applications in collaboration with the United Nations High Commissioner for Refugees (UNHCR).
- To **limit the inflow of applicants**, **Belgium** temporarily restricted the number of applicants who could lodge an application to no more than 250 per day, with priority given to families and vulnerable asylum applicants.

Response

- Establishment of **emergency reception structures** (AT, BE, DE, FR, HU, SE), the **building or opening of new facilities** (AT, BE, DE, EL, FI, FR, HU) or the **re-structuring and optimization of existing reception capacities** (BE, ES). For example, **Spain** conducted an electronic mapping of over 2,500 potential reception places and assessed their state of maintenance, the timeframe for their availability and their proximity to services, among others. In parallel, the personal and family characteristics of the beneficiaries of international protection were examined to ascertain the kind of services they would require (such as registration in the municipalities, health cards, etc.). **Austria** increased the selected maximum amounts paid out for basic welfare support to meet applicants' reception needs.
- **Poland** adopted a focussed **strategy on the proceedings to be used in case of a massive inflow of foreigners** in the South sector of the Polish border with the Czech Republic, Ukraine and Slovakia. The document, which was agreed in October 2015, identified actions to be taken to manage changing migration flows from the Mediterranean and Balkan routes to the EU Member States. The strategy covered both the asylum and the return procedures, as well as addressing identification and reception matters.
- **Speeding up integration into labour market.** In the framework of social dialogue, an agreement to promote the integration of refugees into the labour market has been reached in **Spain** between the government and the main trade unions. **Sweden** also scaled up its policies for quicker labour market participation of beneficiaries of international protection.

- Some Member States reported on **increased tensions and anti-immigrant sentiments** amongst the population. For example, in Member States such as **Germany, Finland** and the **Netherlands** the establishment of temporary or additional reception centres resulted in strong opposition, demonstrations and attacks against asylum seekers and their shelters. In this context, **Hungary** emphasised that asylum and migration had become "an issue affecting the whole society". In contrast, a rise in discrimination and xenophobia has not been observed in **Spain**.

In 2015 other challenges unrelated to the high migration flows included the misuse of the asylum system through the lodging of subsequent applications by rejected asylum seekers who wanted to delay or prevent removal (UK). To remedy this situation, the **United Kingdom** now requires applicants to lodge a subsequent application in person at a specific location in order to speed up the overall process.

Four Member States (CZ, DE, LT, NO) reported on **criticism** on their asylum systems by civil society organisations. In the **Czech Republic**, a national NGO criticised the lengthening of the procedure following the high number of applications, whilst in **Norway** NGOs raised issues related to applicants who had to sleep outside reception centres, the lack of access to health care, as well as the lack of a sufficient staff at reception centres for unaccompanied minors (UAMs). In **Lithuania**, NGOs argued that asylum seekers received insufficient financial support.

The following sections report review specific changes and developments in the Member States to improve 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 underpinned by the requirements of the Common European Asylum System, in particular the expiration of the transposition deadline (20 July 2015) of the recast of the Asylum Procedures Directive (APD) and the recast of the Reception Conditions Directive (RCD), and the adaptations introduced in this respect at the national level in terms of changes in legislation, policies and practices.

How are Member States improving their asylum procedures?

Changes linked to the **processing** of applications for international protection were many and varied. With a view to **improving procedural guarantees**, several Member States introduced changes related to access to information and legal counselling (EE, LU, FR) as well as interpretation (EE, HR, IT). For example, in **Luxembourg** national legislation was changed to ensure that applicants had free access to legal assistance throughout the asylum procedure (with some exceptions). **Estonia** revised its counselling system and provided counselling sessions to all applicants residing in reception and detention centres.

Some Member States (e.g. FR, HU, IE, LT, NL) made changes to their first instance procedure. For example, **France** reported that its first instance procedure was substantially modified to bring it in line with the requirements of the recast APD. Applicants could now be interviewed in the language they expressed a preference for and could choose the gender of the interviewer. Similarly, **Lithuania** also reported on multiple changes introduced to the procedure at first instance, related to, for example, the confidentiality of collected/processed information as well as the specification of circumstances for the omission of the personal interview.

To ensure **efficient processing** of applications, Member States introduced changes related to the registration of applicants (CZ, DE, HR, LU, LV, PL, SI), the upgrading of technical/IT equipment (DE, FI, IT, MT, SE, SI, NO), as well as the establishment of special procedures (DE, IT, LT, NL, PL, NO). With regard to the registration of applicants, the **Czech Republic**, for example, removed the obligation to first submit 'an intention to apply for international protection', whilst **Croatia**, **Latvia**, and **Luxembourg** reduced their registration deadlines. **Poland** introduced the possibility to submit 'a declaration of application for international protection' for vulnerable groups of third-country nationals. **Norway** launched a pilot project for the self-registration of applicants. In terms of technical/IT equipment developments, **Italy** and **Sweden** introduced a digitised system for the registration of applications for international protection. **Finland** and **Germany** started using or extended electronic case management,

including digital archiving, **Malta** set up a digital database, and **Norway** introduced the possibility of conducting interviews with applicants via Skype/video links. Concerning special procedures, changes primarily related to accelerated procedures. As described in the previous section, confronted with a high influx, some Member States (e.g. DE, HU, NL) introduced a national list of safe countries of origin whose applications were subsequently processed in accelerated procedures. Other changes related to border procedures (HU, NL, PL), prioritised procedures (DE, IT), and admissibility procedures (NO). For example, **Italy** prioritised the processing of applications of UAMs, manifestly unfounded claims and claims lodged by applicants held in detention. **Norway** refused to examine asylum applications on their merits from persons who previously resided in the Russian Federation, after an individual assessment as to whether they could safely return there. The **Netherlands** introduced a new border procedure to process inadmissible and manifestly unfounded claims at the border, whereas **Poland** considered making provision for the pre-verification of asylum applications already at the border. **Lithuania** established a procedure for examining an application for asylum as to the substance as a matter of urgency in specific cases (e.g. where an asylum applicant enters from a safe country of origin, submits misleading information or falsified documents, etc.).

In **Ireland,** the International Protection Act 2015 was signed into law on 30 December 2015. The Act provides for the introduction of a single application procedure and brings Ireland in line with the single asylum procedure applied in all other EU Member States. The Act is expected to significantly streamline and speed up the processing of protection applications, as under the single procedure, an applicant will make only one application, and will have all grounds for seeking international protection and to be permitted to remain in the State examined and determined in one process. Preparations are underway in the Department of Justice and Equality to implement the provisions in the Act during 2016.

In **Sweden**, the Swedish Migration Agency started a process to **adjust the overall procedures for the processing of applications**. The adjustment process is still ongoing and is foreseen to be completed in 2016. Under the new procedures, applications will be categorised into six different tracks: track one to three handle regular asylum cases; track four and five manifestly unfounded applications and Dublin cases; and track six extensions of temporary residence permits. According to this distribution, cases would subsequently be assigned to appropriate case officers. The aim of this categorisation is to adjust the handling of a case according to its particular needs.

With regard to the **quality** of the **asylum procedures**, measures included:

- The provision of training courses to staff (AT, BG, DE, ES, IE, MT);
- The development of a handbook on the qualitative treatment of asylum cases (BE);
- The introduction of a formal age assessment procedure (CY) and of guidelines for conducting age assessment (EL); the development of a new standard for age assessment (SE), as well as; and
- The introduction of a new method to investigate and establish applicants' identity (SE).

Few Member States made changes related to the **appeal and/or judicial review** of first instance decisions. With a view to handling appeals more efficiently, the courts in the **Czech Republic** were newly required to decide within a certain time limit in case the applicant was detained or in case of appeals against transfer decisions according to the Dublin Regulation. **Finland** was preparing measures to prioritise the processing of appeals lodged by applicants for international protection and had taken action to decrease the composition of the Supreme Administrative Court required for making a decision concerning a leave to appeal related to asylum or subsidiary protection.[22] **Hungary** shortened the timeframe within which an appeal could be lodged. And, finally, whilst **France** systematised the suspensory appeal before the National Court of Asylum, the **Czech Republic** limited possibilities of automatic suspensive effect.

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

With regard to reception, the high influx of asylum seekers placed some Member States' national reception systems under considerable strain. As a response, a significant number of Member

[22] The Court may now also decide on granting a leave to appeal in a composition consisting of two judges, instead of the previous requirement of three judges. If the judges are not unanimous, the matter will be transferred to be ruled by a three-member or larger composition

States increased their reception capacity by establishing temporary or new facilities as described in section 1.1.2.

In view of the transposition deadline of the recast RCD, some Member States (e.g. AT, BE, CZ, EE, IT, LU, LV, NL, SE, SK) also revised their reception practices with a view to provide **more dignified reception conditions**.

The majority of changes related to the identification of **vulnerable groups** and attending to **their special needs**. These included:

- In **Austria**, the **Czech Republic**, **France**, **Latvia,** and the **Netherlands** the obligation to conduct a vulnerability assessment and to attend to the special needs of vulnerable applicants was introduced in national legislation;
- The **Czech Republic** and **Italy** specified the grounds for vulnerability, while **Lithuania** changed the definition of vulnerable applicants;
- The **Slovak Republic** developed a new tool to register information on applicants which also specified the level of vulnerability (i.e., social profile). Such information is accessible to all stakeholders concerned; and
- **Sweden** reported on the development of new tools and methods for the identification of applicants with special needs. A pilot project will be implemented in 2016 whereby the tool developed by the European Asylum Support Office (EASO) for the identification of persons with special needs will be translated into Swedish and research will be conducted to see whether the tool is efficient and useful. The pilot project further aims at identifying support and training measures that are needed for using the tool.

Some Member States also reported on **improvements to reception conditions in other areas**. For example **Belgium**, the **Czech Republic**, **Estonia** and **Luxembourg** shortened the timeframe for granting access to the labour market to asylum seekers. **Sweden** undertook efforts to improve (labour market) integration possibilities from an early stage during reception by organising activities such as language courses, apprenticeships, community information sessions and get-togethers of applicants with the local community. With a view to further harmonising reception conditions, the **United Kingdom** standardised the level of living allowance granted to applicants for international protection. In **Ireland,** the Government established an independent Working Group on the Protection Process to report on the improvements introduced in this area, including in the system of Direct Provision and support for asylum seekers. The Working Group aimed to contribute to improving existing arrangements for the processing of protection application, including by enhancing respect for the dignity of the persons in the system, and raising their quality of life. The Report of the Working Group was published on 30 June 2015 and work is ongoing to act on its recommendations.

Finally, with regard to **detention**, seven Member States (BG, CZ, FR, HR, HU, IT, LU) reduced possibilities for placing applicants in detention, in line with the recast RCD. Whilst five Member States (DE, FR, HU, IT, LU) introduced stricter grounds for detention, two others (CZ, LU) established additional possibilities concerning alternatives to detention. **Estonia** improved conditions in detention centres by providing counselling to applicants held in detention as well as organising leisure activities. **Belgium** noted that it had increased its detention capacity, not to detain more applicants, but to accommodate increasing numbers of rejected asylum seekers.

What developments took place under the Dublin III Regulation?

Few Member States (AT, FR, HU, IT, LV, LU, NL) reported on developments under the Dublin Regulation. In those which did, changes were wide-ranging, relating to the introduction of outstanding legal modifications following the adoption of Dublin (FR), the introduction of a web-based system to facilitate the exchange of information between the Dublin Unit and the police on Dublin procedures (IT) and the introduction of deadlines for the submission of appeals against transfer decisions (AT, LV, LU).

Due to the high influx of applicants, **Hungary** reported that it had been temporarily unable to receive Dublin transfers during the period 22 June to 3 July 2015.

What other relevant developments have taken place under the CEAS?

Several Member States reported on developments with regard to **Country of Origin Information** (COI). These included:

- The development of toolkits and methodologies (BE, SE); **Belgium** created a COI check toolkit for Syria, Iraq, Afghanistan and Somalia, whilst **Sweden** continued to further develop its COI methodology, including the design of a methodology for analysing the capacity and integrity of the justice and security sector in the countries of origin;
- Implementation of COI missions (FR);
- Provision of training to staff in COI (BE); and
- Finally, **Finland** completed a COI project in 2015 with co-financing by the European Refugee Fund (ERF) which in total produced eight focused COI reports.

A few Member States reported also on changes with regard to the **return of rejected asylum applicants**, as follows:

- **Belgium** launched an information campaigns targeting applicants originating from Iraq and Afghanistan. The campaigns aimed at providing information to those who had travelled to Belgium or were planning on travelling to Belgium to counter any inaccurate information/assumptions related to financial and social benefits. Following the implementation of these campaigns, the number of voluntary returns to, in particular, Iraq increased; in 2015, about one in four voluntary returns was to Iraq;
- The **Czech Republic** introduced legislative changes which simplified procedures for rejected applicants to request AVR(R) assistance;
- **Finland** introduced legislative amendments to consolidate the system of voluntary return;
- **Germany** suspended the provision of AVR(R) to third-country nationals from Kosovo who entered the Federal territory after 31st December 2014 and established that only transport costs could be covered in those cases;
- The **Netherlands** suspended the provision of AVR(R) assistance to third-country nationals from Mongolia (Dublin claimants) and Kosovo after indications of misuse of such assistance by these nationalities;
- **Poland** instigated the cost-effectiveness evaluation process of the AVR(R) scheme and changed the entity responsible for organising and financing assisted voluntary returns of rejected asylum seekers, which would now be the Border Guard instead of the Office for Foreigners; and
- **Norway** returned to Russia those asylum applicants whose applications were processed in the previously described fast track procedure as Russia is now considered to be a safe third country.

1.3 INSTITUTIONAL AND ORGANISATIONAL CHANGES

Nine Member States and Norway introduced institutional and organisational changes in the field of asylum, motivated by different reasons, as follows:

- In **Austria,** due to the shortage in reception capacity, seven additional branch offices were established (in addition to the initial reception centres in Traiskirchen and Thalham) to process asylum applications in the province where an application had been lodged;
- **Cyprus** established a new administrative court to handle appeals on asylum decisions;
- Confronted with a high influx of applications, some Member States increased the number of staff available for processing asylum claims. **Finland** also reported on more far-reaching structural changes, including for instance the establishment of two new regional offices as part of the Finnish Immigration Service, as well as an Expert Group to help deal with the high volume of new arrivals;
- In **Germany** about 20 new branch offices of the Federal Office for Migration and Refugees were established (in addition to the 22 that were already in place at the beginning of 2015). Furthermore, two reception centres were created in which an optimised asylum procedure was tested, which was based on a model procedure with case clusters to accelerate the stages of the asylum procedure. The basic concept consisted of sub-dividing asylum-seekers into four groups referred to as clusters before filing applications. The criteria applied are the country of origin (cluster A: protection rate of the countries of origin > 50 % and cluster B: safe countries of origin/Western Balkans), the anticipated level of

complexity (cluster C: complex cases) and the route travelled (cluster D: Dublin procedure examination). The Länder in question registered the asylum-seekers, and examined their state of health before they filed an application. Further components of the model procedure reduced the time needed in processing. Interpreters informed groups of asylum-seekers of their rights and obligations in specially set up rooms. To this end, physical and technical document examination (for instance of passports) was carried out on the spot. Staff of the Federal Office processed the applications from clusters A and B within a maximum of 48 hours;

- In **Greece** a new body was established (the 'Executive Structure of National Strategic Reference Framework') to supervise and monitor the implementation of asylum policies and a new structure within the Hellenic Ministry of Interior was set up which focused on first reception and the integration of beneficiaries of international protection;
- In **Latvia** and **Lithuania** tasks and responsibilities for the processing and decision-making on asylum applications shifted across authorities. For example, in **Latvia**, the Office of Citizenship and Migration Affairs took over responsibility for conducting asylum interviews from the State Border Guard, whilst in **Lithuania** the Migration Department took over responsibility for decisions on the withdrawal of residence permits on grounds of representing a threat to national security, public policy or the community, from an administrative court;
- **Poland** decided to increase the number of open reception centres for foreigners applying for international protection from the eight already existing up to 12 open centres, while at same time improving the conditions and services which might benefit foreigners;
- In **Spain** coordination within public administrations (at regional and local level) and NGOs was enhanced to offer a better and faster response to the high number of asylum applications. In addition, a high level inter-ministerial group was established (see section 1.1.2 above); and
- Finally, **Norway** appointed a Minister of Immigration and Integration and thereby created an extra Ministerial post under the Ministry of Justice and Public Security.

1.4 IMPACTS OF JURISPRUDENCE

Figure 1.4.1: Overview of EU Member States reported measures on important new national jurisprudence relating to asylum



Figure 1.4.1 provides an overview of those Member States who reported on important new national jurisprudence relating to asylum.[23] In addition, it also shows those Member States which reported that the rulings of the Court of Justice of the European Union (CJEU) had impacted on their national jurisprudence and policy during the reporting period. In most cases, CJEU rulings were referred to in national jurisprudence and guided the interpretation of key concepts and/or influenced the decision of national courts.

Judgments concerned, amongst others: detention (AT, HR, SI, UK), Dublin transfer decisions (FR, NL, PL), grounds for international protection (IT, LU, NL, SI, PL, NO), family unity and derivative status (SE, SI), as well as accelerated procedures (BE).

For further details on national jurisprudence, see the National Reports.

[23] AT, BE, FR, IE, IT, LU, NL, SE, SI, UK and NO

1.5 COOPERATION WITH THE EUROPEAN ASYLUM SUPPORT OFFICE

1.5.1 PARTICIPATION IN EASO ACTIVITIES

All Member States and Norway continued to contribute to EASO activities in 2015 in various ways and different areas.

Figure 1.5.1: Overview of activities EU Member States were involved in

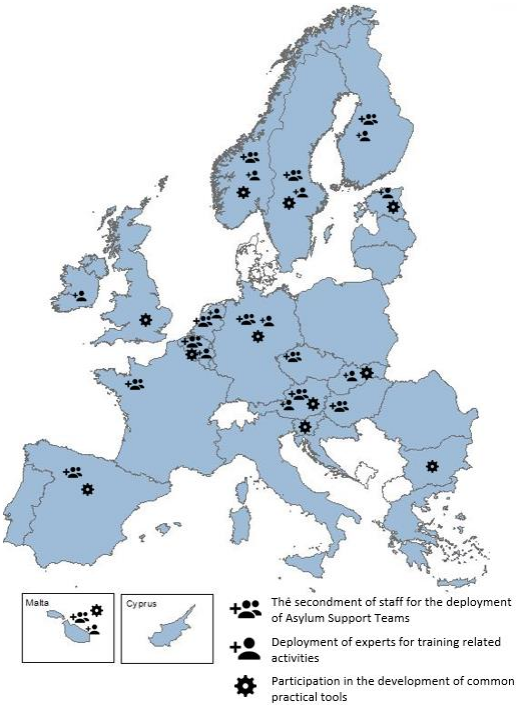


Figure 1.5.1 shows the different activities Member States were involved in, including:

- The secondment of staff for the deployment of Asylum Support Teams;[24]
- The deployment of experts for training related activities, including regional train-the-trainer sessions;[25] and
- The participation in the development of common practical tools, e.g. COI activities/reports, European Asylum Curriculum (EAC) modules, the EASO Quality Matrixes etc.[26]

In addition to activities above, nineteen Member States also reported on their staff participating in EASO training activities (BE, BG, CY, CZ, DE, EE, EL, ES, FI, FR, IE, LV, LU, MT, PL, SE, SI, SK, NO).

1.5.2 PROVISION OF SUPPORT BY EASO TO THE MEMBER STATES

Following the unprecedented influx of migrants and the high number of asylum applications, EASO provided emergency/special support to **Bulgaria, Cyprus, Greece** and **Italy** throughout 2015.

- **Bulgaria** and EASO signed an agreement for a Special Support Plan for Bulgaria on 5th December 2014 following which EASO provided Bulgaria with tailor-made support throughout 2015 with the aim of ensuring the long-term sustainability of the assistance it had provided earlier in 2013-2014. Support in 2015 focused primarily on institutional capacity building, quality assurance mechanisms and responding to the special needs of vulnerable groups. A number of activities were implemented in relation to reception and social activities, quality of the procedure for international protection, identification and referral of vulnerable persons, drafting COI reports and trainings of staff members. In total, eleven EASO missions were carried out in Bulgaria. Twelve staff members were trained and six staff members participated in study visits to other Member States in order to exchange experiences and good practices in relation to priority issues such as those concerning vulnerable persons, unaccompanied minor and guardianship and the Dublin procedure;[27]
- Following a request by **Cyprus** to further improve and enhance the Cypriot asylum system (after EASO had provided support throughout 2013/2014) Cyprus signed an agreement with EASO to extend the implementation period of the Special Support Plan for Cyprus until 29 February 2016, as well as to amend certain activities and add specific measures, to accommodate the needs of the Cypriot authorities involved in the asylum procedure. Besides continuing the implementation of the initial support measures, new activities on statistics, age assessment, guardianship, training and Dublin procedures were added;[28]

[24] AT, BE, CZ, DE, ES, FI, FR, HU, MT, NL, PL, SE, SI, NO

[25] AT, BE, DE, EE, FI, FR, IE, MT, NL, PL, SE, SK, NO

[26] AT, BE, BG, DE, EE, ES, MT, PL. SE, SI, SK, UK, NO

[27] National Report of Bulgaria

[28] See the EASO website: 'EASO and Cyprus sign agreement to continue EASO support to Cyprus until February 2016', available at https://easo.europa.eu/latest-news/easo-and-cyprus-sign-agreement-to-continue-easo-support-to-cyprus-until-february-2016/, last accessed on 19 May 2016.

- **Greece** signed a new Support Plan with EASO to continue providing assistance to the country until May 2016. The Plan builds on the Operating Plans Phase I and II (under which EASO has provided support to Greece since 2011), with EASO granting support to Greece in a number of prioritised areas, such as the absorption of EU funds and other financial resources, planning and implementing projects, training Greek personnel in the framework of the EASO Training Curriculum, Dublin procedures, COI, setting up an effective guardianship system and the transcription of interviews. In the field of reception, support was offered by monitoring the provision of services and enhancing the quality of the reception procedure;[29] and
- **Italy** signed an agreement with EASO in January 2015 for a Special Support Plan to continue the provision of assistance until January 2016. The support provided focussed on long-term operational support for the Italian Territorial Commissions and Sections in the fields of COI and administrative preparation of the asylum files; tackling the backlog of pending cases in the Dublin procedure; and strengthening the capacity of reception measures (such as those for UAMs). Moreover, EASO continued to train personnel of the Italian National Asylum Commission and engaged in capacity building measures for the newly established COI Unit.[30]

1.6 INTRA-EU SOLIDARITY INCLUDING RELOCATION

Member States showed solidarity with those Member States under pressure by contributing to and participating in several support activities organised by EASO (as described in section 1.5.1). Member States also provided support on the basis of bilateral or multilateral initiatives. For example:

- **France** conducted a mission to **Germany** (Munich) in September 2015 and offered to accommodate and assess, through priority proceedings, the claims of Syrian and Iraqi applicants in France. Several hundreds of Syrians and Iraqis were subsequently transferred to France and had their claims assessed by the end of September 2015;
- On 8th September 2015, **Luxembourg** relocated on an ad-hoc basis 42 Syrian refugees (9 families composed of 21 adults and 21 children) from Baden-Württemberg in Germany. Luxembourg had responded positively to a call by the German authorities to receive applicants for international protection who had recently arrived in Germany via Austria; and
- **Austria** concluded an agreement with the **Slovak Republic** following which the latter provided accommodation with a capacity of up to 500 applicants present at the same time. Based on the agreement, the Slovak Republic provided housing and food whilst Austria remained responsible for the care and security of the applicants on location and for deciding on their asylum applications. The preliminary term for the agreement is two years.[31] A number of Member States also delivered supplies (e.g. tents, mattresses, blankets, transportation buses) and personnel (e.g. police officers) to **Slovenia** (AT, BG, CZ, DE, EE, FR, HU, LT, LV, PL, RO, SK), **Hungary** (CZ, NL, PL, SK), **Croatia** (AT, SK) and the former Yugoslav Republic of Macedonia (FYROM) (PL). To further lend assistance to countries situated on the Balkan route, **Austria** provided relief supplies to Serbia and Hungary sent equipment to Macedonia.

With regard to relocation, all Member States pledged to applicants from Italy and Greece as agreed by the adoption of the Emergency relocation mechanism to relocate 40,000 asylum seekers from Italy and Greece[32] and the subsequent agreement on an Emergency relocation mechanism to relocate 120,000 asylum seekers from Italy and Greece.[33]

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[29] See EASO, 'EASO Special Support Plan to Greece', EASO/COS/2015/379, available athttps://easo.europa.eu/wp-content/uploads/EASO_SPECIAL-SUPPORT-PLAN-TO-GREECE_MAY_2015.pdf, last accessed on 19 May 2016.

[30] See the EASO website: 'EASO and Italy sign agreement to continue EASO support to Italy until April 2016', available at https://easo.europa.eu/latest-news/easo-and-italy-sign-agreement-to-continue-easo-support-to-italy-until-april-2016/, last accessed on 19 May 2016.

[31] Federal Ministry of the Interior, *Mikl-Leitner: "Österreichisch-slowakische Asylkooperation beispielgebend für Europa"*. News, 21 July 2015, available at www.bmi.gv.at/cms/BMI/_news/BMI.aspx?id=3057395A77426F7777524D3D&page=40&view=1, last accessed on 9 December 2015.

[32] Council Decision (EU) 2015/1523 of 14 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and of Greece

[33] Council Decision (EU) 2015/1601 of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece

Several Member States reported on these relocations including took place by the end of 2015 and (planned) relocations for 2016. An overview of the relocations as implemented by 12 May 2016 is provided in Table 1.6.1 below.

Table 1.6.1: Implemented relocations under the EU Emergency Relocation Mechanisms until 28 July 2016

Member State	Total places made available	Relocated from:		Remaining Quota
		Italy	Greece	
Austria				1,953
Belgium	230	29	90	3,693
Bulgaria	1,302		6	1,296
Croatia	26	4		964
Cyprus	80	10	35	275
Czech Republic	50		4	2,687
Estonia	86		31	298
Finland	820	180	208	1,624
France	2,870	231	1,099	18,484
Germany	150	20	37	27,479
Greece				
Hungary				1,294
Ireland	150	20	38	562
Italy				
Latvia	491	8	39	435
Lithuania	340		44	627
Luxembourg	150	20	71	466
Malta	131	17	24	90
Netherlands	775	127	342	5,478
Poland	100			6,192
Portugal	1,642	166	307	2,474
Romania	1,235	6	122	4,052
Slovak Republic	100			902
Slovenia	70	6	28	533
Spain	400	50	147	9,126
Sweden	300	39		3,727
United Kingdom	N/A	N/A	N/A	N/A
Norway	1,500 (2016-2017)			1,500

Source: ICF on the basis of information available at the European Commission Website[34]

1.7 ENHANCING THE EXTERNAL DIMENSION INCLUDING RESETTLEMENT

At EU level, all Member States and Norway as well as associated Dublin countries (Iceland, Lichtenstein, Switzerland) made pledges to resettle a specific quota of refugees under the EU

[34] Table 1.6.1 is based on a table developed by the European Commission when reporting on the state of play of the implementation of the emergency relocation, of which the latest version of available at http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/press-material/docs/state_of_play_-_relocation_en.pdf (last accessed on 10th June 2016). The nature for the implementation of the relocation scheme is voluntary; although all the Member States have been assigned a 'quota' based on a distribution key (mandatory), the implementation of this quota is voluntary in the sense that Member States are required to indicate every three months the number of applicants who can in fact be relocated to their territory, in so-called pledges. The column 'places made available' in the table above reports on such pledges. Thus, the number of places made available does not correspond with the quota nor with the actual number of persons relocated.

resettlement scheme which was adopted in June 2015 (as elaborated on in the introduction to section 1.6 above).

With regard to resettlement activities under national schemes, most of the resettled refugees arrived from third countries to the EU under **general resettlement schemes**. However, 10 Member States (AT, BE, CZ, DE, FR, HU, LU, SE, SK, UK) and Norway also increasingly resettled refugees originating from regions impacted by the **Syrian crisis** under **various humanitarian resettlement schemes. Lithuania** and **Poland** adopted specific measures concerning resettlement from Ukraine and, in the case of Poland, also from Eritrea. Specifically:

- **Austria**, **Germany**, **France** and **Sweden** continued to provide residence to **Syrians** under their national resettlement or humanitarian admission programmes. The number of Syrians provided residence in 2015 under such programmes ranged from 686 in **Sweden** to 758 in Austria and 1,100 in **France** up to a total of 19,000 in **Germany**;
- The **United Kingdom** continued to operate the 'Syrian Vulnerable Persons Resettlement Scheme' launched in 2014. On 7 September 2015, the Prime Minister announced a significant extension of the Vulnerable Persons Resettlement Scheme for Syrian refugees. The Government intends to resettle up to 20,000 refugees from Syria's neighbouring countries over the next five years. The vulnerability criterion has been widened to include: women and girls at risk; survivors of violence and/or torture; refugees with legal and/or physical protection needs; refugees with medical needs or disabilities; children and adolescents at risk; persons at risk due to their sexual orientation or gender identity; and refugees with family links in the resettlement countries. The aim is to ensure that more of those in the greatest need are resettled in the UK. A total of 1,337 people had been resettled under this scheme by the end of 2015;
- **Ireland** resettled a total of 176 refugees from Jordan and Lebanon under the Irish Refugee Resettlement Programme. In total, Ireland pledged to resettle 520 refugees by the end of 2017;
- **Belgium** launched two special humanitarian admission programmes for Syrian Christians residing in Aleppo under which it had resettled 281 Syrian Christians by the end of 2015;
- **France** and the **Slovak Republic** provided residence to **Iraqis** under their national humanitarian admission programmes. **France** granted humanitarian visas to 1,800 Iraqis and the **Slovak Republic** granted humanitarian visas to 149 Iraqi internally displaced persons who were then granted asylum;
- **France** carried out a special operation for resettling Syrian and Palestinian nationals who had fled the war in Syria and refugees in Lebanon, Jordan and Egypt. In 2015, more than 640 people were resettled to France as part of this operation, which was carried out in cooperation with the UNHCR;
- **Germany** continued to provide residence to several hundred endangered local employees of the German armed forces as well as of German ministries in Afghanistan under their national humanitarian admission procedure;
- In **Luxembourg**, as a result of a mission conducted in 2014 by a national delegation, 46 refugees from Turkey were resettled to Luxembourg in 2015;
- In **Lithuania**, a resolution was adopted regarding the resettlement in Lithuania of persons of Lithuanian descent and their family members residing in the Ukrainian Autonomous Republic of Crimea, the city of Sevastopol and Donetsk and Luhansk regions. In 2015, 104 people were resettled in Lithuania under this resolution;
- Within its national ad hoc humanitarian resettlement scheme, **Poland** resettled third-country nationals originating from Ukraine as well as Eritrea (organised by the Estera Foundation); and
- **Spain** approved in early November 2015 the National Resettlement Programme for 2016. Spain plans to resettle 854 refugees by the end of 2016 focusing mainly on Syrian refugees in Turkey.

In addition, twelve Member States (BE, CZ, DE, FI, FR, HR, HU, IE, IT, NL, SE, UK) and **Norway** continued to implement their regular resettlement programmes in 2015. The number of persons resettled under these programmes ranged from 20 in the **Czech Republic** and **Hungary** to 481 in **Germany** and 1,050 in **Finland**, up to a total of 1,902 in **Sweden** and 2,382 in **Norway**

(arrivals)/(2,544 decisions). Member States resettled refugees from different regions in the world, mainly in cooperation with UNHCR. Examples of countries from where refugees were resettled included: Egypt, Sudan, Congo, Afghanistan, Kenya, Iran, Uganda, Somalia, Yemen, Jordan, Lebanon, Egypt, Iraq, Turkey and Syria. Other resettlement-related measures included:

- The **Slovak Republic** continued to conduct humanitarian transfers through its territory as part of the resettlement process to other countries - providing temporary shelter to 98 refugees and resettling 146 refugees to the USA. Many of these refugees were Somali families with children. Humanitarian transfers are carried out based on the trilateral agreement between the Slovak Government, UNHCR and the International Organisation for Migration (IOM), whose current version from 2015 increased the maximum capacity of the Emergency Transit Centre from 150 to 250 persons who can be present in Slovakia at the same time;
- **Sweden** is also currently implementing the 'EU-Frank' resettlement initiative which is a joint project involving the Netherlands, Belgium, Hungary, Italy and Switzerland co-financed under the Asylum, Migration and Integration Fund (AMIF). The project essentially constitutes a resettlement training programme which aims to design, establish and further increase the number of resettlement programmes in the EU. The training programme will link up more and less experienced Member States as 'buddies' to exchange experiences and expertise. The project will be carried out in close consultation with UNHCR and EASO.
- In terms of planned measures as regards special humanitarian resettlement schemes, **Hungary** planned to grant 50 Syrian students entry and residence under a scholarship programme during 2016-2017, whereas the **Czech Republic** agreed to resettle 153 Iraqi refugees in 2016 under a special humanitarian programme.

1.7.1 ENHANCING THE CAPACITY OF COUNTRIES OF ORIGIN AND TRANSIT TO MANAGE MIXED MIGRATION FLOWS



Cooperation with third countries

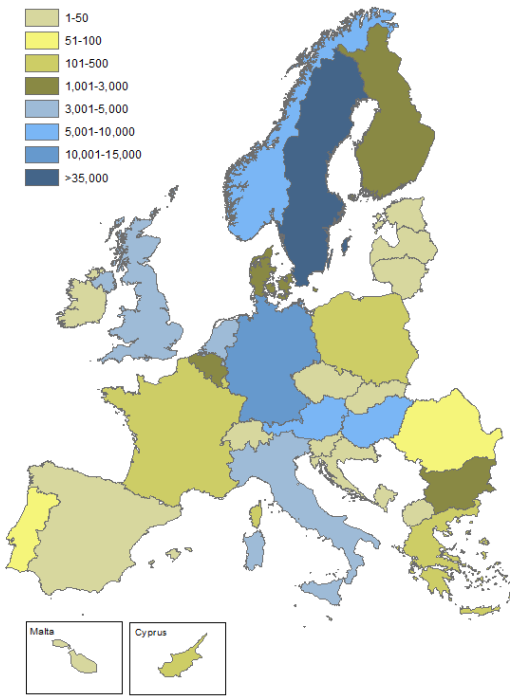
Six Member States reported on cooperation with third countries with a view to strengthening the latter's asylum systems. The following cooperation activities were documented:

- **Sweden** initiated a project with Turkey to implement a quality assurance system for asylum examinations. In the framework of this project, Sweden helped Turkey to identify any errors in decision-making and provided remedies to ensure that errors were not repeated;
- **Greece** hosted three Albanian case officers at the Hellenic Asylum Service. The aim of this exchange was for the three officers to observe and learn from asylum practices in Greece;
- **Poland** conducted expert seminars on the management of the asylum system for case officers from Moldovia and Tunisia;
- **Spain** held the First Hispano-Moroccan Migration Forum in November 2015. The Forum aimed at analysing the new immigration and asylum policy in Morocco and at identifying best practices and challenges. The Forum evidenced the importance of close collaboration with third countries. Several representatives of the Moroccan Government participated in the event; and
- **Austria** and the **Czech Republic** reported on having allocated funding to governments of countries whose asylum infrastructure was under particular pressure, as well as to organisations and funding instruments providing assistance to third countries affected by the Syrian crisis, i.e. UNHCR, the United Nations Office for the Coordination of Humanitarian Affairs, the EU Regional Trust Fund, the Turkish Disaster and Emergency Management Authority etc. Furthermore, some Member States made a funding contribution to the Regional Development and Protection Programme (RDPP) for North Africa (NO, CZ) as well as for Middle East (CZ).

2 UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS

The year 2015 also saw a very significant increase in the number of asylum applications submitted by UAMs across the EU, especially in **Italy**, **Austria**, **Bulgaria**, **Sweden** and the **Netherlands**. The overall number of 93,295 (EU Member States plus Norway) represents an increase of four times compared to the average number of applications submitted in the previous years.[35] The reasons behind the arrival of the UAM in the EU continue to be diverse and inter-related, some are fleeing armed conflicts, natural catastrophes, discrimination or persecution.

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

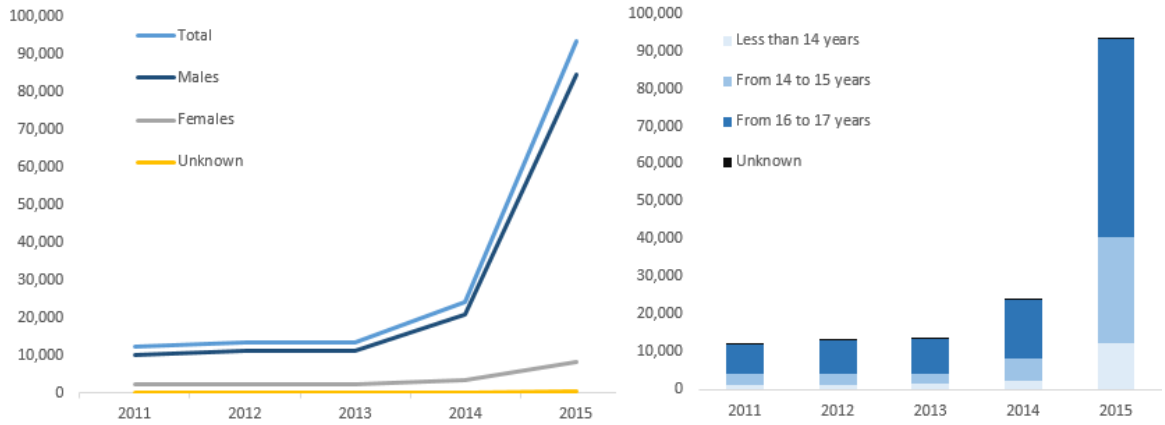


A total number of 93,295 asylum applications were submitted by UAMs.[36] Figure 2.1 shows the number of unaccompanied minors applying for asylum in each Member State plus Norway in 2015. Data shows that the Member States receiving the highest amount of asylum-seeking UAMs are **Sweden** (35,250 or 37.8% of the total EU number), **Germany** (14,440 or 15%), **Hungary** (8,805 or 9.5%), **Austria** (8,275 or 9.5%) and **Norway** (5,050 or 9%), taken together representing more than 77% of the total.[37] The main countries of origin of UAMs in 2015 were Afghanistan, Syria, Eritrea, Iraq, Somalia and Gambia.

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 2015, they represented 90% of the total number of UAMs seeking asylum in the EU, as opposed to almost 9% girls.[38]

Most UAMs who applied for asylum during the period 2011 – 2015 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 seeking asylum in the EU plus Norway between 2011 and 2015 by gender – and the number of UAMs seeking asylum in the EU plus Norway 2011-2015, by age.

Figure 2.2: Number of UAMs seeking asylum in EU Member States and Norway by gender and by age, 2011-2015



Source: Eurostat, extracted: 27 May 2016

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

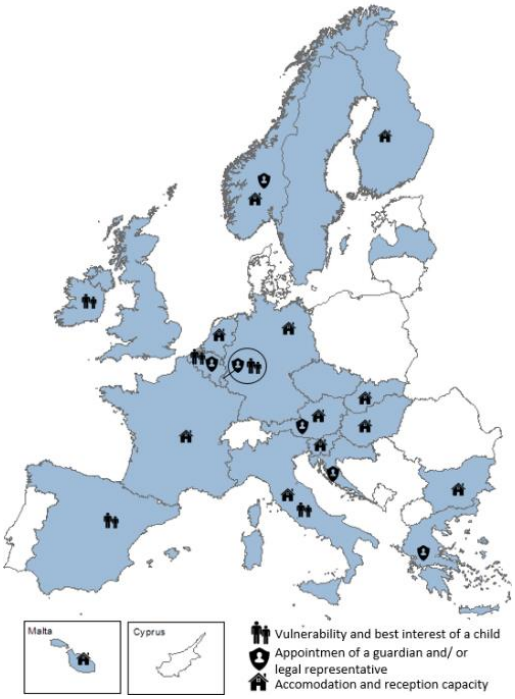
[36] EU Member States plus Norway

[37] Eurostat data, 2015

[38] Ibid

2.1.1 ENTRY, IDENTIFICATION, ASSESSMENT PROCEDURES, ACCOMODATION AND RECEPTION CAPACITY OF UNACCOMPANIED MINORS.

Figure 2.3: Overview of measures introduced by EU Member States and Norway on UAMs



In 2015, 23 Member States[39] reported on changes with regard to unaccompanied minors, changes included:

- Accommodation and reception capacity;[40]
- Appointment of a guardian and/or legal representative;[41]
- Vulnerability and best interest of the child.[42]

In addition to the changes reflected in Figure 2.3, some Member States also reported changes in relation to:

- Identification and age assessment (BE, DE, EL, LU;
- Inter-institutional cooperation and training of staff (BE, CZ, EL, ES, LV, PL);
- Detention and alternative to detention (AT, FI); and
- Return and reintegration (IT, PL, NO).

Accommodation and reception capacity

Legislative Changes

Changes related to the **initial accommodation of UAMs** were introduced in **Austria, Bulgaria, Hungary, Malta** and **Slovakia**, while **Sweden** introduced simplified procedures for UAMs applications. In **Spain**, rights of UAMs have been highlighted in a new law on the protection of children and adolescents. For example:

- In **Austria,** the changes stipulated that asylum-seeking UAMs aged 14 and over were required to be brought to the initial reception centre after they apply for asylum;
- In **Bulgaria**, a ban was introduced for UAMs to be forcibly placed in Special centres for temporary accommodation of foreigners. Instead, UAMs had to be transferred to "Social support" directorates which would provide special care;
- In **Hungary**, changes related to precautionary measures in the event of high influx took place. The new rules adopted provide that in the case of mass arrival, capacities for temporary placement of UAMs have to be established and UAMs can only be placed in temporary accommodation when no places in special homes for minors are available. The care provided to children placed in temporary placement should be equivalent to the treatment afforded in special homes for minors. Moreover, in order to provide assistance as soon as possible, the new rules provide that a child protection guardian shall be appointed within eight days of this being requested by the asylum authority;
- In **Malta**, a reform of the legislative framework stipulated that UAMs should not be detained, but rather placed in an initial reception centre while they awaited a medical examination and the age assessment procedure;

[39] AT, BE, BG, CZ, DE, EL, ES, FI, FR, HR, HU, IE, IT, LV, LU, MT, NL, PL, SE, SI, SK, UK, NO
[40] AT, BG, DE, FI, FR, HU, IT, MT, NL, SE, SI, SK, NO
[41] AT, BE, EL, HR, LU, PL, NO
[42] BE, ES, IE, IT, LU, PL, SK

- In **Slovakia**, as of July 2015, UAMs can stay in social protection and guardianship facilities during the asylum procedure. As a result, appropriate conditions for interviews with UAMs and meetings with international organisations had to be introduced;
- In **Spain**, the new law for minors' protection passed in July 2015 concerned specifically foreign minors and UAMs. Although the provisions regarding foreign minors were already established within the context of the migration framework, their integration into the general framework on the rights of the child has resulted in the establishment of a comprehensive and integrated status for children protection;
- In **Sweden**, a temporary simplified operation was introduced for the processing of asylum applications lodged by UAMs. The aim was to quickly register all asylum applications and to include applicants into the reception system. The operation was primarily used for Syrian citizens, stateless persons from Syria and Eritrean citizens.

In **France** and **Germany** changes were introduced concerning the **nation-wide dispersion mechanisms** of asylum seekers, including UAMs:

- In **France**, a new law, dated 14th March 2016, consolidated the national distribution mechanism of UAMs by clarifying the principles of national solidarity, reduction of inequalities and the best interest of the child. Furthermore, an ambitious action plan to improve the reception and monitoring of the situation of UAMs was presented to the Council of Paris in April 2015;

  In **Germany**, a distribution mechanism was introduced on 1st November 2015. The new quota regulation now treats minors in the same way as adults in terms of their distribution for settlement across the territory, while previously minors would receive accommodation where they first arrived. Communes which previously received less UAMs have started training personnel to meet the distribution expectations.

Policies, Strategies and/ or Measures

A number of Member States reported on expanding their reception capacity due to the high increase of the number of UAMs in 2015. Measures in this area included the following:

- In **Belgium**, the number of reception centres for UAMs was increased from three to six and the number of available places increased 65%, up to 2,094 reception places for UAMs by the end of 2015;
- In **Finland,** 60 new group homes and supported living units were established for asylum-seeking UAMs;
- In **Hungary**, the reception capacity for UAMs was increased by 75% in 2015;
- In **Italy**, 800 initial reception places were created and the reception capacity for UAMs was increased by 1,214 units;
- In **Slovenia**, due to the increasing migrant flows, some vulnerable categories were accommodated in student dormitories where professional help was provided;
- In **Sweden**, the government took measures to support municipalities in their work to assist and facilitate the integration of UAMs, including by introducing a new form of accommodation for minors and young people, called 'supported accommodation' which would be provided as of 1st January 2016. The level of supervision and care provided in 'supported accommodation' is somewhat lower than in other types of facilities for UAMs.

Introduction of foster care for UAMs in Belgium, France and the Netherlands

Foster care of UAMs in local families is identified as a good practice, as it provides a home environment where the minor can be integrated in the local life and receive care from a family. Families who would like to foster an unaccompanied minor need to be aware that this possibility exists and government support, including by providing information on the possibility to foster a child, is essential.

In Belgium, at the end of 2015, a pilot project on foster care for UAMs was launched. At this stage of the project, the terms and conditions for the selection of foster families and UAMs have been agreed

upon, a call for candidate foster families has been issued and candidate UAMs have been screened. The Netherlands presented a new reception centre model for UAMs which focuses on the provision of reception at a small scale. Foster care already has a long history in the Netherlands. In the new model UAMs younger than 15 years (previously 12 years) can be fostered following approval by the state. UAMs aged 15 years and older will be taken care in small-scale housing facilities clustered close to each other. Finally, in France, in the region Loire Atlantique, due to the high influx of UAMs and lack of facilities, UAMs were hosted in local families.

Identification and Age assessment

Legislative Changes

- In **Germany**, the legal capacity of minors in the asylum procedure has been adapted and the age of majority was raised from 16 to 18. However, in practice this means that minors below the age of 18 can now only apply for asylum through the support of their legal guardian;
- In **Greece**, an age assessment procedure was defined and is currently being applied by the First Reception Service. Greece reported that health and psychological examinations were carried out and an interview in the language spoken by the interviewee was also conducted in order reach a decision on age determination;
- In **Luxembourg,** a legal change stipulates that the search for family members of UAMs will take place immediately after their registration;
- In **Spain**, the new law for minor's protection considers that an UAM whose age has not been determined will be considered as a minor until the age assessment procedure is completed.

Policies, Strategies and/ or Measures

- In **Belgium**, the project 'My Future' included counselling based on the premises 'inform, raise awareness, empower' to UAMs reaching majority and with no prospective of legal stay in Belgium. However, due to the high influx of UAMs in 2015, it had not been possible to offer counselling systematically;
- In **Greece**, in December 2015, the second edition of the Handbook of the personnel of the First Reception Service, regarding age assessment was developed and published with the assistance of the UNHCR;[43]
- In **Malta**, minors not accompanied by their parents but with relatives in Malta were assessed by the Agency for Welfare of Asylum Seekers, which conducts age and kinship assessment to verify family links;
- **Poland** underlined a huge discrepancy between the number of asylum seekers claiming being a minor and the confirmed number of UAMs reaching the territory of Poland;
- Throughout 2015, **Spain** implemented the UAMs' Protocol approved in 2014. Its aim was to improve collaboration between public administrations involved in the process regarding identification, age assessment and delivery to the public child protection services.

Belgium: Counselling for UAMs under the project 'My Future'

In 2015 Belgium launched the pilot project 'My Future', which was based on three pillars:

[43] Second edition of the Handbook of the personnel of the First Reception Service, regarding age assessment. Available in Greek at: http://firstreception.gov.gr/PRImages/Prints/42_477_15foreas%20(1).pdf, last accessed on 10th June 2016.

1. A clear and uniform information pathway which supported the UAM in his/her selection of options for the future: information on voluntary return, illegality, onward migration, family reunification abroad, etc.

2. The offer of intensive vocational training to provide the UAM with valuable skills and competences for the future (either in the country of origin or elsewhere), organised as two days of learning (schooling) and three days of working or customised modules according the interest of the person concerned.

3. Voluntary participation of the UAM in the process.

While a final decision on the continuation of the programme or its integration on the regular counselling offered to UAMs has not been taken yet, the evaluation of the My Future pilot has demonstrated that it contributed to the UAMs' informed departure from the reception network, to raise their awareness of the options available to them and to their empowerment in making decisions.

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. Measures in this area included:



Legislative Changes

In a number of Member States legislative amendments clarified the role of the legal guardian:

- In **Austria,** the legal guardian is now required to be present during every interview (not only at the initial reception centre);
- In **Bulgaria**, compulsory representation of UAMs by the municipal administration was adopted, including by taking care of legal and best interests of the child in the proceedings for international protection until the final decision;
- In **Croatia**, the guardian now has a duty to prepare and inform the UAM of his/her rights and duties and consequences of the interview;
- In the **Czech Republic** in line with the amendment to the Act on Asylum, it was provided that the Office for International Legal Protection of Children had to assist the UAM from the very beginning of submission of the asylum application procedure;
- In **Luxembourg**, the legal changes stipulate that a legal representative shall be designated as soon as possible following arrival.



Policies, Strategies and/ or Measures

- In **Belgium**, the number of guardians available was substantially increased. In April 2015, the Guardianship Service established a coaching programme for guardians in collaboration with the Red Cross and Caritas International. The programme included a helpdesk for guardians, individual support to assist them with complex cases and information sessions and internships for inexperienced guardians;
- In **Greece,** the innovative programme 'Guardianship Network for Unaccompanied Minors' (GNUM) was implemented by the NGO METAction. The programme aimed at offering individualised/personalised support and at safeguarding the rights of UAMs;
- In the framework of the integration activities **Poland** trained a first vast group of guardians and cultural assistants for unaccompanied minors.

2.1.2 INTER-INSTITUTIONAL COOPERATION, STAFF TRAINING AND CAPACITY BUILDING IN WORKING WITH UNACCOMPANIED MINORS



Policies, Strategies and/or Measures

Measures to strengthen inter-institutional cooperation of national institutions responsible for UAMs reception were reported by **Belgium** and **Latvia**.

- In **Belgium,** to speed up the identification process, a closer operational cooperation was established between the Immigration Office, the Guardianship Service and Federal Agency for the Reception of Asylum Seekers (Fedasil), which resulted in a faster procedure;
- In **Latvia**, duties were defined more clearly among institutions with special attention being devoted to the identification of UAMs which could be victims of human trafficking.

Some Member States also continued to provide special training for staff working with UAMs, for example:

- In the **Czech Republic**, a series of trainings were carried out with staff of the Socio-legal Child Protection Authority on the legal amendments of the Asylum Act. The trainings were also organised with a view of possible future migration waves;
- In **Greece**, training on identification of UAM who were victims of trafficking was carried out with staff of the First Reception Service;
- **Poland** introduced trainings for teachers at primary and secondary schools in order to support creation of a new and adequate curriculum for foreign pupils.

2.1.3 RETURN AND REINTEGRATION OF UNACCOMPANIED MINORS

Policies, Strategies and/or Measures

- In **Italy**, 17 assisted voluntary returns of UAMs were carried out in 2015;
- In response to a public petition, the Ministry of the Interior in **Poland** vetoed the idea to introduce and enforce laws banning the detention of immigrant children;
- In **Norway**, the government decided to resume the efforts to establish care centres for UAMs in their countries of origin. The purpose of the centres is to facilitate return for UAMs without a need for protection and, through this, to reduce the number of UAMs who embark on a high-risk journey to Europe. These centres will be established in safe area in the country of origin and provide for adequate standards of care.

2.1.4 DETENTION AND ALTERNATIVES TO DETENTION OF UNACCOMPANIED MINORS

The following Member States reported on legal and policy changes in relation to the detention of minors:

- In **Austria**, alternatives to detention are now required for minors subject to pending removal between 14 and 18 years of age. The amendment was introduced to comply with the recast RCD;
- In **Finland**, as a result of an amendment to the Aliens Act the detention of UAMs seeking asylum was prohibited. An UAM under 15 years of age may not be detained even after a removal decision has become enforceable. In addition, the detention of UAMs over 15 for the purpose of ensuring removal was restricted. The detention of minors on police premises was also prohibited. Alternatives to detention were also provided under a legislative project for people with families and other vulnerable third-country nationals.

2.1.5 MEASURES TAKING ACCOUNT OF VULNERABILITY AND BEST INTEREST OF THE CHILD

Legislative Changes

- In **Luxembourg**, UAMs were included among those vulnerable persons who benefitted from an assessment of special needs.



Policies, Strategies and/or Measures

- In **Belgium**, the CGRS also further developed the project 'Best Interest of the Child' and examined how this can be implemented in the context of the asylum application;
- **Ireland** led a project to examine best practices in determining and implementing durable solutions for UAMs from a multidisciplinary approach in which partners from several EU Member States participated. The project outputs published in 2015 included an international comparative report and a best practice toolkit;
- In **Italy**, a family tracing and assessment procedure was carried out in 432 cases. The procedure supported the efforts of local authorities in gathering detailed knowledge of the background of the child, allowing to reconstruct the history and family condition and investigate vulnerabilities of the minor. This information can then be used both for better integration in Italy and to assess the possibility of benefiting from AVR(R). In 2015 family tracing requests mainly involved minors from Albania, Kosovo, Bangladesh and Senegal.

2.1.6 MEASURES ADDRESSING SPECIFIC VULNERABLE GROUPS



Legislative Changes

In five Member States (AT, HR, FR, LV, LT), legislative amendments clarified which categories of people qualify as vulnerable. These included:

- In **Austria** the notion of 'victims of violence' has been more clearly defined as per the recast APD. Asylum-seekers who have suffered from serious emotional, physical or sexual violence now also benefit from special admission procedural rules;
- In **Croatia**, an exhaustive list of 14 categories was introduced;[44]
- In **France**, the new law on asylum[45] introduced the concept of vulnerability and included a non-exhaustive list of vulnerable groups;
- In **Latvia**, the new Asylum Law[46] clearly defines the category of asylum seekers that are deemed vulnerable, identifies special procedural and accommodation needs as well as the rights of such persons during the asylum procedure;
- In **Lithuania**, amendments were adopted to the definition of vulnerable persons to include persons suffering from mental disorders and victims of trafficking in human beings. An order of the Minister of the Interior established criteria for the qualification of persons as vulnerable. It was also provided that vulnerable persons and their family members could be provided with accommodation corresponding to their special needs.

Measures addressing needs assessment and the identification of vulnerable persons

- In **Austria**, in compliance with the recast RCD transposed in 2015, special needs are now assessed upon admission. Family relationships, ethnic particularities and the special needs of vulnerable persons are now required to be taken into account when assigning such individuals to care facilities;
- In **Croatia**, a new legislative provision introduced an obligation to take steps to identify vulnerable persons for all the organisations in contact with asylum seekers, including police officers, case workers and reception staff, recognising that identification of vulnerability is an on-going process across multiple institutions. The identification mechanism will be developed in 2016;

[44] These categories included persons divested of legal capacity, minors, UAMs, elderly and infirm persons, seriously ill persons, persons with disabilities, pregnant women, single parents with minor children, persons with mental disorders and victims of trafficking in human beings, victims of torture, rape or other psychological, physical and sexual violence, such as victims of female genital mutilation

[45] Law No. 2015-925 of 29 July 2015 regarding reform of asylum law.

[46] Asylum Law - Latvijas Vēstnesis, No. 2, 05.01.2016 – [entered into force on 19.01.2016.]

- In **Greece**, with the implementation of Law 3907/2011, the First Reception Service aimed to provide medical care, support and hospitality to vulnerable groups;
- In **Luxembourg**, the new Law on international protection and temporary protection provided particular attention to the protection of vulnerable persons. A case-by-case assessment shall enable the identification of special needs with regard to the reception of vulnerable groups and special procedural safeguards are provided to them;
- In **Slovakia**, legal changes related to the identification of special needs to create appropriate conditions for accommodation and care were adopted. Furthermore, a special procedure for asylum seekers who needed special procedural guarantees was elaborated.

Measures addressing children and/ or families

- In **Norway** legal amendments related to children who were subject to deportation after having stayed in Norway for four years or more. The families covered by the scheme were given the opportunity to request a reversal of previous decisions, and get their case assessed according to the new provision on residence permit on the basis of children's connection to Norway. The scheme applied to approximately 30 families, of which four were granted a residence permit and could return to Norway.

Measures addressing victims of trafficking in human beings

- In **Germany**, a number of legal changes related to asylum seekers identified as victims of trafficking;
- **Poland** launched two projects of preventive character, both implementing actions incorporated into the National Action Plan against Trafficking in Human Beings for 2013-2015. Their aim was to improve the cooperation structure to prevent trafficking in human beings at the regional level and set up awareness-raising campaigns addressed to particular target groups.

Further information on Member States' initiatives in the domain of trafficking in human beings is provided in section 6.



Policies, Strategies and/or Measures

Measures addressing particular categories of vulnerable migrants

In **Belgium** the policy note 'The General Policy Note on Asylum and Migration' of November 2015 referred to different categories of vulnerable asylum seekers. Besides a focus on UAMs, mention was made of Lesbian, Gay, Bisexual and Transgender asylum seekers, asylum seekers with mental health problems, and women and single mothers.

Measures addressing reception arrangements for vulnerable persons

- **Belgium** intended to implement a new reception model in which individual reception facilities (i.e. individual housing) were reserved for vulnerable asylum seekers and to elaborate a 'reception trajectory' for each of the vulnerable groups, taking into account their specific reception needs. Due to the high influx of asylum seekers, Belgium reported that this new reception model could not be implemented in 2015;

  In addition, binding quality standards for the reception of asylum seekers were elaborated in 2015. These included separate sanitary facilities and the obligation to provide transport to organisations providing accompaniment/psychosocial support for beneficiaries with special needs (due to their sexual orientation, genital mutilation, etc.);
- In the **Czech Republic**, a detention centre with a capacity of 204 places was adapted to cater for the special needs of families with minor children and other vulnerable groups.

Measures addressing the medical treatment of vulnerable groups

- In **Belgium**, the characteristics of the medical rooms in reception centres were defined (e.g. by requiring them to be located in the ground floor and to be accessible for people with reduced mobility). Furthermore, a policy note was adopted stating the intention to

enhance the counselling and treatment provided to asylum seekers with mental health problems;

- The **Czech Republic** reported on humanitarian assistance through the deployment of medical teams under MEDEVAC programme in five countries of origin: Jordan, Cambodia, Kenya, Iraq and Ukraine.

3 EUROPEAN POLICY ON LEGAL MIGRATION AND INTEGRATION

In the European Agenda on Migration adopted on 27 Mai 2015, the European Commission announced a new policy on legal migration to reinforce the attractiveness of the EU towards third country nationals, in particular. In addition, the Agenda underlined the need to underpin migration policies by effective integration policies, including through the use of EU funding.

Finalization of the negotiations on the draft Directive on the recast of the Students and Researchers Directive

At the end of 2015, a political agreement between the co-legislators was reached on the recast of the **Students and Researchers Directive** (the recast Directive was adopted in May 2016 – 2016/801/EU). The recast Directive provides for common admission and residency rules for third-country national students, researchers and trainees and for volunteers who come to the EU under the European Voluntary Service (EVS) scheme. Under the Directive Member States are free to apply the rules to school pupils, volunteers coming to the EU outside the EVS scheme and, for the first time at EU level, au-pairs.

The new Directive covers the admission conditions, rights and intra-EU mobility of the groups concerned. The new rules will make it easier to retain talented people and their skills in the EU economy. Students and researchers will be able to stay for nine months after their graduation or research project to look for a job or set up a business in Europe. The Directive also increases access to the labour market for students during studies (from a minimum of 10 to a maximum of 15 hours per week), allows researchers' family members to accompany them and to access the labour market, and entitles applicants to submit applications from within the EU. Intra-EU mobility provisions for students and researchers have also been improved.

Preparation of the revision of the Blue Card

During the year 2015, preparatory work for the revision of the **Blue Card Directive** (2009/50/EC) was carried out. In 2015 several meetings of the Commission Expert Group on Economic Migration and of the Skilled Migrants Expert Group — a sub-group of the EMN - were held on the review of the EU Blue Card. Between 27th May and 30th September 2015, an online public consultation on the EU Blue Card and the EU's labour migration policies was conducted. Various bilateral and group meetings have also been held with key Member States, business representatives, practitioners, social partners and international organisations such as the Organisation for Economic Cooperation and Development (OECD), UNHCR and IOM. In addition, an external study was commissioned to support the review of the Blue Card, including evaluation, stakeholder consultation, expert workshops and impact assessment activities.

Indicators of immigrant integration – joint study with the OECD

In July 2015, the Commission Directorate General Migration and Home Affairs (DG HOME) and the OECD International Migration Division released the study 'Indicators of Immigrant Integration – Settling in 2015'.[47] This joint report constitutes the first broad international comparison across all EU as well as OECD countries of the integration outcomes for migrants and their children and covers 34 key indicators in areas such as employment, education and skills, social inclusion, civic engagement and social cohesion. It also supports the monitoring of the Zaragoza indicators, the indicators on the integration of third-country nationals agreed at EU level in 2010.

European Migration Forum

In January 2015 the first meeting of the European Migration Forum took place. Based on the success of its predecessor (the European Integration Forum), the European Migration Forum is an annual event jointly organised by the European Commission and the European Economic and Social Committee in which civil society organisations discuss with the EU institutions about current challenges related to migration policy. The first edition 'Safe routes, safe futures. How to manage the mixed flows of migrants across the Mediterranean?' gathered participants from some 200 organisations who discussed about how to address the migratory flows in the

[47] The Study is available at: http://www.oecd.org/publications/indicators-of-immigrant-integration-2015-settling-in-9789264234024-en.htm, last accessed on 10th June 2016.

Mediterranean, from the situation of migrants in the countries of origin and transit before departure, to their journey and their reception once arrived to the EU.[48]

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

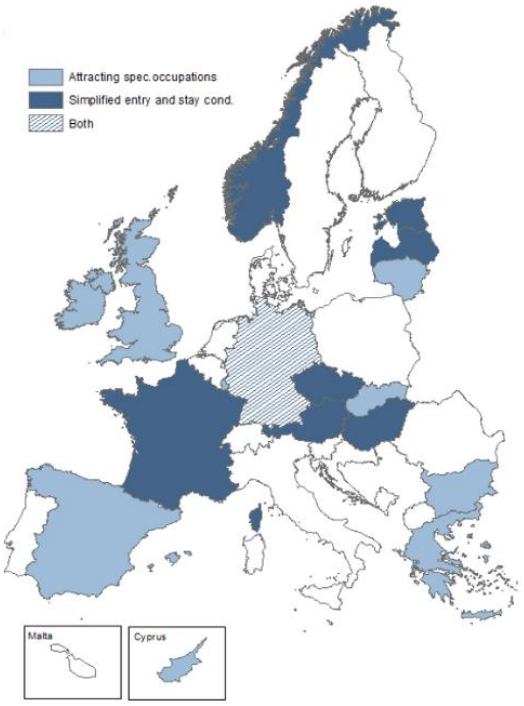


Figure 3.1: Overview of measures reported by EU Member States and Norway

In 2015, some Member States reported on efforts to attract workers from third countries in particular occupations[49] while others reported on measures to simplify entry and stay conditions[50] for labour migrants. **Germany** also reported on efforts to attract workers of particular nationalities.

3.1.1.1 Measures in relation to particular shortage occupations

Measures related to **particular shortage occupations** have been adopted in eight Member States where entry conditions for these particular occupations were made more favourable:

- In **Bulgaria**, a Decree of the Council of Ministers was adopted, the provisions of which aimed to overcome the shortage of skilled workers in some industries. The Decree, in force since 28th January 2016, lists the occupations in the field of Information and Communication Technologies (ICT) for which there is a shortage of highly qualified specialists in the Bulgarian labour market;
- In **Cyprus**, changes related to workers in the agricultural/husbandry sector and domestic workers included extending the total duration of stay to six years and extending the duration of the work permit. For domestic workers, the possibility to change employers within the first six years was also introduced;
- Since 1st August 2015, in **Germany**, third-country nationals can be granted a residence permit for the recognition of a vocational qualification abroad, for training measures and a subsequent examination. If an agency responsible for the recognition of vocational qualifications, determines that additional training or qualifications are needed, a residence permit may be granted for up to 18 months according to the Residence Act to 1) determine that the vocational qualification is equivalent to a domestic qualification or, 2) grant approval for exercising the profession or carrying the professional title in case of a domestic regulated profession;
- In **Greece**, a new law defined the procedure by which invitations of foreign workers can be made for filling particular occupations (paid employment, seasonal work, fishermen and highly skilled work). A governmental decision applied the new provisions, regarding the determination of the maximum number of residence permits for work of third-country nationals for the years 2015 and 2016.[51] The applicable procedure has also been simplified and made faster, as the applications lodged by employers are being examined at the embassies in order for a visa to be issued. Concerning the categories of fishermen and

[48] See the Forum report: https://ec.europa.eu/migrant-integration/eiforum/1st-european-migration-forum---safe-routes-safe-futures-how-to-manage-the-mixed-flows-of-migrants-across-the-mediterranean

[49] BG, CY, DE, IE, EL, ES, LU, LT, UK

[50] AT, CZ, DE, EE, FR, HU, LV, SK, NO

[51] The maximum number of residence permits was the following: 4,461 for paid employment; 52,853 for seasonal work; 2,544 for fishermen; 40 for high-skilled positions.

seasonal workers only a visa is now needed in order for a third-country national to enter the territory of Greece to work as seasonal worker or fisherman;

- In **Ireland**, changes to the Atypical Working Scheme (which facilitates admission for certain workers on short term contracts or with a particular skill which would not otherwise be covered by the normal employment permit arrangements) were introduced in order to clarify the duration of immigration permissions with respect to 'locum' doctors,[52] and streamline accreditation procedures with respect to nurses. In late 2015, the Scheme was also extended to include workers from outside the European Economic Area in the Irish fishing fleet in response to specific challenges arising in that sector;
- In **Lithuania**, the period of publication of a notice of vacancy for occupations on the shortage list was shortened from one month to seven calendar days;
- In the **United Kingdom**, with relation to Tier 2 (skilled workers), nurses and four digital technology[53] roles have been added to the shortage occupation list. Plans have been made for April 2016 to introduce a minimum of £35,000 earnings limit (approx. €45,000) for Tier 2 migrants to be allowed to settle in the UK. In relation to charity workers, the type of work activities which may be undertaken by this category have been clarified, as have the rules concerning remuneration.

Policies, Strategies and/or Measures

With regard to shortages in sectors requiring **highly qualified workers**, four Member States have reported specific measures.

- With regard to list of shortage occupations for highly skilled workers, in **Austria**, third-country nationals in eight shortage occupations[54] will be able to obtain a Red-White-Red Card for skilled workers in 2016, based on amendments of the Regulation for Skilled Workers in shortage occupations;
- In **Luxembourg**, the first list of occupation requiring highly qualified workers was published in May 2015 and included the professions in the sectors of mathematics, ICT and web development. Shortages have been particularly reported in the ICT sector, as a high number of jobs cannot be filled by Luxembourgish residents or persons from the region;
- In **Lithuania**, it was proposed to create a shortage list of professions requiring high professional qualifications, for which a labour market test would not be needed;
- In **Slovakia**, a forecast showed that until 2019 Slovakia will face labour shortages of qualified and highly-qualified workers in different fields, including accounting and finance, teachers, managers, sales representatives, technicians and physicians. In relation to medium to low skilled jobs, these included lorry and truck drivers, building care-takers, metal working machine tool setters and operators, mechanicals, and repairmen of agriculture, mining and industrial machinery and mechanics.

3.1.1.2 Measures in relation to particular nationalities of third-country nationals

Legislative Changes

- In **Germany**, as of 1st January 2016, subject to some conditions, the scope of legal migration possibilities available to nationals of Albania, Bosnia and Herzegovina, Kosovo, FYROM, Montenegro and Serbia was broadened. In the period 2016-2020, nationals of these countries can take up any form of employment with the approval of the Federal Employment Agency;

[52] A locum doctor temporarily fulfils the duties of another doctor.

[53] IT product manager, systems engineer, senior developer and cyber security specialist – in each case where the job is with a small company and requires five years' experience and experience of having led a team

[54] Milling machinists, metal turners, mechanical engineering technicians, roofers, mechanical engineers, high-voltage electrical technicians, high-voltage electrical engineers and nursing professionals who are in the process of having their professional qualifications recognized and have started the additional training required before the end of 2015.

- In **Poland** an agreement on social security with Moldova entered into force in 2015. This is the eight agreement, regulating the coordination of social security matters.

Circular migration project: Germany and Georgia

In 2015, a pilot scheme on skilled circular migration to match Georgia's and Germany's labour market needs started as a core component of the EU co-financed project 'Strengthening the development potential of the EU mobility partnership in Georgia through targeted circular migration and diaspora mobilisation'. It provided 34 Georgian healthcare and hospitality sector professionals with employment and continued education opportunities in Germany. After following language trainings and professional preparation, participants can gain further professional skills in Germany. Upon completion of their assignments in Germany, they are being offered reintegration support promoting their successful return to Georgia.

3.1.1.3. Measures to simplify entry and stay conditions

Legislative Changes

Measures to **simplify entry and stay conditions** have been reported in the following cases:

- In **Austria**, third-country nationals holding a residence permit from another Schengen country will in the future no longer require a visa in order to work temporarily in Austria. Nevertheless, they may still need a work permit, a posting permit or an EU posting confirmation;
- In **Estonia**, employers are no longer obliged to pay a salary at least 1.24 times the average wage when hiring a third-country national in occupations specified in the shortage occupation list. Employees may now also work simultaneously with several employers. Furthermore, a 90-day transition period was introduced after the expiry of the residence permit, during which the third-country national can apply for a new residence permit to thus change immigration status;
- In **Hungary**, the deadline of decision-making in single application procedures was decreased from 90 days to 70 days- starting from January 2016;
- In **Lithuania**, the length of work experience required for being employed was shortened from two years over the last three years, to one year over the last two years. No work experience is required to take up employment in a profession for which the person has studied in Lithuania. A possibility was introduced to change the legal status from studies and employment to highly qualified (Blue Card) employment without leaving the territory of Lithuania;
- In **Norway**, duration of permits for self-employed contractors was extended from four to six years. In special cases, self-employed individuals can be granted a permit to also engage in employment alongside their activity as self-employed. Furthermore, skilled workers who do not need a visa to enter the country can receive a permit to remain in the country as jobseeker for six months.

3.1.1.4. Other developments

- In **Belgium** the implementation of the transfer of competences in the area of legal migration to the regions and the German-speaking Community continued in 2015. The transition period is foreseen to finish in 2016;
- In **Finland**, the government adopted new policies in the area of migration on 11th September 2015, including actions at both international and national levels aimed at promoting work-related migration that enhances employment in Finland, boosts public finances, improves the dependency ratio and contributes to the internationalisation of the economy;[55]

[55] Finland, a land of solutions – Strategic Programme of Prime Minister Juha Sipilä's Government, 29th May 2015. Government Publications 12/2015. P. 40, available at: http://valtioneuvosto.fi/en/sipila/government-programme, last accessed on 3rd June 2016.

- In **Ireland**, a 'Trusted Partner Initiative' was introduced for employers of third-country nationals. The latter streamlines the application process for the person making the offer of employment, for companies in expansion mode, start-up companies and regular users of the employment permits regime. The benefits for trusted partners include the fast processing of applications, access to a valid status for two years, no registration fees and reduced paperwork for applications.

3.1.2 EFFORTS TO AVOID 'SOCIAL DUMPING' AND ILLEGAL EMPLOYMENT



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

The notion of **'social dumping'** refers to the practice where workers from third countries are exploited as 'cheap labour' in order to increase profit margins of those who employ them.[56] Tackling social dumping requires measures to ensure that full use is made of recruitment on the domestic labour market, in so far as the latter is able to meet demand, and that third-country workers are treated equally to nationals and other EU citizens in terms of working conditions, including pay.

In 2015, measures to tackle social dumping were adopted in 16 EU Member States and Norway.[57] As shown in Figure 3.2, overall measures related to ensuring equal pay conditions,[58] addressing particular professions/occupations,[59] and reducing illegal employment.

Legislative Changes

Equal pay conditions

In **Austria, Germany, Greece** and **Lithuania**, legislative changes related to **equal pay** were introduced. For example:

- In **Austria**, an amendment of the Employment Contract Law Adaptation Act introduced provisions on the verification of pay levels. It was specified that any failure to pay the minimum level of remuneration as defined in law, regulation or collective agreement was subject to an administrative penalty;
- Similarly, in **Germany**, provisions on equal pay were introduced entitling everyone to the new minimum wage, irrespective of whether the employer was domiciled in Germany, in another Member State or in a third country;
- **Lithuania** applies a legislative provision stipulating that a foreigner may not be remunerated less than a national who performs work requiring the same qualifications. In 2015, it was proposed to supplement this provision by stipulating explicitly that enterprises employing only third-country nationals to perform particular work must provide remuneration not lower than the average national gross salary for the relevant economic activity;
- In **Greece**, legal amendments provided for some basic rights for third-country nationals, such as the right to receive the minimum wage and equal labour and social security rights with Greek citizens. This will be checked by the control mechanisms of the Hellenic Ministry of Labour, Social Security and Welfare, namely the Labour Inspectorate.

[56] Eurofound https://eurofound.europa.eu/observatories/eurwork/industrial-relations-dictionary/social-dumping, last accessed on 3rd June 2016.

[57] AT, BE, BG, CZ, DE, EL, ES, FR, IE, IT, LT, LU, NL, PL, SE, UK, NO

[58] AT, DE, EL, LT, PL

[59] IE, IT, LT, UK

Social dumping of particular categories of workers

- In **Ireland,** employers must ensure that third-country national workers in the Irish fishing fleet have a valid contract of employment and healthcare insurance. A Memorandum of Understanding on the issue of enforcement was finalised between the different institutions having a role in the oversight of the industry;
- In **Italy**, 'ancillary' employment was introduced in 2003 as a new employment category to regulate occasional work relations in order to curb the black market. Ancillary work allows an employer to pay workers, both Italian and foreign, in a way that is easy and traceable. An employer may buy specific vouchers, which cover both the net pay (for the worker) and social security contributions (paid to the Government). Moreover, the Legislative Decree 15 June 2015 (No 81) increased the threshold of the income that may be earned by ancillary work from € 5,000 to € 7,000. The Decree also established that remuneration from ancillary work may be taken into account for reaching the income required for obtaining or renewing a residence permit. As a result, a third-country national may obtain or renew a residence permit doing ancillary work as long as he or she earns more than € 5,830 a year, which is the minimum threshold required to live in Italy;
- **Luxembourg** continued to work on the bill aiming to transpose **Directive 2014/67/EU on posted workers**,[60] as well as to fight the phenomenon of social dumping. The bill aimed notably to embed in the Labour Code the obligation of the posting company to declare the posting via an electronic platform and to obtain a social badge for the posted workers. This badge will allow the labour inspectors, via a QR scan on the badge,[61] to access information on the posting company and the worker, as well as to verify on the spot whether the company has submitted all the information and documents required according to Luxembourgish law;
- In the **United Kingdom**, powers have been introduced to enhance protection of overseas domestic workers. Visas will not be granted unless their employer confirms that such workers are paid at least the national minimum wage and hold a contract that respects UK employment standards. Furthermore, measures to crack down illegal employment on workers in off licenses (corner shops) and prevent them from being exploited have been introduced by the new Immigration Bill 2015-16. Only businesses that have not breached the immigration laws may hold or apply for the necessary license to operate.

Measures to reduce illegal employment

- In **Finland** the Finnish Aliens Act was amended on 1st February 2015 to adopt measures related to the implementation of the so-called **Employer Sanctions Directive** (2009/52/EC).[62] The amendment makes it possible to extend the temporary residence permit of a third-country national until the wages due to the person in question have been paid, to the extent it has been possible to collect them. This extension of the residence permit applies to those third-country nationals who were minors when working or have worked in exploitative conditions;
- In **Norway**, the government launched a strategy to combat illegal workplace practices in January 2015. The strategy aimed to address increased illegal workplace practices. The measures introduced aimed to promote increased cooperation between public authorities and with other countries and the establishment of stricter rules for businesses providing goods and services to public entities.
- In **Spain**, the new Labour and Social Security Inspection Bill (passed in July 2015) includes, as one of Labour Inspection powers, the checking of compliance with migration rules and refers specifically to the evolution of labour rights and conditions of migrant workers;
- In the **United Kingdom**, under a new Immigration Bill,[63] illegal employment is now a criminal offence in its own right carrying either a custodial sentence and/ or a fine. Authorities may also seize illegal earnings. The Bill also makes it an offence to employ

[60] Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation') Text with EEA relevance, OJ L 159, 28.5.2014.
[61] QR code (abbreviated from Quick Response Code) is the trademark for a type of matrix barcode (or two-dimensional barcode). A barcode is a machine-readable optical label that contains information about the item to which it is attached.
[62] Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals, OJ L 168, 30.6.2009.
[63] The Immigration Bill received royal assent on the 13th of May and is now the Immigration Act 2016

someone whom they know or have reasonable cause to believe is working illegally, with potential custodial sentences and financial penalties being imposed as a consequence.

Ireland: The employment permit as a tool to protect vulnerable third-country nationals in the labour market

Illegal employment of third-country nationals creates a serious problem for the employees concerned, as they do not have a legally binding contract of employment and cannot therefore exercise any employment rights. In 2015, 69 employers were convicted of employing workers without employment permits in Ireland. Ireland's employment permits regime aims to protect vulnerable migrants, who often do not have the personal support networks or the familiarity with employment practices required to protect their own interests. For example: a) both employers and foreign nationals are held to a series of standards in relation to the particulars of the employment and rights guaranteed to the permit holder in the context of the employment; b) there is a clear definition of remuneration and how it is to be provided, in relation to all categories of employment permit; c) the Reactivation Employment Permit assists those migrants who have fallen out of the employment permits system through no fault of their own to regularise their situation and return to employment.

The Workplace Relations Act, which came into force in 2015, integrated the National Employment Rights Authority (NERA) into the Workplace Relations Commission. Labour inspectors in the Workplace Relations Commission carry out workplace inspections to ensure compliance with all aspects of employment law.

Policies, Strategies and/or Measures

- In **Belgium**, the federal government's 2015 Action plan on social dumping[64] was followed by a new action plan in March 2016.[65] The action plans provided for a coordinated approach between the different (inspection) services and departments concerned, aiming to create a better information flow;
- In **France**, one of the main themes of the National Plan to Combat Illegal Employment 2013-2015 related to the fraudulent posting of workers under the guise of the provision of international services. A number of measures were implemented in 2015 under the National Plan, including, *inter alia,* encouraging partnership agreements between the authorities, the professional sectors and the social partners to provide better information to companies and employees in order to ensure compliance with the laws applicable to posted workers; the intensification of professional training for agents and better cooperation and coordination between the services responsible for controls;
- In **Luxembourg**, 'crackdown' operations on social dumping have been abolished as they have not yielded the expected results while absorbing significant resources. Another model of inspection is planned to be adopted;
- In the **Netherlands**, since July 2015 the Inspectorate of the Ministry of Social Affairs and Employment has the possibility to inform social partners if it suspects that the labour law is being breached;
- In **Sweden**, the government has appointed a Committee on labour migration. The committee will investigate the extent of exploitation of labour migrants in Sweden and suggest measures to tackle these practices phenomenon.

3.1.3 FACILITATING ADMISSION

This section reviews developments in the Member States to facilitate admission for specific groups of legal migrants. These include highly-qualified workers, migrant entrepreneurs and

[64] Federal government, Action Plan on Social dumping, December 2014, available at: http://www.presscenter.be/fr/pressrelease/20150403/plan-d-action-2015-de-lutte-contre-la-fraude-sociale-et-le-dumping-social

[65] Federal government, Action Plan on Social dumping*Action Plan on Social dumping*, March 2016, available at: http://www.presscenter.be/nl/search/apachesolr_search/pressrelease%2020160311%20meer%20controles%20sociale%20dumping%20in%202016?search404=true

investors, Intra-Corporate Transferees, seasonal workers and au pairs and other categories of migrants.

3.1.3.1 Highly qualified workers



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

Eleven Member States reported on efforts to facilitate admission of highly qualified workers[66] as part of the global competition for talent. These efforts related to:

- More favourable entry and stay conditions;[67]
- Amendments to the transposition of the EU Blue Card Directive;[68] and
- Introducing 'trusted partner' initiatives with employers to facilitate recruitment of highly qualified third-country nationals.[69]

Legislative Changes

With regard to more favourable entry and stay conditions, changes have been introduced in **Estonia**, **Lithuania** and the **Netherlands**.

- In **Estonia**, new legislation stipulated that a third-country national who has acquired a higher education in Estonia may be issued a residence permit for employment without meeting the thresholds for remuneration in place and without the permission of the Estonian Unemployment Insurance;
- In **Lithuania**, as from 2015, students and workers can switch their status to highly qualified workers without leaving the territory of Lithuania;
- In the **Netherlands**, as of October 2015, scientific researchers, students, skilled migrants are exempt from obtaining a temporary residence permit.

With regard to the transposition of the EU Blue Card Directive:

- In **Lithuania**, the application for the issuance of a Blue Card permit may be lodged also by the prospective employer. A legislative proposal intends to reduce the salary requirement to issue the EU Blue Card from twice the average monthly gross salary to 1.5;
- In **France**, a new multi-annual residence permit for highly qualified persons 'talent passport' was approved.[70] The 'talent passport' will be valid for four years and includes ten categories of third-country nationals;[71]
- In the **United Kingdom**, changes were made to the endorsement criteria used in the Exceptional Talent visa by the competent body which endorses leading applicants from the field of digital technology. The changes to the criteria for applicants' past track record and achievements should reflect the skills and experience of applicants who will add most value to the digital technology sector in the United Kingdom.

In contrast, **Bulgaria** tightened entry conditions by introducing amendments for the transposition of the Blue Card Directive which established stricter requirements for obtaining a

[66] AT, BG, CZ, EE, ES, FR, IE, IT, LT, NL, UK

[67] EE, CZ, LT, NL

[68] BG, LT

[69] ES, IE, IT

[70] On 7 March 2016.

[71] For example: young graduates or employees of young innovative companies, scientists, highly qualified workers, investors, executive officers, entrepreneurs, those leading an innovative economic project, inter-company transferees, artists, foreigners with scientific, literary, intellectual, educational, sporting reputation

Blue Card – i.e. the salary threshold was increased to be at least three times higher than the average wage and the employment contract was set to last for at least 12 months.

See also section 3.1.1.1 with regard to shortage occupations related to highly qualified workers reviewing measures in **Austria**, **Lithuania**, **Luxembourg**, **Slovakia** and **Spain**.

Policies, Strategies and/or Measures

- In **Ireland** and **Italy**, agreements with employers as 'trusted partners' have been introduced. In Ireland, the Trusted Partner Initiative aims to ease the administrative burden relating to the employment permit application process for successfully registered Trusted Partners. In Italy, the Ministry of Interior has started to sign the agreements with employers who may want to hire highly skilled workers through the Blue Card and who would benefit from a simplified procedure to hire third-country nationals;
- The **Czech Republic** launched a new project for Ukrainian high-skilled workers. Its participants have priority access to the Czech embassy and consulate in Ukraine when lodging their application for Employee Cards and Blue Cards. More third countries might be included in the project in the project if its evaluation has a positive outcome;
- In May 2015, **Poland** introduced new regulations on the access of foreign employees to the labour market. These regulations restricted the category of third-country nationals registered as unemployed or job-seekers among whom local labour offices can seek job candidates to be given priority in the access to the Polish labour market;
- In **Spain**, more favourable entry and stay conditions were established in 2013 for highly qualified professionals. In 2015 a register was established for big companies and Small and Medium Enterprises (SMEs) through a legal provision in order to ease the administrative procedure to hire highly-skilled workers.

3.1.3.2 Intra-corporate transferees

Several 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**.[72] The **United Kingdom** reported that the Migration Advisory Committee had been tasked with the Tier 2 review and the UK Government was considering changes to the intra-company transferee route. As a response to this review, the current intra-company transfer provisions are being simplified by requiring all intra-company transferees to qualify under a single visa category with a minimum salary threshold of £41,500, with the exception of the graduate trainees. These changes will be implemented in late 2016/early 2017.

Spain: transposition of Intra-corporate Transferees Directive

In 2015 Spain became the first EU Member State to transpose the Intra-corporate Transferees Directive. An intra-corporate transferee residence permit had previously been introduced through the 2013 Entrepreneurs Bill. While the national law and the Directive shared the objective of easing conditions for entry and residence in the framework of intra-corporate transfers, the former was wider in scope than the latter. Thus, following the adoption of the Directive, Spain introduced a distinction between different types of residence permits, as described below.

The amendment of the Entrepreneurship Bill introduced in July 2015 established two different residence permits for intra-corporate transferees: 1) an intra-corporate transfer EU residence permit for managers, specialists and trainees; and 2) a national residence permit for other figures like independent professionals and contract service providers (Mode 4 categories). Intra-corporate transferee residence permits are processed by a specific unit known as the Unit for Big Enterprises (Unidad de Grandes Empresas y Colectivos Estratégicos – UGE) within the Ministry of Employment and Social Security which centralises all the procedures regarding international mobility. Regarding intra-EU mobility, third country nationals holding and intra-corporate transferee EU residence permit issued by another Member State

[72] Including AT, BG, CY, FR, HU, LT, LU, NL

may be transferred to Spain through a notification made to the UGE regardless of the duration of the transfer. Spain, consequently, has opted for the more flexible schemes offered by the Directive.

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 (the **Seasonal Workers Directive**).[73] **Other developments** included:

- In **Austria**, a maximum numbers of work permits for temporarily employed third-country nationals (seasonal workers) and harvest workers for the year 2016 was established in December 2015: up to 4,500 work permits are available for temporarily employed foreigners and up to 700 work permits for harvest workers;
- In **Italy**, the annual Flows Decree setting quotas for seasonal workers was issued in April 2015. In total 13,000 places were made available for citizens of 25 countries and 1,500 places were reserved to the citizens of those countries who had already workers as seasonal workers for two consecutive years and for which a multiannual permit could be issued. Furthermore, the Ministry of Employment and Social Policy has clarified the requirements to convert a permit for seasonal work in a permit for paid employment work. This can be done on the condition of having performed seasonal work for at least three months and with the approval of the job conditions by the local offices of the Ministry;
- **Poland** detected an increased rate in the misuse of the 'simplified system of employment of foreigners'. The system is based on the registration of employers' declarations of intent to entrust work to a foreigner and addressed to citizens of six countries, namely Armenia, Belarus, Georgia, Moldova, Russia and mostly Ukraine. In response to the observed misuse, restrictions in registering employers' declarations were introduced as of 17th April 2015. Such restrictions clarified the rules concerning such declarations, providing that it was only possible to hire foreigners on that basis and without a work permit if they were employed under employment contracts consistent with the content of registered declarations, especially as regards their salary;
- In **Spain**, the number of seasonal workers remained similar to past years. The largest number of seasonal workers came from Morocco (accounting for more than 75% of the total) followed by Colombia and Ecuador. A best practice of circular migration has been established with Morocco in the agricultural sector.

3.1.3.4 Migrant entrepreneurs

A number of Member States reported on measures regarding migrant entrepreneurs. With regard to those Member States which have a **special visa or residence permit in place for migrant entrepreneurs**,[74] six Member States reported on specific measures:

- In **France**, the competition of the 'French Tech Ticket' for entrepreneurs will make a start in January 2016. The managers of the start-ups who will be selected will receive a residence permit, a grant, accommodation, free mentoring within an incubator and administrative support. Furthermore, a possibility has been introduced in the law on the rights of foreigners enforced in 2016 to issue a one-year residence permit to foreign graduates who plan to create a company in France;
- In **Ireland**, during 2015, 25 applications were approved under the Start-Up Entrepreneur Programme (STEP). The purpose of the programme is to enable third-country nationals who have a viable proposal to set up a high potential start up business to acquire residency rights in Ireland. In total, 55 projects have been approved since the launch of the STEP in 2012;
- In **Italy**, 61 applications were received for the Start-up visa as of 2014 (43 in 2015), 40 of them being approved;

[73] Including AT, BG, CY, EL, ES, FR, HU, IT, LT, LU, NL, SI

[74] Including ES, FR, IT, IE, NL, UK

- In the **Netherlands**, a scheme for start-up entrepreneurs entered into force in January 2015. The scheme grants a one-year residence permit to entrepreneurs supported by a facilitator and with means of subsistence;
- In **Spain**, 101 visas and residence permits were issued for innovative entrepreneurs in 2015. A one-stop-shop was established for residence permits in 2015. The aim of the one–year visa or the two–year residence permit are to give time to entrepreneurs to start up their business. Besides, Spain is working in a specific programme to support the most innovative start-up founders, which is to be launched in 2016;
- In the **United Kingdom**, with regard to residence permits under the Tier 1 for Entrepreneurs, some changes were made to avoid abuse of the system. Initial applicants are now required to submit a business plan. Both initial applicants and those seeking an extension or indefinite leave to remain, must pass a 'genuine entrepreneur' test. The test requires demonstration of genuine intention and ability to establish or take over at least one business in the United Kingdom within six months from the date the application is granted. Applicants must also demonstrate the intention to invest money in the business. Tier 1 (entrepreneurs and investors) applicants are also required to provide an overseas criminal record certificate for entry clearance.

Lithuania and the **Slovak Republic** reported on planned introductions of special visas/residence permits for migrant entrepreneurs.

- In **Lithuania**, a temporary residence permit for innovative businesses (start-ups) will be introduced, including a swift examination procedure, access to family reunification and the possibility of renewal for a period of one year;
- In the **Slovak Republic** a new start-up visa has been proposed in 2015, also for selected third-country nationals on the basis of the development of an innovative idea to be implemented in the Member State.

Other measures related to entrepreneurs were reported by **Belgium**, **Estonia** and **Lithuania**.

- In **Belgium**, following the State reform the competences related to migrant entrepreneurs were fully transferred to the regions and the German-speaking community in 2015;
- In **Estonia**, restrictions to employment on the basis of a temporary residence permit for entrepreneurship have been removed. Third-country nationals can also register their absence from Estonia if they plan to stay abroad temporarily for the purposes of entrepreneurship;
- In **Lithuania**, in order to facilitate immigration procedures to establish a business, an inter-institutional agreement was signed to provide assistance, through a one-stop-shop, with completing all the necessary immigration formalities to persons who could potentially contribute significantly to the country's economic welfare.

Regarding **investors,** five Member States have reported the following measures:

- In **Hungary**, new legal provisions concerning the special provisions of admission for high net worth investors entered into force on 1st January 2015, which raised the amount to be invested in special state bonds from €250,000 to €300,000 in case a third-country national wishes to gain preferential residence and long-term residence rights in Hungary;
- In **Ireland**, 64 applications for residence were approved under the Immigrant Investor Programme in 2015;
- In **Latvia**, since January 2015, a new five-year temporary residence permit may be issued to a third-country national upon purchase of interest-free state securities for a value of 250,000 euros, and payment of 25,000 euros into the state budget;
- In **Lithuania**, it was proposed to simplify the conditions of entry for heads of large enterprises and to issue a temporary residence permit upon specific conditions. The permit would last three years and would be issued under the accelerated procedure, allowing the beneficiary to bring family members;
- In **Spain**, new provisions have been established in the investor visa and residence permit. The duration of renewals has been extended to five years and a new category, investor representative, has been created.

3.1.3.5 Au pairs

Only the Netherlands reported on developments with regard to au pairs as follows:

- In the **Netherlands**, as of July 2015, the au pair and the host family must sign a declaration of awareness, detailing the rules of the au pair agreement. The notification of the daily work routine was modified so as to include only notifications that would affect the au pair's right of stay.

3.1.3.6 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 the following Member States:

- In **Finland** the working holiday arrangement between Finland and New Zealand was modified in January 2014. The agreement aims to provide opportunities for Finnish and New Zealand's young people to learn more about the other country's culture and society. The application of the original working holiday arrangement started in August 2004 but it has not been enforced nationally. The new agreement entered into force on 1st July 2015 and has led, among others, to expand the age requirement to 18–35 years;
- In **Germany**, access to the labour market was facilitated for asylum seekers and foreigners whose deportation had been suspended by the introduction of a number of measures in 2015, including simplified access to career orientation and training-related practical courses of up to three months' duration, as well as access to temporary employment for professionals and access to employment after 15 months of residence;
- In **Hungary**, the Working Holiday Agreement between Hungary and Taiwan became operational in 2015. Under the agreement, 100 young people aged between 18 and 35 years old can visit the other country annually, primarily as tourists, and during their stay they can also be employed on a temporary basis under preferential provisions;
- Also in **Poland** a reciprocal work and holiday and visa arrangement between Taiwan and Poland entered into force. The agreement enables young people from Taiwan and Poland to enjoy an extended holiday in the other country 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

Nine Member States reported on legislative changes as regards long-term residents, including the following:[75]

- In **Austria**, following legislative changes, third-country nationals must have previously been entitled to settle in the country for five consecutive years, in order to be eligible for permanent residence. If this period is interrupted for ten months or more or for six months in succession, the eligibility period begins anew. Spouses, registered partners and children of Austrian citizens who are employed with a public entity, and whose place of employment is in another country, can have the period prior to the interruption recognised towards eligibility, provided that the authorities are informed in advance of the planned discontinuation of settlement status;
- In **Belgium**, the regional governments of the Flemish region, the Walloon Region and Brussels Capital Region approved decrees to facilitate access to the labour market for long-term residents. The latter no longer need a work permit after working 12 months in a bottleneck occupation;
- In **Cyprus**, the fees for the issuance and renewal of the long-term residence permit, as well as the number of documents requested, were reduced;
- In the **Czech Republic**, the time limit to submit an application for a long-term residence permit was prolonged to 120 days before the expiration of the current long-term visa. As for the change of employer or work position, the consent of the Ministry of Interior is needed via an application that once made will also be considered as an application to prolong the employee card;
- In **Estonia**, requirements for obtaining a long-term residence permit were simplified (including an exemption from the integration requirement) for those foreigners who had

[75] AT, BE, CY, CZ, EE, EL, HU, LT, LU

settled in Estonia before 1st July 1990 and had factually resided/were residing in Estonia, and whose residence in Estonia did not pose a threat to the interests of the Estonian state;

- In **Greece**, with a view to reduce bureaucracy, the deadline for decision-making to get a long-term residence permit was reduced from three months to 70 days;
- In **Lithuania**, as from 2015, the time spent in prison as a consequence of a judicial custodial sentence has been excluded from the period of residence required to be eligible for a permanent residence permit;
- In **Luxembourg**, the Directorate of Immigration published a leaflet on the long-term resident status in English and French. The leaflet provided a summary of the legal and regulatory provisions of the long-term resident status, explained what the status entailed and included a link to where the application form for a long-term residence permit could be found.

Figure 3.4: Overview of liberalisation of the requirements for obtaining a long-term residence status reported on long-term residents by EU Member States and Norway



Figure 3.4 shows the Member States[76] which introduced measures on the liberalisation of the requirements for obtaining a long-term residence status.

3.1.4.2 Equal treatment[77]

Seven Member States reported on efforts in 2015 with relation to equal treatment:

- In **Bulgaria**, a separate chapter of the draft Law on Labour Migration and Labour Mobility was dedicated to equal treatment of third-country national workers with Bulgarian citizens for a basic set of rights concerning their professional realisation and their social and economic life in Bulgaria;
- In **Greece**, equal treatment provisions were adopted in 2015 which established a set of equal treatment rights for third-country nationals who had not yet acquired the status of long-term resident, but had been admitted in order to work, or for reasons other than work (e.g. family reunification) and thereafter were given access to the labour market.
- In **Finland**, the new Non-Discrimination Act entered into force on 1st January 2015. The Act brought along several changes expanding the duty to promote equality and prevent discrimination. In addition to the authorities, the duty applies to training and education providers as well as educational institutions and employers, affecting in particular working life in the private sector;
- In **Italy,** the extension of social assistance rights to all third-country nationals (previously only long-term residents) has been completed. Moreover, the Constitutional Court (in case 119/2015) has ruled against the norm that excluded non-Italians from national voluntary service;
- In **Lithuania**, the government approved the Inter-institutional Action Plan for the Promotion of Non-discrimination for 2015-2017. The Action Plan aims at reducing discrimination, raising public awareness and fostering respect for the individual. The implementation of the plan is coordinated by the Ministry of Social Security and Labour;
- In **Luxembourg**, the Centre for Equal Treatment has initiated a project named 'Promotion of diversity in Luxembourg'. The project focuses on diversity in the labour market and has three objectives: describing the state of affairs, identifying good practices and raising awareness;
- In **Spain**, the restrictions to equal treatment allowed by the Single Permit Directive have not been introduced in Spain. Regarding fighting against racism and xenophobia, a project

[76] BE, CY, EE, EL, FR,IT, LU, MT, NL, PL,SE, SI

[77] That there shall be no **direct** or **indirect discrimination** based on racial or ethnic origin (source: EMN Glossary V2.0)

called FRIDA has been developed throughout 2015 with the aim of training and raising awareness among the education community to prevent and detect racism, xenophobia and other forms of intolerance in schools. Similar programmes are going to be launched in the field of Justice and Health.

3.1.4.3 Intra-EU mobility

Three Member States reported on changes with regard to intra-EU mobility:

- **Italy** modified the procedure to return mobile third-country nationals who did not notify their presence within eight days. They can now be returned to other EU countries only if bilateral agreements prior to January 2009 exist;
- In **Lithuania**, third-country nationals who hold a temporary residence permit in Lithuania and long-term resident status in another EU Member State have been exempted from the requirement to obtain a work permit for the purpose of employment;
- In the **Netherlands**, third-country nationals categorised as having knowledge and talent (highly skilled, scientific researchers, students) will be exempt from the temporary residence permit requirement.

3.1.4.4 International Students and researchers

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

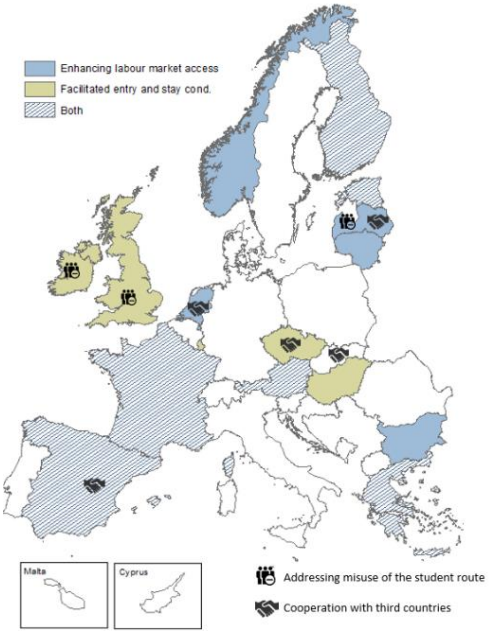


Figure 3.5 provides an overview of the main measures planned or introduced in Member States to further facilitate the reception of students and researchers. Most measures were aimed at:

- Enhancing labour market access during studies and post-graduation;[78]
- Facilitating and simplifying the entry and stay conditions;[79]
- Addressing misuse of the student route to migration;[80]
- Facilitating cooperation with third countries.[81]

Legislative Changes

Enhancing labour market access during studies and post-graduation

Eight Member States (AT, BG, EE, EL, FR, LT, LV, PL) and Norway introduced amendments to legislative provisions to **facilitate access to labour market** of international students after graduation and researchers. The following are some examples:

- In **Austria**, following the amendment of the Aliens Law in 2015, researchers applying for a 'Temporary Residence Permit – Researcher' are no longer required to provide a declaration of liability. This change aims at making the permit more attractive for all research institutions;
- In **Estonia**, the type of institutions allowed to hire foreign scientists was broadened. It was provided that as of 2016 all the institutions whose main activity was research and development may employ a third-country national as a researcher, while before that only those institutions which were recognised by the Ministry of Education and Research and had been positively evaluated could do that;

[78] AT, BG, EE, EL, ES, FI, FR, LT, LV, NL, NO
[79] AT, CZ, EE, EL, ES, FI, FR, HU, IE, LU, UK
[80] IE, LV, UK
[81] CZ, ES, LV, NL, SK

- Since May 2015 **Poland** grants unrestricted access to the Polish labour market (right to take up employment in Poland without the need to obtain a work permit) to foreign students and doctoral students staying in Poland on the basis of a student visa and foreigners giving occasional lectures, speeches or presentations of a particular scientific or artistic value. Previously only students and doctoral students with temporary residence permits granted in connection with studies had this right.

In some Member States (AT, BG, EE, ES) legal amendments simplified the employment of third-country nationals with higher education. For example, graduates from an **Austrian** university may obtain a written confirmation of the legality of their stay for further six months for any category of the 'Red-White-Red Card',[82] not only for the category of 'university graduates' as previously established.

Some Member States have included plans and provisions enabling students to undertake internships or (part time) employment (EL, IE, LV) or graduates and researchers to search for work (FR, LT, NL, NO).

- **France** implemented several measures to retain foreign students, in particular improved reception conditions for residence permit applications and facilitated conditions to search for work for graduates who want to continue their careers in France, including the extension of the temporary residence authorisation to seek employment to the possibility of accessing additional degrees, including Bachelor's degrees, and provisions to make the change of status from student to employee easier;
- In **Lithuania**, since 2015 the requirement to provide evidence of work experience in order to take up employment has been lifted from aliens who have completed studies or training in Lithuania to pursue a profession. In addition, it was proposed to allow students holding a work permit to work for up to 20 hours per week as soon as they start their studies, instead of only after the second year, and to exempt graduates from the labour market test;
- The **Netherlands** has given more time to students to find a job after the completion of their degree (in Dutch or in top universities abroad), while the modification of the 'Highly Qualified Migrants Scheme' is under discussion.

Facilitating and simplifying the entry and stay conditions

Legislative measures were planned or adopted in a number of Member States (AT, EE, EL, FI, FR, UK) to further facilitate the entry and stay of students and researchers.

- As of 2015 students and researchers in **Austria** and **Estonia** may apply for the change of residence permit within the country (instead of having to apply from abroad);
- In **Finland**, the validity of the 'residence permit for seeking employment' for third-country nationals who have completed a degree in Finland was extended from six to twelve months and in **France** the 'temporary residence authorisation to seek employment' was extended to other degrees (not only Master's degrees), including Bachelor's degrees, by a new law to be enforced in 2016;
- **Greece** regulated the entrance and residence of third-country nationals who wished to study in music educational institutions recognised by the state;
- **Lithuania** planned to extend the possibilities of support for academic mobility with a view to attracting talented migrants to study in Lithuania;
- In the **United Kingdom**, changes were made to the way entry clearance applications were granted in order to ensure that students intending to travel to the UK just before or just after their course had started could do so.

Addressing misuse of the student route to migration

Several Member States (IE, LV, UK) adopted measures to **prevent the misuse of the student immigration route**:

[82] The 'Red-White-Red Card' includes five categories: very highly qualified workers, skilled workers in shortage occupations, other key workers, university graduates or self-employed key workers. For further information see: Migration.gv.at. 'Permanent immigration - Red-White-Red Card', http://www.migration.gv.at/en/types-of-immigration/permanent-immigration-red-white-red-card.html, last accessed 11 May 2016

- In May 2015, **Ireland** announced the introduction of reforms to restrict the list of eligible educational programmes for immigration purposes (and other related reforms). The latter included measures for the protection of international students including compulsory learner protection arrangements and a separate account facility to safeguard student advance payments. Furthermore, Ireland introduced changes to the student work concession, including by standardising the periods during which students could work fulltime in order to tackle abuse of the existing scheme;
- **Latvia** planned the introduction of a condition in the law providing that a residence permit could be withdrawn if a student failed to make sufficient progress in his/her studies.
- In the **United Kingdom**, as of August 2015, new students at publicly funded colleges have been prevented from being able to work, thus reducing incentives to use the student migration system as a means to work in the UK. Rules concerning academic progression for students extending Tier 4 visas have also been tightened to ensure that international students are progressing academically and not starting new courses simply to prolong their stay in the UK. The time limit permitted to study under Tier 4 at further education levels was reduced in November 2015 from three to two years. In November, college students were prevented from being able to apply from within the UK to extend their Tier 4 study visa or switch to another visa route;



Policies, Strategies and/or Measures

Some Member States (CZ, FI, HU, IE) have included policies, strategies or measures addressing the entry and stay, as well as the labour market access of students, graduates and researchers. For example in **Finland**, the government introduced measures for an 'Acceleration of transition to working life' in May 2015. The measures aimed to support an earlier start in working life and to make movements, within and between different levels of education, as flexible as possible. The government also agreed on plans to encourage graduates of Finnish universities to stay and work in Finland, for example by introducing tax deductions.

Other Member States (CZ, ES, HU, IE, LU) have developed strategies to attract foreign students:

- In the **Czech Republic**, as part of the 2015 'Migration Policy Strategy of the Czech Republic', the Ministry of Education, Youth and Sport was tasked with elaborating a strategic document on the entry and residence of third-country nationals in the Member State for the purpose of study and other educational activities. A working group was established and met twice in 2015;
- During 2015 consultations were held in **Ireland** on a follow-up strategy to the '2010 to 2015 International Education Strategy'. Ireland has worked on a reform agenda for the sector aimed at ensuring that the industry operates to high quality standards including student protection and immigration compliance. In the context of the next phase of the Strategy, the current 12 month post-graduation permission is being re-examined;
- In **Spain**, a collaboration agreement between migration and education authorities aimed to facilitate the entry and residence of international students (and researchers and professors), specifically those who are part of programmes which includes mobility measures. Universities are also involved in this new agreement. The agreements is an outcome of the Spanish Strategy for the Internationalisation of Spanish Universities.



Cooperation with third countries

The following developments with regard to cooperation with third countries were reported:

- The **Czech Republic** has introduced a new scholarship programme 'New Elites for Syria'. The programme offers 20 scholarships for Syrian refugees in Jordan to study at Czech public universities for the 2015-2021 period (one preparatory year + a five year study programme);

- **Slovakia** approved the draft Agreement on Cooperation with Mexico in the field of education, youth, sports and culture;
- In the **Netherlands**, a pilot project will start in 2016 granting students from third countries who studied in Aachen (DE) and want to live in the Netherlands a residence permit (up to 75 students per year);
- In **Latvia**, the Riga Technical University opened a study and information centre in Colombo and Sri Lanka to promote education opportunities in the Member State as well as to facilitate mutual cooperation of researchers in science. In relation to this, a cooperation agreement between authorities and stakeholders with a view to attract students from Sri Lanka entered into force in September 2015;
- **Poland** reported on the introduction of legislative amendments to enhance innovation in the Polish economy. These included, among others, solutions to support the further internationalisation of Polish science and higher education institutions. A student exchange agreement with the United Arab Emirates was also signed. This is the second agreement Poland has signed with an Arabic country. Similar agreements are being negotiated with Qatar and Kuwait;
- In **Spain**, international agreement signed with China and the programme 'Science without borders' (Ciencia sin fronteras) with Brazil were implemented in 2015.

3.1.5 FAMILY REUNIFICATION

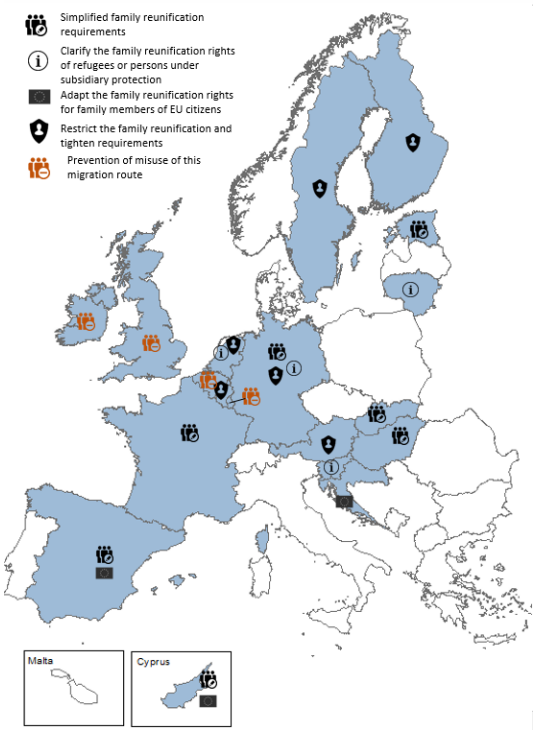


Figure 3.6: Overview of measures introduced on family reunification by EU Member States and Norway

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

- Simplify family reunification requirements;[83]
- Clarify the family reunification rights of refugees or persons under subsidiary protection;[84]
- Adapt the family reunification rights for family members of EU citizens;[85]
- Restrict the family reunification and tighten requirements;[86] and
- Prevent cases of misuse of this migration route (additional information is also provided in section 4.1.3.2).[87]

Legislative Changes

Legislative changes took place in several Member States with a view to simplifying family reunification, but also with regard to the introduction/ planning of restrictions to family reunification for specific groups. Additionally, changes included clarifications for family reunification of family members of EU citizens and family members of refugees or persons under subsidiary protection.

[83] CY, DE, EE, ES, FR, HU, SK
[84] DE, LT, NL, SI
[85] CY, ES, HR
[86] AT, BE, DE, FI, NL, SE
[87] BE, IE, LU, UK

A **simplification of family reunification requirements** was proposed or introduced in a number of countries (e.g. CY, DE, EE, ES, FR, LT, NL, SK):

- In **Estonia**, changes included exemptions to the requirement of two years of prior residence of the spouse in the Member State. Furthermore, the period of validity of the temporary residence permit to settle with a spouse was amended and some family members were excluded from the annual immigration quota;
- In **Spain**, the definition of family members of those categories of third-country nationals related with talent, investment and entrepreneurship has been extended;
- In early 2015 **Germany** changed the requirements for family reunification for persons granted subsidiary protection. Members of the core family of a person granted subsidiary protection were granted the same rights to family reunification as family members of refugees. Family reunification for this group of people was significantly facilitated until new restrictions were introduced in early 2016 (see below).

In contrast, some Member States[88] and Norway planned or introduced **legislative measures that restricted the family reunification rights of certain groups**, such as refugees and beneficiaries of subsidiary protection:

- In **Austria** the Federal Ministry of the Interior presented a draft federal act to amend the Asylum Act 2005 (not yet adopted). The draft specifically sets additional requirements for family reunification involving beneficiaries of subsidiary protection and introduces a residence permit for refugees that is initially limited to a three-year period;
- In **Belgium** legislative changes entailing a restriction of family reunification rights are planned. A draft law was proposed lengthening the decision time for family reunification and extending the period to control the fulfilment of the conditions for family reunification from three to five years;
- In **Finland** the Ministry of the Interior set up a legislative project in September 2015 for reviewing family reunification criteria to comply with the EU's Family Reunification Directive (2003/86/EC). In the draft Government Bill, the requirement to have secure means of subsistence to be able to support a family member as a condition for the latter to be granted a residence permit, would be expanded to cover additional groups of people to whom this requirement does not currently apply. In the future, beneficiaries of international protection would be required to have secure means of support, as generally defined in the Aliens Act, before the family reunification application would be approved. In cases where the sponsor has refugee status (he/she is a quota refugee or has been granted asylum), secure means of subsistence would not be required if the family members apply for a residence permit within three months of the granting of refugee status to the sponsor;
- After facilitating family reunification for persons granted subsidiary protection early in 2015 (see above), later the same year **Germany** announced plans to suspend the right to family reunification for this status group again for two years. This change came into force on 17 March 2016;
- In the **Netherlands**, the 'Law on Prevention of Forced Marriages' entered into force, determining (among other things) that both partners must be at least 18 years of age to be allowed to get married in the Netherlands. This law applies also in the context of refugee and regular family reunification;
- In **Norway** changes to the Immigration Act were proposed in 2015, including the introduction of a subsistence requirement and a requirement of four years of work or study before family reunification may be granted for refugees. In addition, it was proposed that an application for family reunification may be refused if family reunification was possible in another state with which the family had a stronger connection;
- In November 2015 the government of **Sweden** announced a temporary law aiming at restricting the possibility of being granted a residence permit for protection purposes and the right to family reunification. According to the proposal, persons eligible for subsidiary protection who have been granted temporary residence permits will not have a right to family reunification if the asylum application had not been submitted by 24 November 2015.

[88] For example, Germany, Lithuania and the Netherlands. Belgium took steps to lengthen the maximum decision time for family reunification requests of all third-country nationals, including beneficiaries of international protection.

Further to this, requirements concerning the availability of sufficient means of subsistence will be introduced for most types of family reunification.

Some Member States (BE, IE, LU, UK) focused on measures to address the possible **misuse of the family reunification migratory route**. For example, **Luxembourg** has included a provision in the Law of Luxembourgish Nationality concerning spouses of Luxembourgish nationals. According to the law, spouses of Luxembourgish nationals who do not have habitual residence in Luxembourg must have been living with their partner for at least three years before the day of the application.

Legislative changes related to the rights of family reunification for **family members of EU citizens** have been introduced in **Cyprus** and are planned in **Croatia**. For example, in Cyprus, the changes related to the duration and renewal of the permit. In **Spain**, members of the extended family of EU citizens can apply for residence.

Policies, Strategies and/or Measures

- In **Latvia**, the draft Conceptual Report on Immigration Policy plans to extend the rights related to family reunification. Two new categories eligible for family reunification include: registered partners and adult children who received a first temporary residence permit when still minors. Furthermore, the draft report includes the provision of a the right to employment for family members entitled to work, and the granting of a residence right to spouses of third-country nationals permanently residing in Latvia.

3.2 MANAGING MIGRATION AND MOBILITY

3.2.1 VISA POLICY

Figure 3.7 shows an overview of those Member States (AT, BE, DE, CZ, EE, EL, ES, FR, LT, LU, PL, SK) which in 2015 reported that the Visa Information System (VIS) had been fully rolled out to the third and last set of countries (i.e. countries of the Eastern Partnership, Russia, China, India, Pakistan and Afghanistan) in line with the timeframe established by the European Commission. In **Norway** VIS has been fully rolled out in 2015. Two Member States (FI, HU) reported that the implementation of VIS was scheduled for 2016.

Figure 3.7: Overview of EU Member States where the VIS has been fully rolled out



Some Member States reported on support measures delivered during the year to implement visa policy:

- In **France,** the project France-Visa was initiated in November 2015 aiming at facilitating the application process by setting up a multilingual portal where applicants could receive information, lodge their visa applications and monitor the process;
- **Austria** held the 12th annual General Directors' Immigration Services Conference (GDISC) (see box below);
- In **Estonia** support measures included a three-year training program for employees dealing with the processing of Schengen visa applications

Exchange of experience in visa policy: the case of Austria

The 12th annual GDISC Conference was held in Vienna on 25th and 26th June 2015 on the topic 'Driving force for practical cooperation'. The objectives were, firstly, to exchange practical experiences on issues specifically related to cooperation procedures and, secondly, to discuss the development of asylum and migration policy in the light of future needs. In addition to the directors of the asylum authorities of the relevant Member States, the conference was also attended by representatives of the European Commission and EASO as well as of international organizations.

Several Member States (AT, BE, CZ, EE, ES, FI, FR, HU, LV, LT, IE, NL, SE, SI, SK, UK) and Norway reported on **cooperation between consulates, the set-up of joint consular services and outsourcing measures**, including:

- In **Belgium** the Immigration Office launched a project on a 'Consular cooperation mechanism on Schengen Visa Processing' in selected third countries presenting a high risk of fraudulent Schengen visa applications, involving also other eleven European countries;
- By the end of 2015, **Finland** had outsourced its visa operations in three new countries (China, India and Turkey). The total number of visa application centres available to visa applicants to Finland in those countries amounted to 30. Visa services had been previously outsourced in Russia, Ukraine and Thailand;
- In **Ireland** and the **United Kingdom**, the British-Irish Visa Scheme was extended to India in February 2015. The British-Irish Visa Scheme has the dual purpose to promote business and tourism visits from nationals of countries included in the Scheme while enhancing the border security of the Common Travel Area between Ireland and the UK;
- **Latvia** reported outsourcing the processing of visa applications to external service providers in Azerbaijan, China, Georgia, India, Lebanon, Turkey, Great Britain, Uzbekistan and South Korea;
- **Poland** initiated a procedure to outsource visa services in Belarus and China. The procedure will be completed in 2016;
- **Slovenia** started outsourcing visa operations in Ukraine and planned to introduce outsourcing measures also for Turkey and China in 2016.

Efforts were made to **improve services in granting short-term** visas in three Member States:

- **France** has extended its 48-hour visa programme (in place since 2014 with China) to individual applications from India, South Africa, Qatar, Kuwait, Bahrein, Oman and the United Arab Emirates;
- **Ireland** removed the requirement to hold a transit visa for nationals of Ethiopia transiting the State directly from Ethiopia 'en route' to the United States of America or Canada and vice versa. It also added the United Arab Emirates to the list of countries whose diplomatic passport holders were exempt from holding a valid Irish visa when landing;
- In **Italy**, the government introduced the Tourism-Jubilee Visa in view of the Jubilee year 2015, applicable to visitors requiring a visa for short (up to 90 days) term stay whereby the Church appointed a local responsible acting as a guarantor for the visa requests.

Other national developments included the issuing of biometric visas in several Member States (CZ, DE, EE, EL, FR, IT, FR, LV) and Norway.

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 that reported on new measures to support Schengen governance during the reporting period. These involved:

- Changes in national legislation and its implementation;[89]
- Actions related to the introduction of temporary border controls;[90] and
- Actions related to the Schengen Evaluation and Monitoring Mechanism.[91]

Legislative Changes

Five Member States (HR, NL, PL, SK, SI) have reported on (planned) legislative changes. For example:

- In **Croatia**, amendments to the Foreigners Act were planned for 2016;
- In the **Netherlands**, a legislative proposal was put forward to introduce temporary administrative measures on counter-terrorism with a view to prevent people from travelling with Dutch identity documents to join a terrorist organisation;
- In **Poland**, an amendment to the Consular Law which entered into force on 1st November 2015 broadened the list of state entities entitled to verify the foreigners database for visa purposes.

Policies, Strategies and/or Measures

Seven Member States (AT, DE, FR, HU, LT, SE, SI) and Norway reintroduced **temporary controls at the internal borders** in 2015.

- As from 13th September 2015, **Germany** introduced temporary border controls- in line with the Schengen Borders Code- at all its internal borders, with a special focus on the German-Austrian land border. The aim was to regulate the entry into Germany of third-country nationals who had not been properly identified, fingerprinted and registered in any other Member State upon arrival in the EU and to ensure public safety and order;
- **Austria** introduced temporary border controls as of 16th September 2015. As a result, border controls are possible at any time at all land and air border crossing points for reasons related to the massive influx of third-country nationals;
- **France** introduced temporary border controls as of mid-November 2015. Initially implemented for the United Nations conference on climate change held in France in

[89] HR, NL, PL

[90] AT, DE, HU, LT, SE, SI and NO

[91] AT, BE, CZ, DE, ES, FR, HU, LU, SI

November-December 2015, this measure was reinforced after the terrorist attacks in Paris of 13th November;

- In order to tackle the extraordinary migratory pressure, in **Hungary** the Government temporarily reintroduced border controls at the Hungarian-Slovenian land border. The decision entered into force on 17th October 2015 for a ten day period and was not prolonged;
- In 14th December 2015, State Border Guard Service of **Lithuania** introduced intensified border checks at airports for all persons crossing the border , including persons enjoying the right of free movement;
- **Slovenia** also temporarily reintroduced border controls at the border with Hungary for a month (from 17th October 2015 until 16th November 2015);
- As from 12th November 2015, **Sweden** reintroduced temporary border controls at its internal borders, with a special focus on harbours in the Police Region South and West and the Öresund Bridge. The Swedish Government also adopted an Ordinance on identity (ID) checks for travel to Sweden from Denmark. Following the Ordinance, ID checks have to be carried out by carriers (ferries, busses, and trains) for passengers who want to enter Sweden;
- **Norway** decided to temporary reintroduce border controls at the Norwegian internal borders as of 25th November 2015, with a special focus on ports with ferry connections to Sweden, Denmark and Germany. The controls were motivated by the challenges posed by the unpredictable migratory pressure.

Some Member States[92] reported on the **Schengen evaluation** on the basis of the new Evaluation and Monitoring Mechanism that came into force at the end of 2014 (Regulation 1053/2013/EU). In Croatia, the Schengen evaluation will take place in 2016.

The Schengen Evaluation and Monitoring Mechanism

In 2015 the Schengen evaluations took place under the new Schengen Evaluation and Monitoring Mechanism and covered all aspects of the Schengen *acquis*: the management of external borders, return policy, common visa policy, the functioning of the VIS, cross-border police cooperation and data protection relating to VIS, the second generation Schengen Information System (SIS II) and the functioning of the data protection authority. The evaluations were conducted by teams of experts, with the European Commission and European agencies, such as the EU Border Management Agency (Frontex), the Fundamental Rights Agency (FRA), the European Agency for the Management of Large IT Systems (eu-LISA) and the European Police Office (Europol) acting as observers. The evaluation tools used were mainly questionnaires and on-the-spot visits to verify the application of the *acquis* by the evaluated Member State (e.g. sea, land and air border crossing points and borders, central authorities etc.). The evaluation reports were discussed in the Schengen Committee. As a follow-up to the evaluation reports, recommendations were discussed and adopted in the Council working group on Schengen evaluation, on a proposal from the Commission.

In the context of the European Commission's **Smart Borders Package**, **France** launched three pilot projects (port of Cherbourg, Roissy-Charles de Gaulle airport, Gare du Nord Paris) to test technical solutions to respond to the increase flow of travellers by making border crossing faster and easier for frequent travellers.

30 years of the Schengen Agreement - The future of Schengen: challenges and opportunities

In the framework of the Luxembourg Presidency of the Council of the EU, the Luxembourg NCP organised the Annual EMN Conference on 7th October 2015. The event, entitled '30 years of the Schengen Agreement - The future of Schengen: challenges and opportunities', aimed to discuss the developments and the perspectives of Schengen regarding the free movement of persons, border management and irregular migration, as well as to explore the current challenges to preserve and further extend the Schengen area.

[92] AT, BE, FI, FR, LV, NL

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 as shown in Figure 3.9.[93]

Many Member States experienced an exceptional inflow of third-country nationals into their territories, although in some Member States these inflows were reported as temporary as the migrants were only in transit to other destination countries. Member States faced several challenges, for example, shortages of human resources in the relevant authorities (BE, CY, CZ, DE, EL, FI, LU, SE, SI), as well as of COI experts due to the significant change of migration routes during this year (PL).

Following the unprecedented high migratory influx in 2015, special measures were introduced by several countries, for example:

- **Bulgaria** introduced special police operations for the detection and subsequent return of third-country nationals that entered the territory by illegal means in 2015;
- **Belgium**, the **Czech Republic**, **Finland**, **Germany**, **Luxembourg**, **Malta**, **the Netherlands** and **Slovenia** increased the capacity of their relevant authorities;
- **Croatia** established a 'Headquarters for activities coordination' as a response to the influx of migrants, with the purpose of enhancing the coordination of the activities with all relevant authorities. According to the Croatian Authorities this has ensured a smooth and organised transport of migrants arriving in the country in 2015;
- With assistance from the European Commission, **Greece** aimed to improve the coordination between various actors, to address administrative barriers and facilitate the exchange of knowledge regarding border management and relocation;
- **Poland** prepared a strategic document onto handle massive inflows of foreigners through the southern sector of the state border which addressed administrative burdens and border management issues, including collaboration with neighbouring EU Member States.

Other measures undertaken by the Member States included the application of temporary simplified operation modes (SE); the transfer of border control activities (IE, PL, SK); the enhancement of border control activities (AT, DE, EL, HR, HU, SI); the (planned) opening of new reception/accommodation/ detention centres (BE, DE, EL, FI, HR, HU, LV, LU, PL, SI) or an increase in their capacity (ES); and the provision of crisis management training (SK, SE).

3.3 INTEGRATION

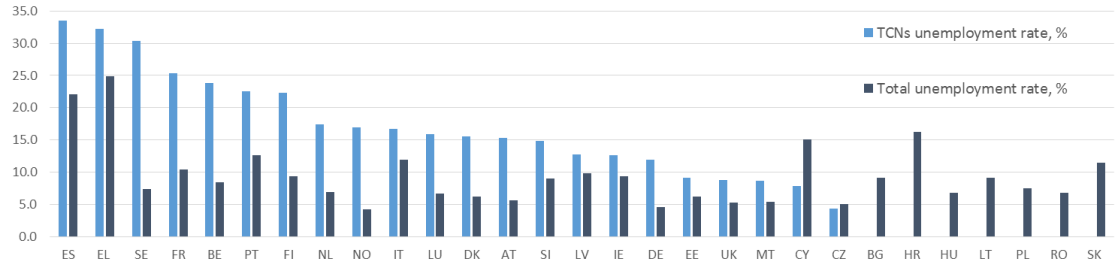
Figure 3.10 and Tables 8-10 in the Statistical Annex provide an overview of one of the key indicators on the integration of third country nationals, namely their unemployment rate compared to the total unemployment rate in the respective (Member) State.

Across the EU-28, the unemployment rate for third-country nationals was 19.1% in 2015 compared with a total unemployment rate of 9.4%. In comparison with 2014, both the total unemployment rate (10.2% in 2014) and the unemployment rate of third-country nationals (20.4% in 2014) had slightly decreased in 2015.

The highest unemployment rates for third-country nationals were reported by **Spain** (33.5%) and **Greece** (32.2%), compared with national averages of 22.1% and 24.9% respectively. Gender disaggregated statistics evidence that the unemployment rate of third-country national females was the highest in **Greece** at 33.3% (compared to 28.9% average female unemployment) and **Spain** at 32.7% (compared to 23.6 % average female unemployment).

[93] CY, CZ, EE, FI, IT, LV, LU, MT, SE, SI

Figure 3.10: Unemployment rate of third-country nationals (aged 15-64) and total unemployment rate by Member State in 2015

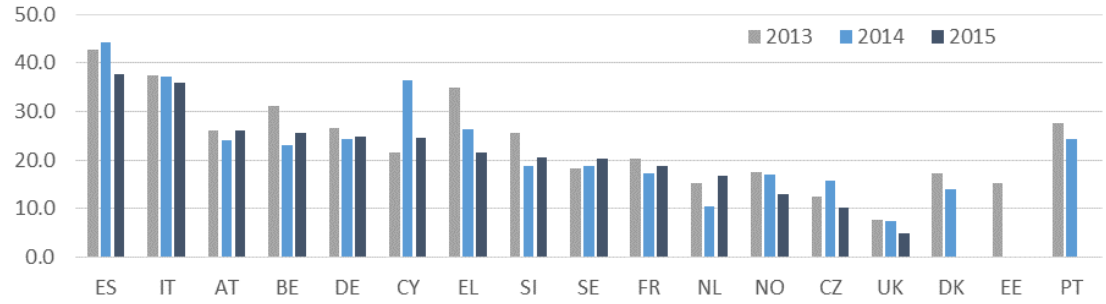


Source: Eurostat, extracted: 27 May 2016

Statistics on the share of third-country nationals who were 'early leavers' from education and training by sex and citizenship (from 18 to 24 years of age) were not available for 15 Member States.[94] From the available statistics, the highest share of early leaver third-country national was recorded in **Spain** (37.6%), followed by **Italy** (35.9%) and **Austria** (26.1%). The lowest share in 2015 was recorded in the **United Kingdom** (4.9%) and the **Czech Republic** (10.3%).

Data on third-country nationals at risk of poverty or social exclusion by broad group of citizenship (population aged 18 and over) for 2015 are available only for four Member States, namely **Austria** (39.8%), **Bulgaria** (47.4%), **Finland** (48.6%) and **Latvia** (37.3%).

Figure 3.11: Percentage of TCNs early leavers from education and training 2013-2015



Source: Eurostat, extracted on 27 May 2016

Overall, in 2015, most Member States reported on legislative changes, policy measures and projects to foster migrants' integration into the host society. The following sections tackle migrants' integration from different angles. Section 3.3.1 reviews legislative changes and policy measures adopted by Member States and Norway to promote socio-economic integration. In particular, these concern improving language skills, facilitating access to healthcare, social security and housing and promoting labour market participation. Section 3.3.2 presents the initiatives undertaken to promote integration through participation, access to rights and obligations, equal treatment and creating a sense of belonging. Section 3.3.3 reports on measures and projects focused on the integration of specific migrant groups, like asylum seekers, refugees, undocumented migrants and women. Section 3.3.4 describes policy changes and practices adopted by Member States and Norway to combat forms of discrimination that may affect migrants. Finally, sections 3.3.5 and 3.3.6 examine measures to improve cooperation and consultation with other stakeholders such as civil society and local authorities (3.3.5) and countries of origin (3.3.6). Due to the large influx of asylum seekers recorded throughout 2015, many Member States put in place specific integration measures for this group and for beneficiaries of international protection. These are reported not only in section 3.3.3 but also in other sections, when relevant.

[94] BG, DK, EE, FI, HR, HU, IE, LT, LU, LV, MT, PL, PT, RO, SK.

3.3.1 PROMOTING INTEGRATION THROUGH SOCIO-ECONOMIC PARTICIPATION

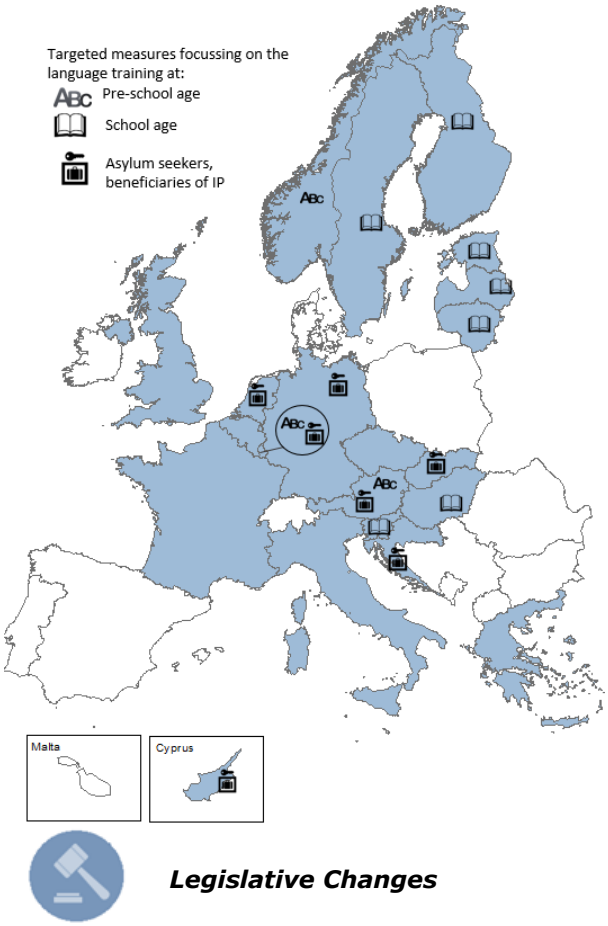


Figure 3.12: Overview of measures to enhance migrants' language skills to enhance attainment in education

This section reviews legislative changes and measures to improve migrants' language skills, and facilitate migrants' access to healthcare, social security and housing.

According to the fourth **Common Basic Principle of Immigrant Integration Policy in the EU**, language skills are a pre-condition for achieving more comprehensive integration of migrants in the host society. Accordingly, enhancing migrants' language skills or improving their educational attainment has continued to be a priority for Member States during 2015.

The 21 Member States and Norway mapped in Figure 3.12[95] reported on the implementation of measures and projects to enhance migrants' language skills.

Legislative Changes

Five Member States (BE, FR, IT, NL, UK) adopted or worked towards the introduction of changes into primary or secondary legislation.

- In **Belgium**, where integration is a regional competence, the Walloon government worked on a decree (adopted in February 2016) to introduce a mandatory integration programme for newly arrived third-country nationals (those who had been living in Belgium for less than three years and who held a residence permit valid for more than three months), which included 120 hours of French classes. The Flemish government announced in 2015 that, as of January 2016, third-country nationals wishing to receive the certificate of civic integration at the end of the integration programme would have to demonstrate a certain level of proficiency in Dutch. Following the same trend, the government of the Brussels region announced that the establishment of a compulsory integration pathway would be discussed in 2016;
- During 2015, **France** carried out a review of its integration policy. The amended law on the rights of foreigners, which was examined by the French Parliament during 2015 and became applicable on 7 March 2016, established an individualised French integration pathway aimed at encouraging the social and professional integration of foreigners into the French society. All foreigners will be required to follow the integration pathway by signing the Republican Integration Contract, which replaced the Reception and Integration Contract (CAI). The new contract emphasises in particular the language training requirements, increasing the level demanded upon completion to A1 of the Common European Framework of References for Languages (from the level of A.1.1. previously aimed at);

[95] Austria, Luxembourg and Norway reported measures for pre-school age children, while Estonia, Finland, Hungary, Latvia, Lithuania, Luxembourg, Slovenia and Sweden did so with regard to school-children. Austria, Cyprus, Croatia, Germany, Luxembourg, Netherlands and Slovakia implemented specific measures for improving the language skills of asylum seekers and beneficiaries of international protection. Eleven Member States (AT, BE, CZ, EE, EL, ES, FR, IT, NL, SE, UK) reported measures targeted at the whole population.

- In **Italy**, the Ministry of Interior issued a Circular on 30 September 2015 introducing the possibility of extending the validity of the integration agreement by one year, if after two years the objectives had not been met;
- **Spain** introduced a test assessing the knowledge of the Spanish language and culture as a requirement to obtain Spanish citizenship based on residence. The test is organised by the Cervantes Institute.



Policies, Strategies and/or Measures

Four Member States (AT, DE, NL, SE) adopted measures aimed at increasing the amount of **resources** available for language trainings.

- In **Austria**, the Federal Government earmarked € 25 million in additional funds for training courses and activated additional German courses to accommodate approximately 10,000 refugees;
- In **Germany**, additional language courses were made available by the Federal Employment Agency to asylum seekers from Eritrea, Iraq, Iran and Syria. Until the end of 2015, 222,282 participants had joined these additional courses. The costs amounted to € 320-400 million;
- **Estonia** launched a Welcoming Programme that included an A1-level Estonian language training module. The Police and Border Guard Board refers all non-Estonian citizens who have been legally residing in the country for less than five years to the programme;
- The **Netherlands** amended the Civic Integration Decree, thereby increasing the amount of the loan third-country nationals participating in civic integration programmes were entitled to from € 5,000 to € 10,000 (which thus became equivalent to the amount being granted to beneficiaries of international protection);
- The **Swedish government** provided special grants to schools that organised extra language trainings.

Six Member States (AT, EE, FI, LT, LU, LV) adopted specific measures to enhance **language training within educational institutions,** from pre-elementary schools to universities. As for **pre-elementary age** children, two Member States (AT, LU) and Norway have reported the following measures.

- In **Austria** the Federal Ministry for Europe, Integration and Foreign Affairs renewed the commitment to provide an intensive language training to all children aged between three and six who showed language weaknesses, to improve their proficiency upon entering elementary school;
- In **Luxembourg**, the Education Report 2015 highlighted the presence of educational inequalities correlated to the migration background of students. In response, the government elaborated, *inter alia*, a plan to provide free of charge educational support for children aged between one and three as a preparation for their entrance in the Luxembourgish school system;
- **Norway** introduced free core time (20 hours per week) in kindergarten to all four and five year-old children from families with low income with a view to improve children's language and social skills in preparation for primary school;
- In the **United Kingdom** the government extended the Secure English Language Test also to migrants applying for settlement or naturalisation and introduced a specific test in speaking and listening at the level B1 of the Common European Framework of References for Languages.

Eight other Member States (HU, LU, EE, LV, LT, FI, SE, SI) reported on initiatives in **schools and universities**, involving children, parents and teachers. For example:

- As part of the plan to eliminate education inequalities based on students' migration background, **Luxembourg** introduced a quality assurance system to support children up to 12 years of age in the educational and care facilities;

- **Estonia** developed a package for schools that received third-country nationals for the first time. The tools provided by the semi-governmental foundation Innove included instructions for intensive language training, mapping of the schools' resources as well as mentoring schools' success in the first year following the reception of children from third countries;
- In **Latvian** the Language Agency implemented the project 'Inter-Cultural Training for Parents, Teachers and Students' aimed at providing information to parents about their children's enrolment in Latvian schools and at making them familiar with the institutions that could provide assistance. Moreover, several seminars took place for schools' employees to share their experiences on working with third-country nationals;
- **Lithuania** boosted the language support for foreign students through the provision of language classes on an individual basis;
- In **Finland** the Ministry of Education had started to work on measures to improve Finnish language skills in higher education institutions;
- In **Spain** the Ministry of Education has established agreements with Ceuta and Melilla to better integrate pupils in special need of educational support so as to mitigate gaps due to cultural differences, the lack of a good command of the Spanish language or late school enrolment.

Due to the large influx of asylum seekers to the EU, seven Member States (AT, CY, DE, HR, LU, NL, SK) introduced targeted measures to **improve the linguistic skills of asylum seekers and beneficiaries of international protection**:

- In **Austria**, the MORE programme launched by the Austrian University Conference in 2014 to support refugees in attending universities proved successful, leading to an increase in the number of students from third-counties enrolled in universities. Moreover, the Austrian Integration Fund and the Österreich Institute upgraded the web portal www.sprachportal.at by including new learning materials, interactive videos and educational podcasts and developing an Arabic version. The government also organised an information campaign to provide information on the legal, educational and organisational aspects of enrolling refugee children in schools;
- **Croatia**, within the context of the programme to learn Croatian language approved in 2014, signed contracts with educational institutions to provide language training to beneficiaries of international protection in five cities (Zagreb, Velika Gorica, Kutina, Poreč, and Pula);
- **Cyprus** financed a programme under the ERF (programme year 2013) to improve the education of unaccompanied minors applying for or benefiting from international protection;
- **Luxembourg** organised classes for minor asylum seekers in first-arrival reception facilities. Their transition to regular schools was supervised by the Ministry, which also granted schools a sum of €991.57 per pupil per year. Moreover, Arabic-speaking intercultural mediators were hired and the offer of language courses for adults was expanded. Teaching personnel received specific training to help them effectively teach students from a migrant background;
- In the **Netherlands** a task force was set up to provide counsel to and promote access to higher education, as well as improve the attainment of student beneficiaries of international protection;
- In **Slovakia** the Ministry of Education was tasked with providing from 2016 onwards via universities of third age a standardized course of Slovak language and an orientation course on Slovakia's institutions and culture to asylum seekers and beneficiaries of international protection. Furthermore, for a maximum of 30 Syrian citizens with a temporary residence the Ministry was responsible with arranging a 10-month Slovak language course and vocational training as of September 2016.

Engagement with employers to promote language skills

In January 2015, the Dutch Ministry of Social Affairs and Employment signed with 29 Dutch employers the Language Agreement 'Zet in op Taal!' (Focus on language!), whereby employers would focus on the language skills of their employees and the Ministry would provide special reimbursement. The

number of language agreements is expected to increase in 2016 and the programme is to be expanded on a regional level, with the involvement of municipalities and civil society organisations.

Ten Member States (DE, EL, EE, FI, FR, HU, IT, LT, LU, NL) reported measures in the domains of access to healthcare, social security and housing. For example, with regard to **access to healthcare**:

- The **Estonian Parliament** discussed a proposal (whose adoption is expected for the second half of 2016) to extend the health insurance coverage, which in Estonia is pension-based, to the elderly migrants that at the moment were not entitled to receive the pension;
- In **Greece**, the Hellenic Centre for Disease Control and Prevention submitted a comprehensive plan for monitoring and covering the health of newcomers throughout the country. In addition, the programme 'Direct Assistance of the Response of the National Health System due to the Refugee/Migration Crisis that the Islands of the Eastern Aegean are Facing' was approved.

With regard to **access to social security**, three Member States (EL, IT, LV) reported measures to extend the coverage to the migrant population, while two Member States (FI, NL) reported measures to make access to social security more restrictive.

- In **Greece**, Law 4332/2015 established that workers holding a single permit could enjoy equal treatment with Greek nationals regarding, inter alia, social security provisions;
- In **Italy**, two rulings of the Constitutional Court extended the right to social security (previously reserved only to long-term residents) to all third-country nationals;
- In **Latvia**, the right to receive social services and social assistance was extended to all third-country nationals residing in Latvia with a permanent residence permit. Persons having alternative status and their family members residing in Latvia are now entitled to the : guaranteed minimum income, shelter and night-shelter services, consultations with the social service, housing benefits as well as special care services for minors;
- In **Finland**, the Ministry of Social Affairs and Health analysed the costs of immigration and its impact on the host society and the Government agreed that it would launch a review of its residence-based social security system, with the aim of excluding asylum seekers;
- In the **Netherlands**, the Dutch Language Requirement Act, discussed in 2015 and approved in January 2016, provided that social assistance benefits could be curtailed if the recipient did not show sufficient command of the Dutch language.

With regard to **housing**, five Member States (DE, EL, FR, HR, LT) reported the following changes:

- In **Croatia**, the International and Temporary Protection Act announced in 2015 provided that beneficiaries of international protection and their family members have the right to benefit from social housing, if they have insufficient financial resource;
- **France** has been implementing a project for the creation by 2017 of 5,000 places to encourage access to independent housing for refugees, as well as 500 new places in temporary accommodation centres to improve the accommodation of protected individuals and thus to reduce the use of emergency accommodation;
- In **Germany**, legislation was changed in order to facilitate the construction of (shared) accommodations for asylum seekers and persons granted international protection;
- In **Greece**, the Law 4332/2015 established that workers holding a single permit could enjoy equal treatment with Greek nationals regarding, inter alia, the procedures for obtaining social housing;
- In **Lithuania**, as of January 2015, all legal residents and their families could benefit from housing support.

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 more than half of all Member States[96] reported on new measures to enhance migrants' integration into the labour market.

Five Member States (AT, BE, DE, LT, LU) implemented measures aimed at making a better use of **qualifications and competences** acquired by migrants in their countries of origin.

- **Austria** developed the planned Federal Act on the Simplification of Procedures for the Recognition and Evaluation of Foreign Education and Occupational Qualifications (Recognition Act). The Act is intended to help individuals who provide evidence of having completed education or acquired occupational skills in another country to find an employment matching their qualifications in the Austrian job market;
- In **Germany**, the 'Integration through Qualification' promotion programme started for the period 2015-2018. It encompassed roughly 340 sub-projects in all federal states aimed at making it easier for migrants to use the qualifications acquired in third countries;
- In **Lithuania** the procedure for recognition of qualifications was simplified and shortened;
- In **Luxembourg**, the bill transposing **Directive 2013/55/UE on the recognition of professional qualifications**[97] included a provision for a procedure for the recognition of training diplomas obtained in third countries.

Valorisation of informal learning acquired in third-countries

In Belgium, the Flemish government approved in July 2015 a concept paper on the Policy for the Recognition of Competences (EVC). The aim of EVC was the valorisation of knowledge and skills acquired by third-country nationals in schools, free time and through work experiences. Recognized EVC-providers could test knowledge and skills and issue qualification certificates or certificates of competences which could be used to access the labour market or to get an exemption for certain training/educational programmes. The government aims at implementing the overall decree on EVC in 2017.

Three Member States (FI, NL, SE) reported measures adopted by the government on improving **migrants' labour market participation**:

- In **Finland**, the ministerial working group on migration adopted an action plan on integration which included measures aimed at providing immigrants with basic labour-related administration services. Moreover, the Ministry of Employment and Economy was preparing an Integration Partnership Programme which featured several initiatives, for instance supporting immigrants in setting up a new business, encouraging asylum seekers to become more active, and facilitating the employment of immigrants. The initiatives included strengthening immigrant's networks, identifying and recognising immigrants' skills quickly and flexibly, creating flexible training paths, and supporting the diversity of work communities;
- The **Netherlands** complemented the civic integration examination with a specific module on 'Orientation in the Dutch Labour Market';
- In **Sweden** the Government amended and implemented supplementary measures to the Introduction Act, the cornerstone of the Swedish labour market integration policy, with the aim to create more opportunities for newly arrived immigrants in terms of access to work

[96] AT, BE, DE, HR, EE, EL, ES, FI, HU, IE, IT, LV, LT, LU, NL, SE, SK.

[97] Directive 2013/55/EU of the European Parliament and of the Council of 20 November 2013 amending Directive 2005/36/EC on the recognition of professional qualifications and Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation'), OJ L 354, 28.12.2013.

or education. It also launched 'fast-tracks' into the labour market for newly arrived immigrants with education or skills relevant for shortage occupations.

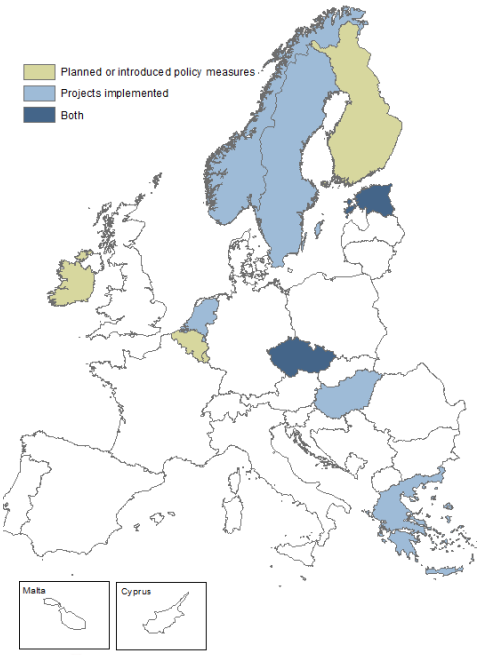
Other **measures** and **projects** to improve migrants' access to the labour market were reported by 12 Member States (AT, HU, IT, FI, EL, ES, LT, LV, DE, NL, SE, SK); for instance in **Estonia** the Welcoming Programme introduced in 2015 included a specific training module on 'Working and Entrepreneurship'.

Eleven Member States (AT, DE, EL, ES, FI, HU, IT, LT, NL, SE, SK) also put in place specific measures addressing the **labour market integration of asylum seekers and beneficiaries of international protection**, for instance:

- In October 2015 **Austria** issued a decree entitling asylum seekers up to the age of 25 to take up an apprenticeship in shortage occupations, and not only in professions that had a shortage of apprentices as was the case before. The Austrian Government also announced in 2015 that beneficiaries of international protection could benefit, as of January 2016, from the 'voluntary integration year' which was meant to provide employment and language training;
- Asylum seekers in **Hungary** were allowed to take part in public employment programmes, be registered as unemployed and benefit from recruitment services;
- In **Estonia** asylum seekers were entitled to take employment after six months of the date of submitting application, provided that the decision on the granting of international protection was not late due to their lack of cooperation;
- In **Finland**, a pilot project was carried out in ten reception centres to test the skills' level of asylum seekers in order to fine-tune integration training;
- In **Lithuania**, as of 2015, persons entering upon a national visa (D-type visa) on the ground of escaping from an armed conflict (for example, in Ukraine) in their country of origin were allowed to take up employment;
- **Germany** implemented measures to facilitate access to the labour market to asylum seekers and persons with a tolerated status (i.e. persons whose deportation had been suspended); for instance, these groups were allowed to access temporary employment after 15 months of residence, and to receive career-orientation and training-related practical courses;
- In **Greece**, a Ministerial Circular issued in July 2015 established that beneficiaries of subsidiary protection should benefit from the same integration activities and labour market access as refugees;
- In **Italy**, asylum seekers were allowed to take up employment activities two months after the asylum application was lodged (instead of six as previously);
- In the **Netherlands**, as of October 2015, a task force was established within the Ministry of Social Affairs and Employment, with the aim of improving the labour market participation of refugees by screening and matching their skills;
- In **Spain**, the government and main trade unions have signed an agreement to promote the integration of asylum seekers and beneficiaries of international protection to the labour market;
- In **Sweden** the Government established the '100 club', an initiative aimed at offering special package solutions to major companies wanting to contribute to the labour integration of refugees, while also meeting their labour needs. The purpose was to create new work placements for at least 100 new arrivals per company within three years;
- **Slovakia** amended the Asylum Act, thereby allowing asylum seekers to freely access the labour market nine months after they have lodged their application, while previously they had to wait 12 months.

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 policy measures[98] or projects[99] to facilitate the integration of migrants (including vulnerable migrants) through improving rights and obligations, achieving equal treatment and belonging have been implemented by several Member States and Norway, as showed in Figure 3.14.

Policies, Strategies and/or Measures

Six Member States (BE, CZ, DE, EE, FI, IE) adopted or implemented new programmes or strategies that aimed at **fostering migrants' participation** or were devised with migrants' participation.

- In **Finland** the Ministry of Employment and Economy started the preparation of the Government Integration Programme (VALKO II) for the period 2016–2019. The aim of the new programme was to improve the efficiency in the planning and monitoring of integration measures at the national level as well as promoting integration and participation. The preparation of the programme involved the cooperation of all relevant stakeholders, including immigrant communities and organisations and religious communities;
- In **Ireland**, the Office for the Promotion of Migrant Integration, which holds a cross-departmental mandate to develop, lead and co-ordinate integration policy, was engaged in a review of the Irish integration policy. The aim was to prepare a new updated comprehensive Integration Strategy. To this end, a number of thematic meetings were held, focussing on key policy areas relevant to the integration of migrants, including education, access to public services and social inclusion, the promotion of intercultural awareness and the fight against racism;
- In July 2015, the Flemish Government in **Belgium**, approved the strategic objectives of the Horizontal Integration Policy Plan, which aimed at reducing the gaps between the native population and the population with a migration background in all policy areas (e.g. educational attainment and labour market access and participation). A concept note with the principles, approach and planning regarding this Plan is expected to be presented to the Flemish government in 2016;
- In the **Czech Republic**, the Migrant Forum, that gathered representatives of migrant communities living in Prague, contributed to the preparation of an Action Plan within the Concept of the City of Prague for the Integration of Foreigners (approved in 2014). The main goal of the plan was to actively engage the participation of migrants and to be a source of information on their needs and ideas;

[98] BE, CZ, EE, FI, IE, LU

[99] CY, EE, EL, HU, NL, SE, NO

- As for general information programmes, **Estonia** launched in autumn a Welcoming Programme aimed at informing and counselling temporarily residing third-country nationals about the services they could access and the rights they had, with the aim of encouraging their adaptation and participation in the host society.

As for political rights, **Luxembourg** was the only Member State to report any changes. In June 2015, a referendum was held on the possibility of granting the right to vote, under certain conditions, to non-Luxembourgish residents. The outcome of the referendum was negative, with 80% of the population voting against. In October, the Minister for Justice presented a draft bill on the nationality law, aiming to enhance the societal and political integration of non-Luxembourgish citizens and to strengthen social cohesion. Notably, the bill introduced the territorial principle (*ius soli*) for acquiring nationality. In **Spain** foreign citizens from specific countries (which have signed a reciprocity agreement with Spain) have the right to vote in municipal elections.

Seven Member States (CY, DE, EE, EL, HU, NL, SE) and Norway reported the implementation of specific **projects** aimed at fostering migrants' integration through participation in the host society.

- In **Cyprus**, under the European Integration Fund (EIF), forums were organised between local authorities, NGOs and immigration associations in order to increase migrants' participation;
- Under the AMIF Multiannual Programme 2014-2020, **Greece**, established Migrants' Support Centres to facilitate the access of third-country nationals to public services, provide them with counselling and support third-country nationals in participating in groups and organisations at the local level as well as in migrants' associations;
- The **Netherlands** ran an integration pilot project between March 2014 and March 2015, involving 13 municipalities. Under the pilot migrants were offered the possibility to sign a 'declaration of participation', i.e. a declaration on their intent to contribute to the Dutch society and get acquainted with the Dutch culture and values. Migrants who signed the declaration received counselling on how to prevent exploitation and become more integrated in the wider society. Also, the Netherlands supported a Business-City Partnership in Rotterdam (in partnership with The Hague Process) to match labour demand with skills of migrants;
- In **Estonia**, seminars on the promotion of equal treatment of migrants in the labour market were organised in cooperation with the Estonian Integration and Migration Foundation, universities and business organisations;
- **Hungary** implemented a project supported by EIF to encourage third-country-national women to be more socially active and to further engage with the host society. Moreover, cultural activities and self-awareness sessions for groups and individuals were organised to help migrants cope with the challenges related to their life in Hungary;
- **Norway** provided grants to migrants' organisations and NGOs to strengthen the participation of immigrants and their children at the local level and to facilitate the creation and access to social networks;
- **Sweden** raised the funding allocated to civil society and local authorities for integration activities that aimed at creating better conditions for migrants' inclusion in the host society by putting in touch newly arrived migrants and members of the local community. Funded activities included study circles, support to language learning, mentorship and sports associations.

3.3.3 PROMOTING THE INTEGRATION OF SPECIFIC GROUPS

Member States reported on initiatives to foster the integration of specific groups.[100] In particular, asylum seekers and beneficiaries of international protection were in the focus of integration policies during 2015. In addition to the measures for improving language skills and enhancing access to the labour market, reported in section 1.2., other measures for the integration of **asylum seekers and beneficiaries of international protection** were the following:

- **Bulgaria** started developing a draft Ordinance that would allow the inclusion of beneficiaries of international protection in integration programmes. An Integration

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

Agreement was foreseen to be signed between beneficiaries of international protection and the municipality willing to assist in their integration;

- The **Czech Republic** adopted a new State Integration Plan for Beneficiaries of International Protection. This introduced changes to the system for providing integration assistance as regards language training, housing and access to the labour market. An integration plan was foreseen to be elaborated on an individual basis and in cooperation with the beneficiary of international protection;
- In **Germany**, since November 2015 integration programmes have been opened to asylum seekers from countries with a 'good perspective to stay', a benchmark defined on the basis of the overall recognition rate for the respective country of origin (above 50%);
- **Sweden** introduced in August 2015 the new scheme 'Swedish from day one'. The aim was to offer asylum seekers the possibility to engage in meaningful activities while their applications were being processed and to facilitate early integration into the host society of those who were granted protection;
- **Slovakia** started the preparation of the first state-sponsored integration programme for beneficiaries of international protection in 2015. The programme should be fully operational as of 2017.

Timely and targeted welcoming in Estonia

The Estonian Welcoming Programme was launched in August 2015. The programme offers support to all new arrivals, while providing targeted welcoming approaches to respond to specific migrants' needs. For instance, *beneficiaries of international protection* are provided with information about the terms and conditions for granting and extending their residence permit, the Estonian social welfare system, access to education and work culture, as well as financial literacy training. *Minors* receive information about Estonia's history, geography and nature, culture and traditions, children's rights, opportunities to get help and legal regulations. *Family members* are provided with orientation about family benefits, procedures to register children in education institutions, rights and duties of parents and labour market services. *People interested in working and making business* are informed about procedures to start a business and receive information on how to find a job, labour law, the tax system, insurance options, work culture and the pension system. Finally, *students and researchers* participate in session about the rights and conditions of their residence permits, the students' and academic networks, the education and academic system in Estonia and labour market services.

On **undocumented migrants**, **Luxembourg** simplified the regularisation procedure of third-country nationals, for instance by reducing the time of stay required to be eligible for regularisation (from six to four years). In **Belgium**, the Flemish Horizontal Integration Policy Plan (draft to be presented in 2016) also included actions towards undocumented migrants.

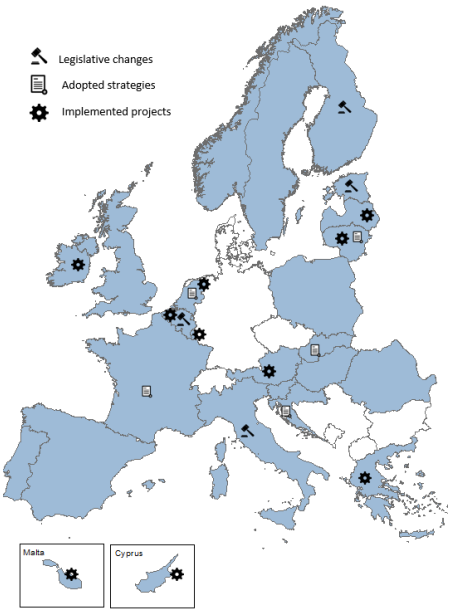
Latvia and **Malta** reported activities targeting women: Latvia provided language classes to migrant women and Malta set up an information campaign on female genital mutilation. In **Belgium**, the Flemish Agencies for Integration and Civic Integration started eight pilot projects for low-literate women with young children with AMIF financing. The goal was to achieve an integrated offer of childcare, Dutch language lessons and support in terms of care and education. The idea behind the project was that the integration of the mothers was essential to increase the development opportunities of the children. The father and other family members were also included in the project.

Greece: Actions to promote the social integration of excluded groups

In 2015 Greece implemented actions within the National Strategic Reference Framework 2014-2020, signed in 2014. The National Strategic Reference Framework includes the development of actions at prefecture/region and local level, in line with the investment priorities of the European Social Fund and in synergy with actions under the Fund for European Aid to the Most Deprived. The actions undertaken within the context of the National Strategic Reference Framework in 2015 included activities on the social integration of marginalised communities, i.e., immigrants, asylum seekers and refugees.

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, being reported in 24 Member States[101] and Norway, as shown in Figure 3.15.

Overall, Member States introduced new or amended existing pieces of legislation,[102] adopted strategies[103] and implemented projects[104] to tackle discrimination.

Legislative Changes

- In **Belgium** a new commission of experts was established by the Royal Decree of 18th November 2015. It gathered representatives of the judiciary, the legal professions, trade unions and employers' organisations with the aim of evaluating every five years the application and the effectiveness of anti-discrimination laws;
- **Estonia** started the preparation of a legal amendment to bring the definitions of incitement of hatred offences and the related sanctions in line with the **EU Framework Decision on combating racism and xenophobia**,[105] and to assure that hate motives were considered as aggravating circumstances;
- In **Finland**, a Non-Discrimination Act entered into force on 1st January 2015. The Act expanded the duty to promote equality to public authorities, education providers and employers. Furthermore, the Ombudsman for Minorities was replaced by the Non-Discrimination Ombudsman. A government decree mandated the Advisory Board for Ethnic Relations to monitor the state of ethnic relations for the period 2015–2019;
- In **Italy**, the Constitutional Court (Case 119/2015) ruled against the norm that excluded non-Italians from participating in the national voluntary service programme;
- In **Spain**, the Criminal Code has been modified to classify the prosecution of hate speech as a criminal offence.

Policies, Strategies and/or Measures

- **France** adopted in April 2015 a new national action plan against racism and anti-Semitism for the period 2015-17. Combating discrimination is also a cross-cutting element of the 2015/2020 city contracts;
- **Croatia** adopted a new National Anti-Discrimination Plan for the period 2015-2020 which covered different areas, such as work and employment, education, science, sports, social security, health care, public administration, judiciary, access to housing, public information, media, access to goods and services, anti-discrimination and European funds;
- **Lithuania** approved the Inter-institutional Action Plan for the Promotion of Non-discrimination for the period 2015-2017 in January 2015, with the aim of reducing discrimination and raising public awareness on discrimination-related phenomena;

[101] AT, BE, CY, DE, EE, EL, ES, FI, FR, IE, HR, HU, IT, LT, LU, LV, MT, NL, PL, PT, RO, SE, SI, SK, UK

[102] BE, EE,ES, FI, IT

[103] FR, HR, LT, NL, SK

[104] AT, BE, CY, EL, ES, IE, LT, LU, LV, MT, NL

[105] Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law, OJ L 328, 6.12.2008.

- In the **Netherlands**, a specific expert group, the Labour Discrimination Team, was established within the Labour Inspectorate;
- **Slovakia** approved the National Strategy for the Protection and Promotion of Human Rights. A new working group on refugees and migrants' rights under the Government Council for Human Rights, National Minorities and Gender Equality will be set up;
- In the framework of the National Strategy against Racism, Discrimination, Xenophobia and Other Forms of Intolerance, **Spain** has developed innovative projects to raise awareness and provide training for the identification of hate and racist incidents in schools;
- In July 2015, the Government of **Sweden** appointed a commission of inquiry to propose measures to strengthen labour migrants' rights and to prevent exploitation. It also provided financial support to the IOM for the development and establishment of the International Recruitment Integrity System (IRIS) instrument.

Finally, 13 Member States (AT, BE, CY, DE, EE, EL, ES, IE, LT, LU, LV, MT, NL) reported on the implementation of specific projects on preventing discrimination (e.g. trainings, information campaign, awareness raising events and data gathering initiatives).

Concrete practices to prevent discrimination

In Belgium, the Inter-federal Centre for Equal Opportunities published a brochure entitled 'Discrimination in housing', in collaboration with the Minister for Housing in the Brussels Region and the State Secretary of the Brussels-Capital Region responsible for Equal Opportunities. The booklet targeted tenants and landlords, but also professionals such as real estate agents and associations in the field of housing. It provided a list of standard details to be collected on a candidate's personal situation, within the legal boundaries. It specified which information was protected by law, such as nationality, skin colour, disability, sexual orientation, political and religious beliefs, health status, social origin, age, gender or trade union affiliation.

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

Eleven Member States (BE, CY, CZ, DE, EE, EL, HR, LU, LV, SE, UK) reported on new or enhanced activities to support the integration of migrants involving the active participation of local authorities and/or civil society. The activities included fostering networks and best practice sharing (BE, CY, ES, LT, LU, SE), involvement at the ministerial level for planning or jointly implementing actions (CZ, ES, LU, UK), information dissemination actions and initiatives to strengthen local actors' capacity (DE, EE, HR, NL). Moreover, Member States reported on specific projects carried out by municipalities under EU or national funding (EL, LV).

As for activities to **foster networks** of local actors and the **sharing of best practices**, the following can be highlighted:

- In **Belgium**, the Flemish Minister responsible for integration and civic integration launched a call for proposals to encourage inter-municipal (involving as a minimum three municipalities) cooperation on the integration of third-country nationals through experimental pilot projects;
- **Cyprus** participated in the Inter-European Municipalities Network to exchange information and share best practices on integration and diversity management;
- **Finland** had launched the development of an Integration Partnership Programme. This defined a number of focus areas and forms of cooperation for integration work to be carried out in cooperation with the municipalities, civil society organisations, immigrant communities, companies and other organisations. A major issue was how citizens' volunteer-based activity could be channelled into the promotion of integration in a manner that was sufficiently coordinated and yielded results. The basic idea of the Partnership Programme was to offer opportunities for introducing 'bottom-up' ideas and initiatives. This new kind of network approach is not so much based on binding commitments, accountability or obligations but rather on appropriate and voluntary links between various actors;
- In **Luxembourg**, the regional gathering on local integration took place in February 2015, and municipalities presented their initiatives and best practices. On that occasion, a guide

on the elaboration of a communal integration plan (Plan communal d'intégration) was presented by the municipalities and a local association;

- In **Sweden**, the increased number of new arrivals spurred the need for increased cooperation between national, regional and local authorities and civil society organizations. The Swedish Agency for Youth and Civil Society was tasked with the development of guidelines to collect best practices on cooperation between civil society and authorities. The Guidelines will be published in 2016.

Local actors have been involved also at the **ministerial level** in the planning and implementation of integration measures:

- In the **Czech Republic**, a working group on the resettlement and relocation of refugees was established. The working group involved representatives of the ministries, the Regions' Association, the Union of Towns and Municipalities, trade unions and employers' associations, the Ecumenical Council of Churches and the Czech Bishops' Conference. The aim of the group was to ensure the smooth selection, relocation and integration of 1,500 refugees and to discuss the new State Integration Programme for Beneficiaries of International Protection;
- In **Spain**, regional and local authorities have been involved in ministerial meetings to develop a coordinated approach towards the increased flows of asylum applicants;
- In the **United Kingdom**, the Syrian Vulnerable Person Resettlement Programme was set up in 2014 and expanded in September 2015. The programme involved local authorities working in partnership with the central government to both resettle and integrate programme beneficiaries into the host society. The scheme runs on a voluntary basis for local authorities. Local actors are involved in offering suitable accommodation, caseworker support for at least 12 months, and in general integration support -including registration with local schools, medical practitioners, translation services and assistance in accessing English for Speakers of Other Languages courses if necessary – to beneficiaries upon arrival.

Other reported actions were aimed at providing **more information** to local actors and **strengthening their capacity**, for instance:

- In **Estonia** the Ministry of the Interior initiated a country-wide series of meetings between ministers and high level officials with local stakeholders and citizens, to discuss the changing migration circumstances in Europe;
- In **Croatia**, the Government Office for Human Rights and the Rights of National Minorities drafted a project proposal entitled 'Support to migrant integration policy implementation'. The project envisaged actions to strengthen the capacities of all stakeholders at the national, regional and local level that played a role in the integration process;
- In the **Netherlands**, the Platform called 'Opnieuw Thuis', established at the end of 2014, worked throughout 2015 to support municipalities in housing beneficiaries of international protection. Moreover, in October 2015, the Support Team for Asylum Seekers and Residence Permit Holders was established within the Association of the Dutch Municipalities with the purpose of advising municipalities on housing, schooling and work for beneficiaries of international protection.

3.3.6 INVOLVING COUNTRIES OF ORIGIN IN INTEGRATION



Figure 3.16: Overview of involvement of countries of origin in integration and activities on pre-departure measures reported by EU Member States and Norway

As shown in Figure 3.16 several Member States[106] have introduced measures involving countries of origin. These include pre-departure and return and reintegration as well as measures to facilitate the integration of migrants in the Member States or migration circularity.

Nine Member States (BE, CZ, DE, ES, FI, FR, LU, SK, UK) reported activities on **pre-departure measures**.

- In the **Czech Republic** the Ministry of Interior continued to support the implementation of the pre-departure package for third-country nationals called 'Next Stop the Czech Republic' (launched in 2013) throughout 2015;
- **Finland** organised training sessions in third countries as a pre-departure measure for quota refugees, with support from the ERF. In 2015, classroom training sessions lasting a bit more than three days each were organised in Iran, Egypt and Lebanon. New project funding has been granted for the Finnish Immigration Service's pre-departure cultural orientation under the AMIF for the period from 1st January 2016 to 30th August 2017;
- The **British** and **German** Governments, each in partnership with IOM, provided respectively 10-hours and 20-hours pre-departure cultural orientation sessions for individuals who were to be resettled. These sessions included information on housing, the role of settlement providers, education opportunities and public services;
- **Slovakia** was involved in the transnational project 'Headstart: Fostering Integration before Departure', implemented by IOM, which ran until June 2015 and aimed to increase the capacities of countries of origin for the provision of efficient pre-departure integration services to third-country nationals coming to Europe;
- **Spain** continued collaborating with countries of origin in terms of pre departure information, specifically in the framework of circular migration (i.e. Morocco) and also in the framework of voluntary return programmers.

Two Member States (FR, BE) reported on **evaluations** carried out **on pre-departure measures** in countries of origin. In both cases, the evaluations had concluded that the measures taken to prepare migrants to migrate were ineffective and inefficient. In **Belgium**, the 'Starters Kit Migrating to Flanders' launched in 2012 was proven to be used more as a survival guide once migrants were in Flanders than as pre-departure preparation. In **France**, the support mechanism for individuals wishing to migrate to France (pre-CAI) was showed to be implemented inconsistently across third-countries and deemed to be inefficient. For this reason, the Law of March 2016 relating to the rights of foreigners in France replaced the pre-CAI with the provision of information in the country of origin aimed at better preparing for arrival in France.

3.4 PROMOTING AND PROVIDING INFORMATION AND AWARENESS RAISING ON LEGAL MIGRATION

[106] BE, CZ, FI, FR, IT, LT, LU, UK, NO

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[107] illustrated in Figure 3.17.

Overall, measures were mainly driven by the aim of improving channels of communication and the quality of information about legal entry and stay, as well as promoting safe alternatives of migration, for example for students and entrepreneurs. Member States mainly reported to have developed:

- New websites or updated existing ones (AT, CZ, DE, EE, ES, FR, IE, LT, PL) and other communication channels such as hotlines and contact emails (CZ);
- Additional online tools (IE) and online and live counselling (EE);
- Tailored information for students (EE, ES, FR, IE) and entrepreneurs/high qualified workers (AT, EE, ES, FR, LT, NL);
- Information campaigns and counselling, both within their territory and in third countries (BE) via media (NO) and consular representations (CZ, EL, FR, HU, IE, LU, LV, PL and NO).

The types of measures introduced by Member States are further described below:

Legislative Changes

- Through the setting up of working groups**, Belgium** launched in 2015 the process to integrate the existing immigration and asylum legislation into a single Immigration Code, to ensure readability, transparency and clarity of the migration and asylum procedures for both migrants and Belgian administrations;
- In **Sweden**, the Government announced in 2015 its intention to launch an inquiry on legal routes for seeking asylum in the EU, as part of a number of measures to tackle the refugee situation. Humanitarian visas are one example of a measure to be investigated by the inquiry. The results of the inquiry are expected by the end of 2017.

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:

- In the **Czech Republic**, brochures originally produced in Czech as an outcome of the project "Welcome to the Czech Republic", were updated as well as translated into Arabic and Mongolian in 2015. The brochures contained information for foreigners who had already arrived in the Czech Republic and intended to stay on a long-term basis;
- In **France**, an agency called 'Business France' was established in 2015.[108] Its aim was to promote the internationalisation of the French economy, and in particular to provide information and support to foreign investors and entrepreneurs;

[107] AT, BE, CZ, DE, EE, EL, ES, FR, HU, IE, IT, LT, LV, SE, NL and NO

[108] Business France is the product of the merger of UBIFRANCE, responsible for supporting French companies with export and the Agence Française des Investissements Internationaux (AFII), responsible for promoting, prospecting and receiving international investments in France.

- In **Greece**, the radio station Athina 9.84 continued to provide information to migrants and, in cooperation with the Hellenic Post Office and the newspaper Athens Voice, released a fourfold leaflet similar to a survival manual (also in Arabic and Afghan) which was disseminated through the Hellenic Post Office to the refugee reception areas. In addition, the station broadcasts daily a 15 minute news bulletin in Arabic. The broadcast includes useful information on the reception centres, humanitarian organisations, announcements and measures taken by the Hellenic Authorities, news and information concerning the European Commission, as well as, news from the reception countries across Europe. Finally, a multi-topic guide for migrants was published in June 2015,[109] providing information and advice (in nine languages) on different areas of the Greek system of governance, as well as other areas such as geography, culture, entertainment, food, customs/traditions, immigration policy, health, employment, education/training, housing, welfare, social services. etc.;
- Under the 2014 project 'Support to the Silk Routes Partnership for Migration' as part of the Budapest Process to raise awareness on migration related questions in Pakistan, **Hungary** continued its activities within the established Migration Information Centres in Islamabad and Punjab, and foresees information campaigns in Pakistan for 2016;
- In **Ireland**, an online status enquiry system for employment permit applications was introduced in February 2016. It allows applicants to enquire about the status of their application. The system issues an automatic response informing applicants about the current stage of processing of their application, and where possible, an indication of how much longer it will take for a decision to be made;
- In **Spain**, after the amendment of international mobility section in July 2015, websites and brochures have been updated. Besides, specific information sessions have been conducted with the international offices of Spanish universities about visas and residence permits and also with international students about how to stay in Spain after completing their studies.

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 were reported by six Member States (BE, DE, EL, FI, FR, UK) and Norway. The main trends in terms of policies, measures and practices are shown below:



Note: Cooperation with Member Stares such as the France-United Kingdom Joint Declaration in Calais and with third countries, such as the Valletta Summit in Greece.

- In **Belgium**, several information, prevention and dissuasion campaigns were carried out in 2015. An information campaign to prevent irregular migration was implemented in Albania. It focused on the abuse of the asylum procedure and on respecting travelling conditions. The campaign was funded by Fedasil and implemented by the Immigration Office in close cooperation with IOM Tirana. Social media campaigns – using Facebook - targeted Iraqis and Afghans. Furthermore, the State Secretary for Asylum Policy and Migration carried out information/dissuasion missions in Albania, Serbia, Kosovo and Georgia;
- **Finland** has used social media (Facebook) to disseminate information on Finnish immigration regulations in countries of origin.
- In **Germany**, the Federal Office for Migration and Refugees launched information campaigns in Albanian newspapers, in the major Albanian TV station, on Albanian and Serbian Social Media Websites as well as in Bosnian and Kosovar media. Furthermore, websites with information on the conditions for granting international protections were launched in the respective languages;

[109] Multi-guide for migrants, available at: http://www.learnaboutgreece.gr, last accessed on 17th June 2016.

- **Norway** launched its dissuasion campaign also through Russian media, indicating that irregular migrants risked being returned either to the Russian Federation or to their countries of origin;
- The **Netherlands** reported that interviews to detect any signs of forced marriage and/or abuse were undertaken to prevent unsafe migration of minors subject to forced marriage to reunite with their partners.

Belgium: Cooperation with NGOs in preventing unsafe migration

Belgium reported two examples of cooperation with NGOs. In the Democratic Republic of Congo, the Immigration Office financed the production of a film by a local theatre company – 'Tarmac des Auteurs' - about the risks associated with irregular migration. The project was launched at the end of October 2015 and the film was broadcasted on a series of local television channels. Another example of cooperation with NGOs was an information campaign in Nigeria (Benin City), implemented by the NGO Girls Power Initiative – which aimed at informing the local population about the risks of irregular migration, trafficking and smuggling, and at providing them with practical indications on how to avoid these traps.

3.4.3 AWARENESS RAISING ON THE PHENOMENON OF MIGRATION IN HOST SOCIETIES



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

Figure 3.17 provides an overview of the Member States[110] which in 2015 reported the introduction of new policies and measures.

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:

EU funded projects to raise awareness on integration of third-countries nationals
- Italy
- Lithuania
- Luxembourg
- Slovenia
- Sweden

Internet and social media campaigns
- Greece
- Italy
- Latvia
- Slovenia
- Slovak Republic

Public awareness actions/ Information campaigns and activities
- Belgium
- Luxembourg
- Latvia
- Slovenia
- Norway

Strategies, websites and services
- Belgium
- Czech Republic
- Estonia

Policies, Strategies and/or Measures

- In **Austria**, within the framework of the programme "Together: Austria", the Minister for Europe, Integration and Foreign Affairs visited numerous schools in 2015 and spoke with students and pupils on the topic of migration and integration in Austria, aiming to counteract prejudices through open dialogue;
- In **Belgium**, information sessions and awareness raising activities took place in 2015 as a result of the opening of new reception centres. Fedasil and its partners regularly organised neighbourhood initiatives to integrate the reception centres in their local environment. In

[110] AT, BE, CZ, EE, EL, IT, LT, LU, LV, SE, SI, SK and NO

addition, public awareness actions were organised on the International Migrants Day and World Refugee Days. On the International Migrants Day- 18th December 2015- Myria-the Federal Migration Centre, launched a new online portal called 'Myriapolis'.[111] The portal aimed to increase public awareness and understanding of migration related issues in Belgium;

- In the **Czech Republic**, an expert working group 'Media Working Group on Migration' was established in 2015 (composed by the Office of Government and the Ministry of the Interior Department for Asylum and Migration Policy and Press & PR Department) for urgent questions related to migration discussed in the media and with the aim of improving the quality of the information provided to the public;
- Similarly to Belgium, in **Finland** information events for local residents have been organised in connection with the establishment of reception centres, with personnel from the centres, the parties maintaining them and the Finnish Immigration Service being present to answer any questions of the residents of the municipality;
- In **Italy,** the national television broadcasted six episodes of a programme entitled 'Radici (roots)' to provide information to the general public about the cultures of the countries of origin of immigrants, such as Tunisia, Albania, Dominican Republic, Peru and Philippines;
- In **Slovakia**, the Ministry of Interior, Social Affairs and Education was tasked with the creation and administration of an internet information portal about integration of foreigners in Slovakia. It is available as part of the Ministry's website;
- In **Norway**, the immigration authorities cooperated with local authorities in promoting a dialogue with the local community when reception centres for asylum seekers were established.

The Migration Policy Strategy of the Czech Republic

In 2015 the Migration Policy Strategy of the Czech Republic was adopted. The strategy aimed to clearly define a balanced and flexible migration policy, including as regards its principles, objectives and instruments in the areas of integration, illegal migration and return policy, asylum, the external dimension of migration, free movement of persons in the EU and Schengen cooperation, legal migration and international and EU obligations in the field of migration. The Czech Republic's migration strategy should lead to the strengthening of the positive aspects of migration and to combating more effectively the negative phenomena and risks associated with migration.

At the same time, a Communication Strategy was developed as a cross-sectional measure for informing the public and other partners. This addresses all aspects of migration in the Czech Republic and is closely linked to the individual chapters of the Migration Policy Strategy.

3.5 MAXIMISING THE DEVELOPMENT IMPACT OF MIGRATION AND MOBILITY

3.5.1 PROGRESS TOWARDS MAINSTREAMING OF MIGRATION IN DEVELOPMENT POLICIES

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 undertaken by some Member States in 2015. These efforts included policy measures or the establishment or continuance of strategies as well as the implementation of projects and activities to strengthen international dialogue.

Legislative Changes

- Back in 2014 **Belgium** introduced Interdepartmental Commission in order to reinforce its commitment to Policy Coherence for Development.[112] The Interdepartmental Commission is tasked to facilitate information exchange between the concerned authorities, to raise awareness within administrations and to develop recommendations regarding Policy

[111] http://www.myria.be/fr/myriapolis (in French) and http://www.myria.be/nl/myriapolis (in Dutch), last accessed on 11th May 2016.

[112] By means of the Royal Decree of 2 April 2014.

Coherence for Development. This structure met for the first time in 2015 to start its work on migration areas;

- In **Germany** the Federal Ministry for Economic Cooperation and Development created in 2015 a special unit on forced migration and migration. The aim of this unit was to ensure that the nexus between (forced) migration and development was analysed and taken into account in designing and implementing development cooperation with relevant third countries. It is expected that in 2016 this unit will lay out a strategy on migration and development;
- The migration crisis was one of the factors triggering legislative changes in this area in **Finland** in 2015, resulting in the elaboration of a white paper on development's policy taking into account ongoing migration and refugee situation;
- In November 2015, **Slovakia** adopted a new act on development cooperation, with effect from 2016, aiming to increase the effectiveness, flexibility and transparency of official development assistance. The act introduced a new development assistance mechanism enabling the development of new fundraising partnerships involving civil society (including NGOs from other countries), local administrations, the private and academic sectors, international organisations and other entities. It also put new tools in place, such as direct subcontracting in the partner country, donations of state movable property, debt relief, and soft export loans. In the field of humanitarian assistance, the new tools made available were humanitarian financial donations and direct subcontracting.



Financial support and cooperation projects with third countries

- The **Czech Republic**, within the Prague Process Framework, continued implementing a pilot project to foster student mobility. The outcome of this project will be a 'Handbook on Enhancing International Student Mobility'. The Handbook will investigate, among others, the development impact of such mobility on the countries of origin. The project is expected to conclude in May 2016;
- In April 2015 the European Commission approved the twinning project proposal 'Strengthening Kosovo Institutions in Effective management of Migration', developed by **Austria, Belgium, Latvia, the Netherlands, Poland** and **Sweden.** The twining project will be implemented in 2016;
- In **Latvia** the Office of Citizenship and Migration Affairs and the State Border Guard took part in the preparation of the project 'Support to the Implementation of the Mobility Partnership with Azerbaijan' that will be implemented in 2016;
- Several Member States reported on their participation in the EU **RDPP in North Africa**, which will be launched by the European Commission in 2016. **Italy** has the lead in this RDPP.[113]
- The **Netherlands** took the lead of the **EU RDPP in the Horn of Africa** for refugees and their host communities. Eight Member States (CZ, EL, FI, FR, IT, MT, LU, UK) and Norway, plus the European Commission DGs HOME, International Cooperation and Development (DEVCO) and Humanitarian Aid and Civil Protection (ECHO), as well as the European External Action Service (EEAS) participate in this RDPP;
- **Spain** developed different projects with Latin American and African countries. Strengthening the effective management of economic migration has been the main objective of a capacity building project developed with Latin American countries. Concerning African countries, Spain held the first Morocco and Spanish Forum on Migration and took part of Sharaka project to assist Morocco in the implementation of its new policy on migration and asylum.



Challenges in the field development cooperation in Finland

[113] For further information, see European Commission, 'Fact Sheet - The European Union's cooperation with Africa on migration', 9 November 2015, available at: http://europa.eu/rapid/press-release_MEMO-15-6026_en.htm, last accessed on 11th May 2016.

The Finnish Refugee Council works in fragile states in West Africa. The aim is to strengthen civil society and consequently prevent the recurrence of conflicts. The Finnish Refugee Council has worked in Sierra Leone for a long time and has tailored its activities according to the changes in the social situation. In 2015, nurse training was started as a response to the collapse of the healthcare sector caused by the Ebola epidemic. However, this work will be terminated in 2016 due to Finland's cuts in development cooperation funds.

In Uganda, Finnish organisations, such as the Finnish Refugee Council and the Finn Church Aid, work with refugees who have fled from the Democratic Republic of the Congo and South Sudan. In 2015, Uganda received 112,000 new refugees. The Finnish Refugee Council worked in five large refugee settlement areas in Uganda in 2015. It is the only organisation that offers adult education in these refugee settlement areas. Instead of the planned expansion of activities, the cuts in Finland's development aid forced the Finnish Refugee Council not only to abandon the planned expansion but also to wind down its activities, although there is a considerable need for basic education for adults. The organization has to completely terminate its work in, for instance, the Kyangwali refugee settlement area, with more than 2,000 students in 2015. This means that in the future, an equivalent number of people will remain completely without education as there are no other actors in the adult education sector. There are more than 40,000 refugees in the area.

During 2015, several Member States reported continuous or new funding allocations to development and humanitarian aid. These are listed below:

- The **Valletta Summit on Migration**, held in November 2015, resulted in the development of the EU Emergency Trust Fund to promote stability and address the root causes of irregular migration and displacement in Africa. Several Member States contributed to this fund (e.g. CZ, ES, IE, NL, LU, MT);
- The **Netherlands** allocated €125 million to the Addressing Root Causes Fund for the period 2016-2021 and € 25 million through Local Employment in Africa for Development Fund;
- In 2015, **Slovenia** provided financial assistance to South Sudan and South East Europe.



International Dialogues

- In 2015, leaders from European and African countries participating in the Valletta Summit adopted a political declaration and an action plan designed to: address the root causes of irregular migration and forced displacement; enhance cooperation on legal migration and mobility; reinforce the protection of migrants and asylum seekers; prevent and fight irregular migration, migrant smuggling and trafficking in human beings; and work more closely to improve cooperation on return, readmission and reintegration.[114] The EU Emergency Trust Fund was also formally lunched at the Summit (see above).

3.5.2 COOPERATION WITH PARTNER / THIRD COUNTRIES FOR ECONOMIC MIGRATION

In 2015, one new mobility partnership was signed. It was signed between the Netherlands and Jordan. The full overview of Mobility Partnerships and Member States' involvement is presented in the table below.

[114] Council of the European Union, 'Valletta Summit on migration, 11-12/11/2015', http://www.consilium.europa.eu/en/meetings/international-summit/2015/11/11-12/, last accessed on 13 May 2016

Table 3.1: Member States involvement in EU Mobility Partnerships

Region	**East and South of Europe**				**Africa**			**Middle East**
Mobility Partnership Date signed	**Moldova** 5th Jun. 2008	**Georgia** 30th Nov. 2009	**Armenia** 27th Nov. 2011	**Azerbaijan** 5th Dec. 2013	**Cape Verde** 5th Jun. 2008	**Morocco** 7th Jun. 2013	**Tunisia** 3rd Mar. 2014	**Jordan** 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 Date signed	**Moldova** 5th Jun. 2008	**Georgia** 30th Nov. 2009	**Armenia** 27th Nov. 2011	**Azerbaijan** 5th Dec. 2013	**Cape Verde** 5th Jun. 2008	**Morocco** 7th Jun. 2013	**Tunisia** 3rd Mar. 2014	**Jordan** 9th Oct. 2014
Slovak Republic	✓			✓				
Slovenia	✓			✓				
Spain					✓	✓	✓	✓
Sweden	✓	✓	✓			✓	✓	✓
United Kingdom		✓				✓	✓	
Total no. of Member States	**15**	**16**	**10**	**8**	**5**	**9**	**10**	**15**

3.5.3 EFFORTS TO MITIGATE 'BRAIN DRAIN'

Member States reported very few new measures and programmes to mitigate 'brain drain' in 2015. Those reported aimed at raising awareness on (HU) and preventing (BE, DE and LU) 'brain drain'. No Member State reported data development and/or indicators on this phenomena. The actions reported targeted in particular highly skilled workers from Cameroon, Ethiopia, Mali, Morocco and Senegal.



Policies, Strategies and/or Measures

- **Belgium** implemented a circular migration pilot project for highly skilled migrants from Senegal.[115] This project offered Senegalese college graduates a one-year paid internship in a Belgian company. The project was initiated by Senegalese graduates and Belgian entrepreneurs and was facilitated by DG DEVCO and the regional agencies 'Trade and Investment'. In 2015, the three first engineers started their 12-month internship period in three Belgian companies. Agreements with three additional companies were also concluded as part of the project.



Financial support and cooperation projects with third countries

- At the regional level in **Belgium**, the Department International Flanders supported the training of medical staff in Mozambique. The development of an efficient health policy was also promoted through sectoral budget support to the Ministry of Public Health;
- In **Germany** the Federal Ministry for Economic Cooperation and Development financed a cooperation programme that is expected to start (in 2016) supporting short term (temporary) return of qualified migrants living in Germany to Cameroon and Ethiopia, in order to facilitate knowledge transfer and thus counter brain drain;
- In March 2015, **Luxembourg** assigned €45 million to the new Indicative Cooperation Programme (Programme Indicatif de Coopération - PIC) 2016-2020. The programme aims to finance training and professional insertion, in particular sectorial budgetary aid, bilateral employment and an employability programme (via the agency Lux Development) as well as multilateral (in collaboration with the United Nations Development Programme and the International Labour Organisation support for inclusive finance (via the non-governmental organisation Appui au Développement Autonome) and triangular cooperation (with Sao Tome and Principe and Guinea Bissau). As part of the new Indicative Cooperation Programme (Programme Indicatif de Coopération - PIC) Luxembourg planned to implement a training and professional insertion activities in the rural areas in Mali.



Belgium: MEDMA II project

The second phase of the three year MEDMA project implemented by Belgium concluded in 2015. The MEDMA project aimed at facilitating the transfer of expertise and resources from the Moroccan diaspora living in Belgium to their country of origin. The second phase of the project was embedded in the Moroccan national development strategies, with a leading role being played by the Moroccan Ministry in charge of Moroccans abroad and the Hassan II foundation, acting as an umbrella and assistance centre for investment projects. The government supported diaspora entrepreneurship through the provision of advice and funding to launch the projects. All in all, 15 innovative and financially viable initiatives were supported, with Belgium and Morocco financing 10% of the project each; the entrepreneur himself 15% and the remaining 65% being funded by a Moroccan credit institution.

[115] Migration Circulaire, www.migrationcirculaire.be, last accessed on 12 May 2016

3.5.4 MIGRANTS' REMITTANCES

In 2015, five Member States (CZ, DE, EL, FR, UK) implemented or planned activities or developments with regard to remittances. Four Member States (DE, FR, SE, UK) developed or continued to support dedicated websites that enabled to monitor the costs of money transfers.



Legislative Changes

- In the **Czech Republic** the Ministry of Finance submitted a proposal for the amendment of the Act on Payments which transposes the **EU Payment Account Directive** (2014/92/EU)[116] into national law. Starting from September 2016, it is planned that basic payment accounts will be offered by credit institutions in the Czech Republic. This measure should improve access to banking services for all consumers legally residing within the EU;
- In **Germany** the German Development Cooperation consulted regulators in Uganda, Mozambique and Tajikistan on the regulation and supervision of mobile financial services and the development of an inclusive payment systems. By developing an enabling regulatory framework for digital financial services, which strikes a balance between innovative risk, consumer protection and stability, the private sector and other actors were able to work in a more secure and transparent environment and to facilitate remittances transfers at lower costs;
- In July 2015, **Greece** amended the Act of Legislative Content: Emergency regulations for establishing restrictions on cash withdrawal and transfer of capitals.[117]



Policies, Strategies and/or Measures

- **France** continued its work to reduce the cost of money transfers, by supporting, for instance, a specific website that enables to monitor money transfers;
- In 2014 **Germany** made available enhanced remittance price comparison between different money transfer institutions through a restructured and re-launched website (www.geldtransfair.de). In 2015 an online tutorial for migrants on decision making regarding the choice of remittances service providers was developed and promoted through the website. Germany also started to inform remittances senders about price comparison and financial issues through social media;
- Back in 2014 **Sweden** introduced its own website, serving a similar purpose to those of Germany and France (www.moneyfromsweden.se/en). The website continued to be supported in 2015 and its effectiveness will be evaluated in 2016;
- The **United Kingdom** set up the Harnessing Innovation and Financial Inclusion' Programme to reduce the global average cost of remittances. The programme comprised support for regulatory and policy reform, development of payments infrastructure and scale-up through the UK investing in successful business models.



Germany: new project on digital remittances in Jordan

In 2015, Germany worked on the development of a project on digital remittances in Jordan as part of a special initiative on refugees of the German Federal Ministry for Economic Cooperation and

[116] Directive 2014/92/EU of the European Parliament and of the Council of 23 July 2014 on the comparability of fees related to payment accounts, payment account switching and access to payment accounts with basic features, OJ L 257, 28.8.2014.

[117] Greece also amended laws 4063/2012 regarding the ratification of the Decision of the European Council that amends Article no. 136 of the Treaty on the Functioning of the European Union, of the Treaty Establishing the European Stability Mechanism and the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union, 4172/2013 regarding income taxation, urgent measures of implementing law no. 4046/2012, law no. 4093/2012 and law no. 4127/2013 and other provisions, 4331/2015 regarding measures for the relief of Persons with Disabilities (PWD), concerning the simplification of the operation of the Disability Certification Centres (KEPA), regarding the combat against social security contributions evasion and relevant insurance issues and other provisions and 4334/2015 regarding emergency arrangements for the negotiation and conclusion of an agreement with the European Stability Mechanism (EMS).

Development. The project was planned to start in January 2016 and run for a three year period. It aimed at increasing access to and usage of needs-based digital remittances services for refugees and Jordanians in hosting communities. The project activities will include an analysis of the demand side, the promotion of digital services, financial education activities as well as regulatory advice.

3.5.5 WORKING WITH DIASPORAS

Measures to support diaspora communities 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 related to diaspora. In this regard, initiatives included the introduction of institutional changes (LT) and the implementation of development cooperation projects, including to promote cooperation with diaspora organisations (AT, BE, DE, FI, FR, LU, NL, SE), and international dialogues (DE, UK).



Legislative Changes

- **Lithuania** established the Department of National Minorities as the responsible authority for the implementation of national minorities' policy. The Department partially financed the activities of national minorities' cultural centres, organised cultural events in national minority communities, and carried out other non-discrimination promotion activities.



Development Cooperation Projects

- **Belgium** started a new project in the environment and climate change field in Burkina Faso. The project will include research on the diaspora from Burkina Faso and how its members can be engaged to support activities in the country. Similar projects including outreach to diaspora are foreseen in other Belgian partner countries such as Guinea, Morocco, and the Great Lakes region. In addition, Belgium was working on the development of a new bilateral programme with Morocco, expected to be signed in 2016, which also included cooperation with the diaspora community;
- Supporting local development projects driven and jointly financed by migrants and their organisations is one of the priorities of the **French** migration and development policy. Thus, 2015 saw the continuation of the two programmes initiated with Senegal and Mali. [118]
- **Germany** organised a round table on 'Diaspora and Peace' in December 2015. The programme for cooperation with diaspora organisations - which has been ongoing since 2006 - will be revised in 2016 in order to allow for cooperation also on the issues of forced migration and reintegration;

Projects promoting cooperation with diaspora organisations

- In **Austria** the Austrian Development Cooperation funded the European networking conference 'African Diaspora Youth Forum in Europe' in 2015 under the budget of the Austrian Development Agency. The event was organised by the Association of African Students in Austria (VAS Österreich). The goal of the forum, targeted specifically at African students in **Austria**, was to provide support in building potential, developing leadership skills and weaving networks as a basis for information exchange and cooperation. The students were assisted in the activities by experts from Austria and African countries as well as by trainers' trainers from development organisations;
- **Belgium** continued to fund two programmes established by the African Diaspora in Belgium in 2015: the 'Benelux Afro-Centre' programme strengthening the institutional and management capacity of the National Council of NGOs in the health sector in the Democratic Republic of the Congo (DRC) and the 'Cap Santé' programme strengthening the organisation and management capacity of the Kabinda health district management team in the DRC;

[118] For Senegal, the Programme to Support Initiatives of Solidarity for Development, PAISD and for Mali the Mobility and Migration Programme for Development.

- In 2015, **Finland** initiated a diaspora programme in cooperation with IOM and the Finnish Somali diaspora, covering the Southern and Central parts of Somalia. The programme covered both the health and the education sector, aiming to strengthen the capacity of various health and education authorities and service providers at the federal and sub-federal levels. It is planned that in the future, 50–60 Somali diaspora professionals will carry out temporary capacity building and mentoring assignments in health and education ministries as well as other institutions, such as local health institutions and universities, thus transferring skills and experiences gained while working and studying in Finland;
- In **France** at the end of 2015, the French Office for Immigration and Integration launched a publication project dedicated to diasporas in France. The project will be implemented in 2016;
- **Luxembourg** participated in an EU and IOM project on 'Strengthening the Capacity of Cape Verde to Manage Labour and Return Migration'.
- In the **Netherlands**, the third (three-year) phase of the IOM programme for Temporary Return of Qualified nationals ended in late 2015. The aim was to make use of diaspora's knowledge for capacity building in countries of origin. The Netherlands also supported (in partnership with the organisations Spark, Seva, Izere and TNU) diaspora to set up enterprises in the countries of origin and (in partnership with African Diaspora Policy Centre) African ministries with their migration and development policy. A new project carried out by the Scientific Research and Documentation Centre of the Ministry of Security and Justice started in December 2015. The project focuses on the involvement of diaspora in migration issues;
- In **Sweden** the Swedish International Development Cooperation Agency provided funding to the Swedish NGO Forum Syd amounting to approximately SEK 20 million (approx. €2.1 million) per year during 2015-2017 for a programme targeting the Somali diaspora. The programme aims to enable the Somali diaspora community to contribute with their knowledge and expertise to sustainable development in Somalia.



International Dialogues

- In **Germany** the German Development Cooperation commissioned a number of new diaspora mappings in 2015/16, namely on the Ethiopian, Ghanaian, Kenyan, Cameroonian, Nigerian, Indonesian, Vietnamese, Columbian, Egyptian, Moroccan and Georgian diaspora in Germany;
- The **United Kingdom**, through the Common Ground Initiative, agreed to provide £12 million (approx. €15.2 million) for Phase 2 (2014-2016). The initiative provides grants, training and support to diaspora-led and small organisations based in the United Kingdom and its second phase intends to work with Asian diaspora communities, exploring new approaches to support diaspora groups and identifying specific thematic opportunities such as on livelihoods and ending violence against girls and women. The Common Ground Initiative was under review in 2015 and the findings will be published in 2016.

4 SECURING EUROPE'S EXTERNAL BORDERS

As a result of the migratory and refugee crisis, the external borders of the EU have also come under great pressure. Based on preliminary data, in 2015 Member States reported more than 1.8 million irregular border crossings (associated with an estimated 1 million individuals) along the external borders of the EU.[119] This is more than six times the number of detections reported in 2014, which was in itself an unprecedented year with record monthly averages. In addition to the Member States bordering on the Central Mediterranean route (IT) as well as on the Eastern Mediterranean route (EL), the Member States along the Western Balkans route (HU, SL) were the most affected by these irregular crossings.

The dramatically increased number of arrivals has put the border control and the asylum systems of the Member States concerned under particular pressure. In response to this

[119] Frontex, Annual Risk Analysis 2016, March 2016, available at: http://frontex.europa.eu/assets/Publications/Risk_Analysis/Annula_Risk_Analysis_2016.pdf, last accessed on 11th June 2016. The data refers to the number of persons detected at the EU external borders. Irregular border crossings may be attempted by the same person several times in different locations at the external border.

situation, the Commission introduced the **'hotspot' approach**, which provided a platform to allow the EU agencies to assist Member States concerned in registering, screening and identifying incoming migrants, to help with the asylum procedures and to coordinate the return operations. The hotspot approach was implemented in **Greece** and **Italy**. The Commission and Member States have provided practical coordination and support to the hotspots.

The ongoing **Frontex joint operations** – Triton (hosted by Italy) and Poseidon Sea (hosted by Greece), have seen their financial allocation tripled to enable a strengthening of their surveillance and rescue capacity. In addition, upon request from Greece to Frontex, the deployment of a Rapid Border Intervention Team operation to provide immediate border guard support at the external border in the Aegean islands took place on 10 December 2015.

At the end of 2015 the Commission put forward two legislative proposals (concerning the establishment of a European Border and Coast Guard and a targeted amendment of the Schengen Borders Code allowing systematic checks on all persons upon entry and exit of the EU) in order to further reinforce the existing legal and operational framework and provide better tools to manage and secure the EU external borders, with regard to both migration and internal security. The adoption and implementation of these tools is foreseen for 2016.

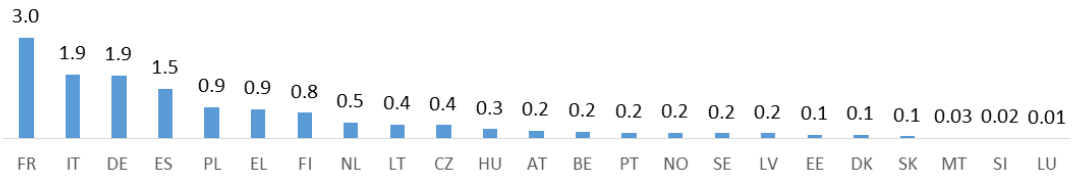
All announced evaluations to verify the application of the Schengen *acquis* by Austria, Belgium, Germany, the Netherlands and Liechtenstein that took place in 2015, were successfully implemented in line with the new Schengen evaluation mechanism (for further information see section 3.2.2. above on 'Schengen governance').

In line with its Communication of 16 September 2011 on **'Schengen governance - strengthening the area without internal border control'**,[120] the Commission submitted, in 2015, the regular bi-annual reports to the European Parliament and to the Council on the functioning of the Schengen area (seventh and eighth reports for the periods of 1st November 2014 to 30th April 2015 and 1st May 2015 to 31st October 2015 respectively.

In addition, the **European Surveillance System (EUROSUR) Practical Handbook** was adopted mid-December 2015, as part of the 'border package', to provide general, technical and operational guidelines as well as recommendations and best practices for implementing and managing EUROSUR.

The total number of Schengen (short stay) visas issued during 2015 within the Schengen States amounted to 13,973,389.[121] Figure 4.1 below and Table 11 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 (almost 3 million or 21.5% of the total) followed by Italy (1.9 million or 14%), Germany (1.9 million or 13%) and Spain (1.5 million or 11%).

Figure 4.1: Total short-stay visas issued in 2015 by Schengen State, millions



Source: DG Migration and Home Affairs, 2015

[120] European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Schengen governance - strengthening the area without internal border control, Schengen governance - strengthening the area without internal border control, COM(2011) 561 final, 16.9.2011.
[121] The total number does not include Switzerland and Iceland. Data for visas issued at border crossing points by France is not available.

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[122] which introduced or planned new border control measures in 2015. Measures included:

- Developments of advanced passenger databases/ other IT systems;[123]
- Installation of surveillance equipment/Automated Border Controls (ABC);[124]
- Implementation of cooperation activities with EU and third countries.[125]

Specific initiatives on border control measures reported by Member States in 2015 related to:

- Entry/Exit System (EES) and Registered Traveller Programme (RTP);[126]
- SIS II;[127]
- EUROSUR.[128]

EU 'Smart Borders' package

The diagram below presents the Member States measures related to the EU Smart Borders package:

Upgraded existing integrated border management systems to accommodate EU developments in the area

- Estonia
- Finland
- Germany
- Hungary
- Latvia
- Malta
- The Netherlands
- Slovak Republic
- Spain
- Sweden

Introduced new border systems and equipment

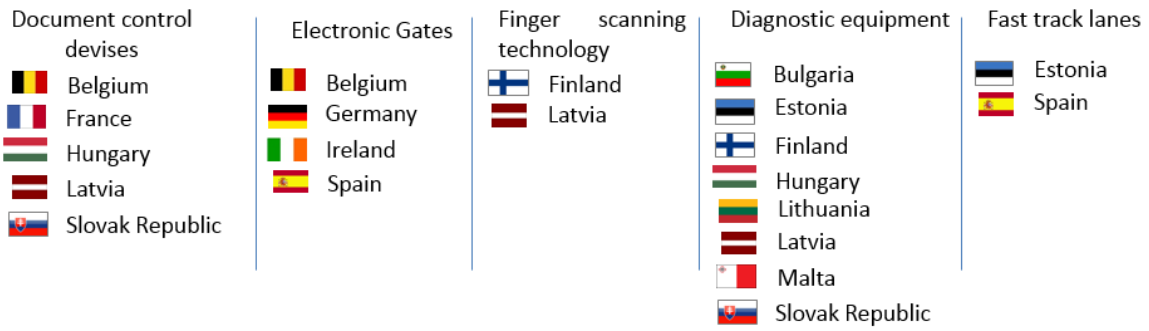
- Estonia
- Finland
- France
- Lithuania
- Slovak Republic
- Slovenia
- United Kingdom

Pre-border and border checks measures

With regard to pre-border checks, five Member States made progress in the installation of their Advance Passenger Information Systems (API) (EE, ES, PL, SE, SI), whilst others updated or modernised their existing API in view of the introduction of Passenger Name Records (PNR) (BG), or extended the use of API to more border crossing points (AT, NL).

[122] AT, BE, BG, CY, CZ, DE, EE, EL, ES, FI, FR, HU, IE, LT, LV, MT, NL, PL, SE, SI, SK, UK.
[123] AT, BG, CY, CZ, EE, EL, ES, FR, FI, HU, LV, NL, PL, SE, SI, SK, UK
[124] BE, BG, DE, EE, ES, FR, HU, IE, LT, LV, MT, PL, SK
[125] DE, EE, ES, FR, HU, LT, LV, PL, UK
[126] DE, EL, IE, LT, MT, NL, PL, SE, SI, SK, UK
[127] EL, IE, LV, SE, SI, SK, UK
[128] EL, ES, HU, LV, PL, SE, SI, SK

Concerning border checks, some Member States invested in the upgrade of some of their border crossing points through the use of ABC-related technology. The figure below shows some of such updates:



Belgium opened its first six ABC gates at Brussels National Airport, whilst **Estonia** installed the new national border control database 'PIKO' which allowed real-time inquiries into both national and international databases. **Bulgaria** completed its Integrated Surveillance System at the border with Turkey, which made it possible to establish a centralised management of the border and to receive updated information in real time. **Hungary** rolled out the VIS at designated border crossing points at the external border, whilst **Cyprus** implemented the VIS at centres where application for visa extensions were lodged.

In addition, five Member States made improvements to their SIS II national applications and/or trained police and border forces to use them (EL, ES, LV, SE, SK). The **United Kingdom** connected to the SIS II in April 2015. **Ireland** announced funding to implement participation in SIS II. Lastly, a few Member States advanced on the implementation of the EES (BE, DE) and RTP (EL).

Border surveillance

Four Member States made progress with the implementation of EUROSUR:

- Achieving full compliance with EUROSUR requirements (EL);
- Setting up EUROSUR workstations (LV, SK); and
- Linking regional networks (HU).

Impact of changes and measures

The introduction of innovative border management technologies resulted in the increasing efficiency of the Member States' border controls. For example, Germany reported that the implementation of the EasyPASS system had enhanced the capacity of the border management authorities to conduct high quality checks within a context of increasing passenger numbers. Estonia reported that the use of the PNR had provided significant added value in the fight against terrorism and other serious crimes, while Bulgaria noted that the use of resources at the operational level was optimised. In Greece the capability to detect forged visas during passport control had increased following the installation of the VIS.

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 border control measures[129] by implementing specific activities and/or introducing new developments, in particular:

- Participation in joint initiatives, such as Joint Operations and other Frontex-coordinated activities;
- Adoption of action plans or protocols;
- Reinforcing deployed border staff (e.g. by increasing units, creating new corps or hiring civilians); and

[129] AT, BE, BG, CY, DE, EE, EL, ES, FR, HU, IE, IT, LT, LU, LV, NL, PL, SE, SI, SK, UK

- Organising training programmes for border control staff and developing e-learning systems.

Concerning the latter, the main topics addressed were: asylum procedures, border protection, document fraud and forged documents, risk analysis, the Schengen Borders Code, and trafficking in human beings.

Eight Member States (DE, EE, EL, LT, LU, PL, SI, UK) continued implementing legislative measures related to their domestic legal framework and/or the implementation of the Schengen *acquis*.

- In **Estonia** special border control task forces to carry out special (e.g. emergency) operations were established at the external border in 2015;
- In **Germany**, the Federal Police has developed a national quality control mechanism involving all relevant authorities responsible for border control and covering the whole border management system. The mechanism will come into force in mid-2016 and is intended to monitor up to 12 border crossing points per year. The purpose is to verify the correct application of the Schengen *acquis* and the national guidelines on border control as well as to identify and remedy possible weaknesses in the border management system;
- **Greece** developed activities to ensure the functionality of hotspots to manage the migratory influx with the assistance of Frontex, and started to systematically record fingerprints in the EURODAC database;
- In **Lithuania** the EU's Sectoral Qualifications Framework for Border Guarding was integrated into the national vocational training programmes. This implies that training courses to upgrade the qualifications and skills of border guard officers are now organised in compliance with the uniform EU requirements;
- A new provision in the Immigration Law of **Luxembourg** introduced a fine of € 1,500 for non-authorised external border crossings;
- **Poland** studied the possibility to re-open an additional Border Control Office in the southern sector of the state border in order to enhance the control of the Schengen external border;
- **Slovenia** increased the number of staff in the Police Force to create a foreign police unit for the protection of the Schengen borders;
- In the **United Kingdom** the Counter Terrorism and Security Act 2015 required carriers to use a passenger data systems capable of receiving and acting upon instructions to offload or screen any passenger. Moreover, the Immigration Bill 2015/16[130] will introduce a new civil penalty for airlines or airport operators who fail to direct passengers to immigration controls. New travel bans will also be introduced to enhance the effectiveness of external border controls.

Impact of changes and measures

The new training and policy measures introduced resulted on the increasing efficiency of the Member States' border controls. For example, a decrease of migrant influx and effective management of border control was highlighted in Slovenia. Ireland reported an overall greater efficiency of border control activities despite the increase in the number of passengers at Dublin airport.

Some Member States implemented national operations, action plans, and/or cooperation programmes with other EU Member States. For example:

- **Italy** reinforced controls at the sea border by launching the new operation Mare Sicuro ('safe sea') with 1,000 soldiers patrolling along the coasts of Libya on a daily basis. The operation had the three-fold objective of protecting commercial traffic, protecting Coast Guard vehicles, and counteracting and deterring smuggling activities;

[130] This Bill passed into legislation (the Immigration Act 2016) on 12 May 2016.

- **Slovakia** approved a National Border Control Management Plan for 2015 - 2018 which encompassed measures to improve its border control systems and to enhance border security in the border with Ukraine.
- Among bilateral initiatives aimed at increasing cooperation in the field of border control and irregular immigration, **Hungary** and **Slovakia** for example concluded an agreement to deploy 50 members of the Slovakian Police Force to patrol the Hungarian-Serbian border from 20 October 2015 for a month.

4.1.3 BETTER TACKLING THE MISUSE OF LEGAL IMMIGRATION CHANNELS

A number of measures were introduced in 2015 to prevent and tackle misuse of specific legal migration channels, namely irregular migration associated with visa liberalisation; family reunification; international student migration; the use of false documents, and the abuse of free movement rights.

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**:

- **Germany** and **Sweden** intensified the exchange of information among relevant agencies to reduce the risk of visa liberalisation having negative impacts. In particular, in Germany the Joint Analysis and Strategy Centre on Illegal Migration monitored the phenomenon of abuse of visa liberalisation by citizens of the Western Balkan countries using a multi-authority approach, including the exchange of data and information with EU agencies (Frontex and Europol);
- **Italy** organised ad-hoc meetings with the authorities of third-countries enjoying visa free agreements. In particular, a working group coordinated by Europol and a meeting with the chiefs of police of Western Balkans countries and Europol took place in Rome;
- The **Netherlands** decided that, as of January 2016, irregularly-staying third-country nationals from visa-free countries would not benefit anymore from additional return support.

Finland and **Germany** noted an increase of abusive asylum applications by nationals from some Western Balkan countries benefiting from visa liberalisation agreements during the second quarter of 2015. In Finland, manifestly unfounded asylum applications nearly doubled; in particular, the number of applications form nationals of Albania rose nearly fivefold, whilst those from Kosovars nearly threefold. In Germany, this phenomenon concerned mainly Albanians travelling by plane who lodged asylum applications immediately after arrival. Similarly, **Sweden** reported a high increase of arrivals from the Western Balkans compared to the previous year, with a significant increase of those from Albania. Out of over 6,500 Western Balkans citizens applying for asylum, 2,600 were from Albania and their asylum claims were proven to be unfounded in the vast majority of cases. Member States' responses entailed various measures, including launching information campaigns in the region (DE), prioritising and fast-tracking asylum applications (DE, SE) and ceasing support for assisted voluntary return (FI).

Seven Member States (AT, BE, DE, FI, FR, SE, SK) introduced measures to ensure the accelerated and swift return of persons from visa-free third countries making unfounded asylum applications. The developments included:

- The consistent enforcement of returns of rejected asylum applicants and enhanced cooperation with third country authorities (AT, DE, SE);
- The organisation of Joint Return Operation (JRO) to Albania and Serbia, in collaboration with Frontex (BE, DE, FR);
- The Organisation of national return flights (BE, FI).

4.1.3.2 Irregular migration through misuse of family reunification

New measures to reduce misuse of family reunification rights were introduced in six Member States (BE, EE, EL, FI, IE, NL):



Legislative Changes

- In **Belgium**, a proposed law will extend the period of control of the fulfilment of the conditions for family reunification from three to five years. In addition, preventive and repressive measures in case of false declarations of parenthood are being developed;
- **Finland** set up a legislative proposal to tighten family reunification criteria;
- In **Ireland** marriage registrars were given extensive new powers to prevent marriage fraud.



Policies, Strategies and/or Measures

- **Greece** introduced specific investigations for cases in which there were signs or evidence that the family relationship had been established in order to circumvent migration legislation. It was provided that such investigations would particularly focus on marriages, civil partnership agreements, and adoption or recognition of children;
- In **Ireland** a police operation was conducted, in cooperation with a number of relevant State agencies, to tackle immigration abuses including abuse of free movement by facilitating marriages of convenience. It targeted both those engaged in the facilitation of marriages of convenience for financial gain as well as those seeking to gain illegal immigration status through engaging in such marriages;
- The **Netherlands** adopted a multidisciplinary approach to detect marriages of convenience by joining forces from several actors involved in the areas of asylum, migration and criminal justice.

Some evidence was provided by the Member States and Norway on this phenomenon and on the effectiveness of the measures adopted in the recent years:

- Detected cases of misuse of family reunification rights were two in **Latvia,** four in **Lithuania**, eight in **Slovakia** and 154 in **Belgium**;
- In **Norway** the number of applications for residence permits rejected on the basis on a marriage of convenience decreased from 102 in 2012 to 60 in 2015. Most rejections concerned applicants from Somalia, Morocco, Turkey and Pakistan.

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

- **Ireland** implemented a major reform of student immigration which entailed the introduction of changes to the granting of working rights to students, the establishment of an enhanced inspection and compliance regime, and the imposition of restrictions on eligible educational programmes;
- The **United Kingdom** introduced several measures to avoid the misuse of the study migrant system: new guidance was introduced to ensure institutions registered as 'Tier 4' (study route visa) sponsors took responsibility for the international students they taught; Educational Oversight arrangements were strengthened to ensure the quality of educational provision by Tier 4 sponsors; a new framework was introduced to clarify the process for responding to non-compliance by sponsor institutions; work activities were banned for new students at publicly funded colleges; the time limit permitted for study under Tier 4 at a further education level was reduced from three to two years; and Tier 4

students in further education were required to apply for a new visa from overseas if they wished to extend or switch their visa.

Policies, Strategies and/or Measures

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

- **Belgium** decided to develop an action plan on student migration, to clarify the conditions for applying as a student and fight misuses;
- The **Czech Republic** implemented its yearly monitoring of student migration to verify the fulfilment of the conditions of residence for the purpose of study. As in previous years, results revealed that many third-country nationals did not meet the criteria of the status;
- **Lithuania** withdrew 67 temporary residence permit issued to third-country nationals due to the termination of studies or the violation of other restrictions. The police department plans to monitor this immigration route more thoroughly in 2016.

Cases of misuse of student migration

Evidence reported by the Member States on cases of misuse of student migration (CZ, EE, EL, LT, SK) does not show a specific increase of such phenomenon compared to past years. Lithuania, however, reported a sudden increase of applications for study permits, while several students were found to be repeatedly enrolling in the first year of studies under the same or a different programme. Hence, inspections in this area are planned for 2016. On the other hand, Greece registered abuses among Institutes of Vocational Training and private schools, which maintained contracts outside the education field, for example in the tourism sector.

4.1.3.4 Irregular migration through the use of false travel documents

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

Legislative Changes

- In **Estonia** a new criminal offence punishes the presentation of false information or falsified documents with the purpose of obtaining a legal basis of stay.

Policies, Strategies and/or Measures

The following new measures were adopted in 2015:

- **Belgium** launched a project together with ten other European countries to set up a Consular Cooperation Mechanism on Schengen Visa Processing in selected third countries presenting a high risk of fraudulent Schengen visa applications;
- **Bulgaria** and **Greece** delivered further trainings on the detection of counterfeit and falsified documents to immigration officers;
- **Cyprus** implemented additional technical equipment to detect false documents;
- The **Czech Republic** established a National Centre for Checking Documents, operational from January 2016. The centre will focus on the detection of forged documents with the goal of exchanging information on the identity of migrants who use forged documents to stay in the territory of the EU;

- **France** participated in the concerted action plan 'EMPACT ID FRAUD' aiming to tackle identity fraud at EU level. Under this project, participants shared practices and methods, created a manual of identity fraud and organised joint operations. In addition, the French Ministry of Interior adopted an Action Plan against fraudulent statements and documents attesting family relationships. The plan included, among others, the following new tools to combat this practice: a database to verify the authenticity and status of ID documents; the Visabio tool, allowing to compare fingerprinting and photos with those contained in the database of other States of the Schengen space; and the website 'FRAUDOC' containing information on falsified documents worldwide;
- **Norway** reinforced the police service and the focus on inspections of travel documents;
- **Sweden** decided that, as from 2016, the examination of migrants' ID-documents would be decentralised, whilst forged or manipulated documents would be sent to a central unit of the Swedish Migration Agency for in-depth analysis.

Cases of irregular migration by use of false travel documents

Seven Member States reporting cases of use of false documents (BE, BG, CZ, DE, EE, LU, LV) highlighted a general increase. The number of detections of false or forged travel documents varied from 23 (EE), to 98 (FI), 220 (HR), and 235 (SK), over 300 cases (BG, EL), 1,336 (BE), 1,845 (HU), 2,913 (NL), 3,525 (FR) to 4,973 (DE). In the Czech Republic, the 70 cases detected at border crossing and the 234 cases during illegal stay represented a raise of respectively 49% and 105% compared with 2014. In Estonia the number of visas cancelled or revoked doubled comparing with the previous year (in 2014 there were 164 such cases, while in 2015 356 cases were detected). Concerning new trends, Lithuania reported that, whilst it has become increasingly difficult to counterfeit travel documents, a new emerging channel is the use of travel documents of other persons.

France underlined that the EMPACT ID FRAUD project received positive feedback because it brought a EU-wide recognition of the scale of identity fraud and joint action.

4.1.3.5 Irregular migration through the abuse of free movement rights by third country nationals and preventing the fraudulent acquisition and use of free movement rights by third-country nationals

New measures introduced in this area in 2015 included: circulars and other plans to strengthen document controls (BE, LV), new guidelines containing practical instruction to examine suspected cases of abuse and respective admissible sanctions (DE), internal border controls (FR) and meetings for mutual learning and peers' review with authorities of other Member States (LV). **Ireland** signed into law new regulations which gave further effect in Irish law to the **Free Movement Directive** (2004/38/EC).[131] One of the most significant changes introduced entailed the extensive update of the provisions dealing with abuse of rights (including marriages of convenience).

5 IRREGULAR MIGRATION AND RETURN

In 2015, Member States reported more than 1.8 million detections of irregular border-crossing along the external borders,[132] more than six times the number of detections reported in 2014.[133] The largest number of detections, 885,386, was reported on the Eastern Mediterranean route, which represented an increase of 1,642.7% compared to the previous year.[134] The unprecedented influx of migrants, combined with the ruthlessness of the smugglers, who often expose migrants to life threatening risks and violence, triggered a strong response from the EU.

[131] Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC, OJ L 158, 30.4.2004.

[132] Number of persons detected at the EU external borders. Irregular border crossings may be attempted by the same person several times in different locations at the external border.

[133] Frontex, Risk Analysis for 2016, March 2016, available at: http://frontex.europa.eu/news/frontex-publishes-risk-analysis-for-2016-NQuBFv, last accessed on 13 May 2016.

[134] Ibid

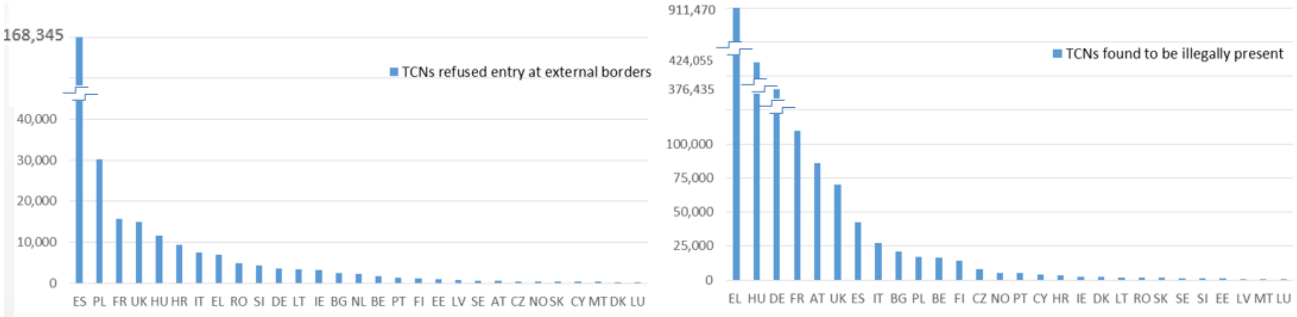
The EU further stepped up its efforts to tackle migrant smuggling, through the adoption of the **EU Action Plan against migrant smuggling (2015-2020)** in May 2015, which sets out specific actions necessary to implement the Security and Migration Agendas in this area and is based on a multidisciplinary approach, involving different actors and organisations at the local, regional, national and international levels. The Action Plan covers all phases and types of migrant smuggling, as well as different migratory routes.

The Action Plan against migrant smuggling focuses on 4 areas: enhanced police and judicial response; improved gathering and sharing of information; enhanced prevention of smuggling and assistance to vulnerable migrants; and stronger cooperation with third countries.

Since the adoption of the Action Plan, several concrete results have been achieved, such as the establishment of the European Migrant Smuggling Centre (EMSC) within Europol and increased EU inter-agency cooperation, enhanced work on tracking illicit financial flows connected with migrant smuggling and cooperation between Member States' financial intelligence units. Work is currently underway to evaluate whether existing EU legislation on migrant smuggling (the so called **Facilitators Package**) as well as on the European Network of Immigration Liaison Officers (ILOs) are fit for purpose. The EU has also embarked upon wider activities in this area focusing on working with partners in priority third countries to launch or enhance already existing EU cooperation platforms to counter migrant smuggling by bringing together international organisations, EU Delegations and national governments in a better-coordinated EU response.

In terms of scale, Figure 5.1 and Table 12 in the Statistic Annex show the number of third-country nationals refused at the external borders and those found to be illegally present in 2015.[135] According to Eurostat data, approximately 297,625 third-country nationals were refused entry at external borders.[136] According to Eurostat, 2,152,330 third-country nationals were found to be illegally present in the EU-28. The highest numbers of refusals at the border were reported by **Spain** (168,345) which accounted for 57% of the EU total. **Poland** was second with 30,245 third-country nationals refused entry followed by **France** (15,745), the **United Kingdom** (14,950), **Hungary** (11,505) and **Croatia** (9,355). The highest numbers of those found to be illegally present had so far been reported by **Germany** (376,435), **France** (109,720), **Austria** (86,220), the **United Kingdom** (70,020) and **Spain** (42,605), while the lowest numbers of third-country nationals found to be illegally present had at the moment been reported by **Luxembourg** (190), **Malta** (575), **Latvia** (745), **Sweden** (1,445) and **Slovakia** (1,985).

Figure 5.1: Third-country nationals refused at external borders and third-country nationals found to be illegally present in 2015



Source: Eurostat – Data missing for the Netherlands

In the course of 2015 the main priority for the European Commission in the field of return has been to step up the effectiveness of the return system. In September 2015, the Commission adopted the **EU Action Plan on Return** that put forward a series of short and medium term actions to enhance the functioning of national return systems and promote better cooperation with third countries in readmission. The **Return Handbook**, which gives guidance on the application and interpretation of the **Return Directive** (2008/115/EC),[137] was also adopted

[135] Statistics on third-country nationals found to be illegally present not available for the Netherlands

[136] The number of refusals of entry accounted for by Frontex was lower (118,495). See Frontex, Risk Analysis for 2016, March 2016.

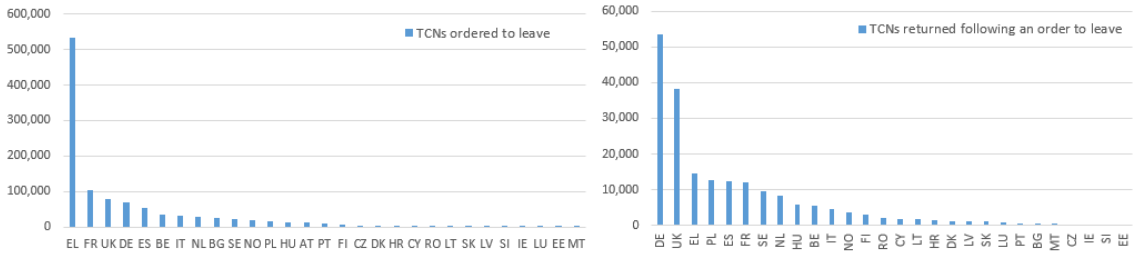
[137] Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, OJ L 348, 24.12.2008.

following discussions with Member States in the Return Contact Group. In 2015 the Commission started also the evaluation of national return systems through the Schengen Evaluation Mechanism.

Eurostat statistics on the numbers of third country nationals ordered to leave and returned following an order to leave in 2015 are shown in Figure 5.2 and Table 12 of the Statistics Annex. More than 500,000 third-country nationals (533,395) were ordered to leave while 193,565 were returned in 2015, which represent an increase of 13.3% and 14.6% respectively compared to 2014. The highest numbers of third country nationals ordered to leave were reported by **Greece** (104,575), followed by **France** (79,950), the **United Kingdom** (70,020), **Germany** (54,080) and **Spain** (33,495).

With regard to third-country nationals returned to a third country, **Germany** ranked first with 53,640 people returned, followed by the **United Kingdom** (38,395), **France** (12,195), **Greece** (14,390) and **Spain** (12,235). The lowest numbers of third-country nationals returned were accounted for in **Estonia** (40), **Slovenia** (155), **Ireland** (205), **Czech Republic** (330)[138] and **Malta** (465).

Figure 5.2: Third-country nationals ordered to leave in and Third-country nationals returned to a third country following an order to leave in 2015



Source: Eurostat; Note: no available data for AT

5.1 EMN RETURN EXPERT GROUP (REG) RETURN AND REINTEGRATION ACTIVITIES DEVELOPED DURING 2015 PLUS OTHER COOPERATION MEASURES

At EU level, the **EMN Return Expert Group (REG),** which had been established as part of the EMN in 2013, became increasingly consolidated during 2015. The mandate of the EMN REG was enhanced for the group to become the platform for the follow-up, planning and monitoring of practical cooperation among the Member States and other relevant stakeholders in the return domain, linking policy-making to implementation and operational activities.[139] In addition, a practitioner's sub-group was established to discuss particularly sensitive issues related to forced and voluntary return amongst national authorities and the EU institutions and agencies.

The EMN REG continued to be chaired jointly by the Commission and the national co-chair (NL). The group met three 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 external parties, notably Frontex, the EASO, Eurostat, the International Centre for Migration Policy Development (ICMPD), IOM, Caritas and the Red Cross, as well as representatives of the EU-funded cooperation programmes ERIN (European Reintegration Network), EURINT (European Initiative on Return Management) and EURLO (European Return Liaison Officers network).

Information on aspects of return was collected during the year and a number of outputs were delivered. These included:

- The development of Guidelines for the monitoring and evaluation of AVR(R) Programmes. The Guidelines aim to improve the evidence-base available to inform the policy debate on return by identifying a common methodology for the monitoring and evaluation of AVR(R)

[138] The Czech Republic noted that given that the country does not have external land borders, it is not possible to ascertain the exact number of third-country nationals returned following an order to leave.

[139] The focus of the EMN REG's activity in the return field is strictly on the practical cooperation/implementation side and thus not to be confused with other existing EU Council Working Groups or fora where strategic guidance is developed by Member States and the Commission. In addition, Frontex remains the key body in what concerns operational implementation.

schemes that Member States can apply on a voluntary basis. Through such monitoring, Member States will be able to design more effective and efficient programmes on return. Specifically, the guidelines propose a common set of core indicators for monitoring and evaluation which – if applied consistently in all EU Member States – will enable the analysis of EU-level aggregate data on AVR(R) programmes.

- The planning and elaboration of an EMN Inform on Incentives to return to a third-country and support provided to migrants for their reintegration. The Inform presented the results of the review of 96 programmes implemented by 27 Member States to assist migrants to return and to support their reintegration, amounting to a total budget of around € 133 million. The Inform drew an overview of the different forms of in-cash and in-kind incentives offered across Europe and identified the actors involved in funding, implementing and receiving assistance. An update of the Inform will be published in 2016.
- The planning and elaboration of two regionally focussed EMN Informs on Challenges and good practices in the return and reintegration of irregular migrants to Western Africa and on Challenges and good practices in return and reintegration to the Western Balkans (to be published in 2016). These Informs explored the issues faced by Member States implementing return policy in these regions and the return incentives available, both through general and tailored schemes.
- The provision of support to EU policy-making by collecting evidence through Ad-Hoc Queries on various topics, including cooperation of readmission with third countries and the use of detention in return procedures.

A further full year of networking activities has been planned for 2016. Outputs will include: an updated Inform on Incentives to return and reintegration support, taking into account changes in 2015; a further regional Inform, focussing on Eastern Africa; and additional Informs on the use of detention in return procedures, Obstacles to return, and Voluntary common standards for AVR(R) programmes.

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

During 2015 Member States introduced or planned new measures to address the issue of facilitation of irregular migration. These measures involved:

- Legislative developments (BG, EE, HR); and
- New measures to strengthen prevention (BE, DE, FI, FR, HR).

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 through amendments to the Penal Code in:

- **Bulgaria**, where the Penal Code (Article 281) was amended to provide for a more severe punishment of those transporting migrants into the country and/or facilitating their irregular stay. This is now considered a serious crime, punished with a sentence of up to six years with prison;
- **Estonia**, where the revision of the Penal Code (Article 259) made facilitating the stay of a third-county national without a legal basis, for the purpose of proprietary benefits, punishable with a fine or up to one year of imprisonment. In addition, illegal transportation of a foreigner across the state border, if committed by placing or leaving the person in a situation which was life-threatening or likely to cause serious damage to the health of the individual, became punishable with a fine or one to seven years' imprisonment;
- **Hungary**, where an amendment to the Penal Code similarly introduced stricter sanctions to punish human smuggling. Section 353 of the Criminal Code renders punishable the act of providing aid to another person for crossing state borders in violation of the relevant legal regulations. Act CXL of 2015 on the Amendment of Certain Acts relating to the Management of Mass Immigration did not amend the criminal offence of smuggling in the Penal Code but the aggravating cases and the penalties were affected by the modifications introduced.

  In addition, in the **United Kingdom** Part 3 of the Modern Slavery Act 2015 set out new maritime enforcement powers for constables and enforcement officers to use in relation to ships on which slavery and/or human trafficking is suspected of taking, or having taken place.
- In **Finland** the mandate of the authorities conducting the monitoring of foreign nationals was further specified in the legislative amendments that entered into force on 1st May 2015. In addition, the legislation now defines in further detail what the monitoring of foreign nationals entails. This makes it easier to see the monitoring of foreign nationals as normal official operations that respect equality and human rights. Legislation was also amended to authorise the Police and the Finnish Border Guard to carry out the monitoring of foreign nationals also on premises subject to public order. When conducting the monitoring of foreign nationals, it is also possible to make observations related to indications of trafficking in human beings and other similar offences. The legislative amendments introduced were based on the Action Plan against Illegal Immigration for 2012–2015 (the Ministry of the Interior's publication 37/2012).



Policies, Strategies and/or Measures

Eight Member States (BE, DE, EL, FI, FR, HR, LT, UK) also introduced non-legislative measures to fight smuggling, ranging from the adoption of action plans, through operational activities and training, to cooperation with EU Member States, third countries and other stakeholders.

- **Belgium** adopted its first Action Plan specifically on the Fight against human smuggling for the years 2005-2008 in December 2015. The plan aims at strengthening legislation to fight human smuggling, in particular to widen the use of special investigation techniques, better detecting and tracing financial flows to counter organized criminal groups, enhancing cross-border cooperation, improving data collection, providing training to staff on human smuggling as well as information to financial circles, and increasing the effectiveness of information campaigns in third countries on the risk of human smuggling. Besides this, the Member State plans to introduce measures to raise the awareness of truck drivers and transport companies on the issue of smuggling through communication materials such as flyers, posters, a website, etc.;
- In **Croatia**, the Police Administration Zagrebačka distributed training materials concerning fight against people smuggling to all of its organisational units with a view to enhance the

skills of police officers. The materials offer information, among others, about the main differences between smuggling and trafficking, the international and criminal law regime, methods of identification of smuggling and trafficking cases and examples extracted from practical experience;

- **France** signed declarations of intent with Italy, Portugal and the United Kingdom, to enhance cooperation against irregular migration, smuggling and trafficking of human beings;
- **Germany** launched a number of specialised police operations against smuggling. The project 'Container', supported by Europol, focussed on fighting large scale human smuggling in inhuman conditions, for instance through transportation in loaded areas of trucks. In addition, joint operational activities were implemented in cooperation with Turkey in the framework of the operation 'Op Wave', resulting in the dismantling of a criminal network involved in facilitation of illegal immigration via the sea from Turkey to Germany and other European countries;
- **Lithuania** increased cooperation with border authorities of neighbouring countries (Latvia, Belarus and Poland) and carried out cross-border operations in order to prevent smuggling;
- In June 2015 the government of the **United Kingdom** set up the 100-strong Organised Immigration Crime taskforce bringing together experts from the National Crime Agency, the Border Force, Immigration Enforcement and the Crown Prosecution Service. Experts were deployed in source and transit countries and at the UK border to bear down on activities of criminal groups involved in organised immigration crime. The UK Government has set aside £50 million to fund the Taskforce until 2020.

In addition, **Finland** and **Greece** adopted initiatives to strengthen their institutional capacity in the fight against smuggling. In Finland, the Immigration Service established the position of Special Senior Adviser for the prevention of irregular migration, whereas in Greece two prosecutors were appointed as contact points with Eurojust with a view to support the activities at the hotspots and to channel relevant information to the Eurojust National Desks. Activities in collaboration with third countries to fight against smuggling have been launched by **Spain**.

5.2.1 ACTIVITIES TO MONITOR SMUGGLING

The irregular and clandestine nature of smuggling presents challenges when collecting **statistics**. For example, **Belgium** reported difficulties with the plurality of stakeholders collecting information on the phenomenon and the lack of coordination and harmonisation of data collection efforts at the national level resulting in a fragmented picture of the smuggling phenomena.

Sweden highlighted that having no external land and sea borders made the country heavily dependent on international and EU cooperation to monitor and fight organised irregular migration and trafficking in human beings.

Five Member States reported on the measures adopted to address existing challenges. In general, this were related to EU-level cooperation both amongst national authorities and with EU Agencies. For example:

- **Austria** stressed the benefits of cooperation with other EU Member States and EU Agencies within the framework of operational activities (for instance, within the framework of the 'Limax and 'Mahmoud' operations, the latter under Europol's leadership) and in the context of the Salzburg Forum;[140]
- Similarly, the **Czech Republic** drew attention to the sharing of operational information through its participation in the Project EMPACT on facilitation of irregular immigration; [141]
- **Greece** referred to the role of the two prosecutors appointed as contact points to Eurojust in channelling relevant information on the incidents to the National Desks of Eurojust for

[140] The Salzburg Forum is a Central European security partnership based on an initiative of the Austrian Federal Ministry of the Interior. The EU Member States taking part in the Forum are Austria, Bulgaria, Croatia, the Czech Republic, Hungary, Poland, Romania, Slovakia and Slovenia, while the Western Balkan countries and Moldova form its 'Group of Friends'. See http://www.salzburgforum.org/, last accessed on 14 May 2016.

[141] For further information on EMPACT, see Europol, 'EU Policy Cycle – EMPACT', available at http://www.salzburgforum.org/, last accessed on 14 May 2016.

judicial monitoring/follow-up and coordination at EU level. It was noted that in 2015 there had been a substantial increase in the number of incidents/cases that were transferred to/registered with Eurojust from the Greek National Desk (around 200 cases);

- **Slovenia** noted that an additional statistical platform was being developed to complement the Central Police Database which was used for management of data and information;
- The **United Kingdom** noted its continuous engagement with other EU Member States and the sharing of intelligence with partners and agencies such as Frontex and Europol.

Belgium: Improving data collection on smuggling

In Belgium, the Action Plan against human smuggling 2015-2018 foresees a number of measures to improve the monitoring of smuggling. Firstly, the database recording statistics on convictions on the grounds of human smuggling will be modified to ensure accurate data entries. Secondly, the Centre for information and analysis of trafficking in and smuggling of human beings will elaborate a global data scheme to be shared between the stakeholders concerned. Finally, relevant case law will be requested from tribunals and courts' registries and analysed to help better understand the phenomenon and how it is dealt with by the judiciary.

5.2.2 MONITORING AND IDENTIFYING MIGRATION ROUTES

The role of ILOs in monitoring and identifying migration routes was highlighted by four Member States:

- In the **Czech Republic**, the data collected by ILOs was referred to the Directorate of the Alien Police Service and the Analytical Centre for the Protection of State Borders, a permanent inter-ministerial platform administrated by the Ministry of the Interior which focuses on monitoring and analysing migration as a complex phenomenon;
- In **Germany** a daily exchange of information was established involving existing ILOs. Additional personnel was posted in the main third countries of concern on a temporary basis to gather, exchange and assess this data for the purpose of early situation awareness.
- **Latvia** reported that the information gathered by ILOs was used by the State Border Guard in conducting risk analysis and highlighted the support provided by ILOs in diplomatic missions abroad in verifying the documents filed for obtaining the visa and travelling routes;
- **Slovakia** plans to gradually start posting immigration liaison officers, within the context of the implementation of the National Border Control Management Plan 2015-2018.

Besides the use of ILOs, **Sweden** stressed its efforts to systematically collect information through a multiplicity of sources, such as Frontex, EASO, the UNHCR, as well as national migration and police authorities in the Member States, in order to monitor migration flows. The information gathered was used to predict the daily, weekly and monthly number of asylum claims in Sweden. Similarly, Cyprus reported that the Asylum Service continuously monitored COI in order to identify migration routes. **Poland** highlighted its constant collaboration with the Ukrainian border and police forces in exchanging migration and risk analysis information.

The following Member States also reported new developments in 2015:

- **Belgium** set up a temporary taskforce 'transmigration' within the Coordination of Return platform. Among others, it was tasked with the identification of concrete and prompt measures against irregular migration (e.g. planning specific controls and actions). When the taskforce completed its work in 2016, the network and its achievements were incorporated in the regular work of the direction of administrative police/border control operations and of the Coordination of Return platform;
- The **Czech Republic** introduced a new scheme of Extraordinary Meetings of the Operative and Security Forum. Since mid-June 2015 the Forum meets weekly or biweekly at the level of senior officials having decision making authority. This meeting format has enabled the effective coordination of strategical decision-making and the implementation of agreed measures by all relevant law-enforcement organisations and bodies;

- In the **United Kingdom,** an Intelligence Operations Room was set up by the National Crime Agency in November 2015. This collates, reviews and disseminates intelligence and acts as a central point of contact for constant engagement with Europol and ILOs posted overseas. Through the work of the Organised Immigration Crime Taskforce, real time intelligence on organised immigration crime, migration routes and migrant flows is developed and disseminated to the relevant UK law enforcement bodies.

  In addition, the UK Home Office introduced exit checks from 8 April 2015. These have provided more comprehensive information on travel movements across the UK border.

  Finally, the UK EMN NCP led on the EMN Policy Brief on 'Secondary movements of migrants in the Mediterranean', published on the EMN website in December 2015.

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[142]

To date the EU has concluded 17 readmission agreements with third countries. Negotiations are ongoing with Belarus and Morocco, whereas mandates have been received but negotiations have not yet started with China, Algeria, Tunisia and Jordan. The agreements provide for a possibility for the Member States and countries party to the agreements to draw up implementing protocols designating the competent authorities, border crossing points, conditions for escorted returns, procedure for interviews etc. No new readmission agreement entered into force in 2015 and no new negotiating directives were approved by the Council either. However, negotiations with Belarus were concluded in March 2015.

The Commission ensures that existing readmission agreements are fully implemented, notably by holding regular meetings of the Joint Readmission Committees established by the readmission agreements. In 2015, such meetings took place with Armenia, Ukraine, Azerbaijan, Pakistan, Russia, Turkey, Cape-Verde, Sri Lanka and Georgia.

In the EU Action Plan on return adopted in September 2015, the Commission announced that it will also ensure implementation of the commitment undertaken by African, Caribbean and Pacific countries under Article 13 of the Cotonou agreement to readmit their own nationals. A first meeting on readmission was organised with Senegal in October 2015.

5.4 ENHANCING MIGRATION MANAGEMENT INCLUDING COOPERATION ON RETURN PRACTICES

Eight Member States (AT, BE, CY, CZ, DE, EL, LV, NL) reported on their (planned) negotiation and/or signature of protocols to implement EU readmission agreements with third countries:

- **Austria** reported that in 2015 it had presented Turkey with a proposal for a bilateral protocol implementing the EU readmission agreement. Turkey's response was still pending;
- **Belgium** referred to ongoing negotiations of implementing protocols with the following third countries: Armenia, Azerbaijan, Cape Verde, Sri Lanka and Ukraine;
- **Cyprus** had ongoing negotiations to conclude implementing protocols with Bosnia & Herzegovina, Moldova and Ukraine;
- The **Czech Republic** planned to open negotiations to conclude implementing protocols with Turkey, FYROM and Pakistan in 2016;
- **Germany** mentioned its implementing protocol with Georgia;
- In the case of **Greece**, the elaboration of implementing protocols was pending with Armenia, Azerbaijan, FYROM, Moldova, Sri Lanka, Turkey and Ukraine. An implementing protocol with Bosnia & Herzegovina had been signed on 24 November 2015. In addition, the final version of the draft implementing protocol had been sent to Georgia on 26 September 2014 and a response was expected;
- **Latvia** had developed amendments to the execution protocol of the EU readmission agreement with the Russian Federation. Particularisations had also been introduced in the

[142] Norway is invited to report on any National agreements in place.

text of the draft execution protocol with Armenia, according to the proposals and comments provided by Armenia;

- The **Netherlands** reported ongoing negotiations with Armenia, Cape Verde and Ukraine. Negotiations to conclude an implementing protocol were planned with Turkey. In the case of Pakistan, negotiations were on hold.

Five Member States (BE, EL, HR, LT, UK) and Norway also mentioned other types of agreements on readmission with third countries:

- In the case of **Belgium,** Memoranda of Understanding had been concluded with Nigeria and Togo. In addition, Belgium reported that a readmission agreement had been signed at Benelux level with Kazakhstan and that there were negotiations ongoing, also at the Benelux level, with Mongolia, Philippines and Vietnam;
- **Croatia** had in place bilateral readmission agreements with all its neighbouring third countries, including implementing protocols. The readmission procedures based on these bilateral agreements worked satisfactorily and Croatia had thus not pursued the signature of implementing protocols for EU readmission agreements. In the case of Azerbaijan, because Croatia did not expect a significant number of readmission procedures based on the EU- Azerbaijan readmission agreement, the competent authorities of the two countries had exchanged information on border crossing points for implementing the provisions of the agreement;
- **Greece** noted that, in order to improve cooperation with the Pakistani authorities and save time, it was directly implementing the EU-Pakistan agreement by applying it in parallel to the procedure of identification and supply with travel documents conducted by the Foreigners Directorate of Attica in cooperation with the Embassy of Pakistan;
- **Lithuania** reported that the Migration Department had fully joined Georgia's Electronic Readmission Management System in April 2015, which allowed for a considerably faster and more efficient filing of readmission applications and receipt of responses;
- **Norway** concluded negotiations on a bilateral readmission agreement with Turkey in June and with Pakistan in October 2015;
- The **United Kingdom** referred to its joint programmes with Georgia including investment in border procedures; increased data sharing to inform immigration and border security decisions and unified passenger data systems, including the collection and processing of API.

5.4.1 FRONTEX JOINT RETURN OPERATIONS

EU Member States and Norway also received assistance on return activities from Frontex, including the following:

- JROs implementation, including by identifying and acting as a 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, such as training and the establishment of return management structures; and
- Promoting dignity and Fundamental Rights during JROs.

All EU Member States and Norway have now participated in Frontex coordinated JROs. While in 2012 and 2013 the number of JROs undertaken has remained relatively stable, their number increased in 2014, when Frontex assisted, co-financed and coordinated 45 joint return operations, 60% of which were physically monitored by Fundamental Rights Monitors. As a result of such JROs a total of 2,279 irregular third-country nationals were returned to their country of origin. In 2015 the increase was even more noticeable: 66 JROs (76% monitored) and a total of 3,565 returnees repatriated.

Table 5.3.1. Third-country nationals returned in JROs

Year	Number of JROs	Number of returnees
2012	39	2,110

2013	39	2,152
2014	45	2,279
2015	66	3,565

Source: Frontex

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:

★ **Belgium** reported that initiatives in this area had focused on raising awareness amongst all the actors involved in the process (from the issuance of the entry ban until the removal) and on collaboration between the Immigration Office and the Police services in order to have access to the fingerprints and – if possible- a scan of the identity documents;

★ In **Latvia**, since July 2015 the officials of the State Border Guard are including the entry bans also in the Register of Removed Foreigners and Entry Bans (before then, only the officials of the Office of Citizenship and Migration Affairs entered this information). The SIRENE Latvian office subsequently validates and submits this information into the SIS.

Austria: Jurisprudence on the issuance of entry bans

The Administrative High Court of Austria ruled that the legal opinion maintaining that an entry ban always had to be issued along with a return decision did not conform to EU law; subsequently, the related grounds for refusing a residence title as specified in Article 11 of the Settlement and Residence Act were adapted to the Court's jurisprudence through the Act Amending the Aliens Law 2015, which entered into force on 20 July 2015.

Whereas Article 11 para 1 subparagraph 1 of the Settlement and Residence Act previously specified an enforceable return decision and a valid exclusion order as being absolute grounds for refusing to issue a residence title, now a valid entry ban and a valid exclusion order are the only absolute grounds for refusal. Where only a return decision had been issued, pursuant to the amended version of Article 11 para 1 subparagraph 3 of the Settlement and Residence Act, there would be no grounds for refusing a residence title to the foreigner, if either the 18-month period of prohibited entry has lapsed since the departure from Austria or if the foreigner has voluntarily complied with the return decision and applied for a residence title from outside Austria. Furthermore, an enforceable return decision is specified as only being a relative reason for refusal; in other words, consideration should be given to maintaining the individual's private and family life where applicable.

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:

[143] AT, BE, BG, CY, DE, EE, EL, ES, FI, HR, IT, LT, LU, LV, NL, PL, RO

[144] This category of measure relates to the commitments of the Stockholm Programme specifically.

- **France**, where a protocol on cooperation on forced return was issued to define the framework for cooperation between the General Inspector for the monitoring of detention centres (Contrôleur général des lieux de privation de liberté)[145] and the various ministerial departments dealing with return;
- **Croatia,** where a draft proposal for a new Aliens Act is currently being discussed; the new Act will contain provisions concerning the exception for border cases under art 2.2(a) apprehension, detention, legal safeguards related to return decisions and detention. In the meantime, in order to align some aspects of the Croatian legislation to the Return Directive, some amendments to the Aliens Act currently in force have been proposed;
- **Latvia**, where the Ombudsman's Office completed the development of Guidelines for the Implementation of the Supervision Mechanism of Removable Persons, a methodology for supervising the return process. The Ombudsman also produced a study on reception, stay and return of unaccompanied minors in Latvia and, on the basis of the results, requested improvements to the existing legal framework in this area;
- **Lithuania**, which adopted a new procedure for monitoring the return of third-country nationals in cooperation with relevant international organisations.

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

- In **Bulgaria** representatives of the Ombudsman of the NGO Human Rights Watch monitored the implementation of the return procedures during a Frontex JRO to Pakistan, the first of this kind organised by Bulgaria;
- **Croatia** launched a public call for return monitoring organisations under which the NGO Hrvatski Pravni Centar was selected. Return monitoring was performed between April and June 2015, with the financial support of the European Return Fund;
- In **Finland** and **Spain** the Ombudsmen monitor return flights;
- In **Italy,** the Italian Minister of Justice signed a decree on 11th March 2015 laying down the rules and regulations governing the structure and composition of the office of National Ombudsman for Individuals in Detention or Persons Deprived of Personal Freedom. This office, established on the basis of the law-decree No. 146 of 23rd December 2013, is also in charge of monitoring of forced returns;
- In **Slovenia** Caritas Slovenia (Slovenska Karitas) won the public tender to monitor forced returns.

Three other Member States reporting developments in relation to their legislation:

- **Austria** introduced amendments to the legal provisions governing detention pending removal and voluntary return in the Aliens Law;
- **Croatia** implemented the provisions of the Rule Book on the Status of Foreigners of free legal aid to third-country nationals within the context of return procedures on 3rd February 2015;
- In **Lithuania**, it was stipulated that an appeal against the execution of a decision would not have suspensive effect in the case of expulsion. In addition, the circumstances to be taken into account when deciding on the presence of grounds for believing that an alien may abscond in order to avoid return or expulsion were specified. The law also provided for the possibility of granting a shorter period for voluntary departure or refusing to grant such a period if the alien may abscond.



Austria: Reform of the Aliens Law

In Austria, amendments were introduced to the legal provisions governing detention pending removal and voluntary return in the Aliens Law to expressly provide for detention to be proportionate, to list the criteria for evaluating whether a risk of absconding exists and to require detention pending removal to take place at special detention facilities, with the exception of medical cases.

[145] The General Inspector is the authority responsible for monitoring forced returns.

The Aliens Law was also amended to provide that voluntary return always had to be given priority over forced removal. As a result, third-country nationals may now receive return counselling at any point during procedures, with its provision no longer being limited to asylum seekers. When a return decision is issued to a third-country national, or notice is given of a forthcoming negative asylum decision or of the suspension of de facto protection against deportation the person concerned is required to participate in a return counselling session unless he/she has not already done so in the course of the preceding procedure.

In addition, it was established that where the conditions for an entry ban lasting more than five years existed, return decisions could also be issued against third-country nationals with a more permanent residence status. According to established case law, and specifically to rulings by the Council of Europe European Court of Human Rights, termination of residence can now be imposed even in such cases if warranted by exceptionally serious circumstances.



Policies, Strategies and/or Measures

Significant developments to streamline return procedures were reported by the following Member States:

- **Finland** reported the launch of a project to investigate how the removal of foreign nationals found guilty of a crime could be expedited and review any (legal and practical) removal-related obstacles;
- In **Hungary**, in order to promote the uniform implementation of legislation, the Police integrated the documents most commonly used as part of their return procedure in their electronic data management system and translated them into a number of languages (i.e. Arabic, Pashtu, Urdu, Farsi, English and French). The Police also established a remote interpretation system to allow the interpreters to contribute via an audio-visual link in the presence of the public defender during return-related interrogations.
- Starting on 1st September 2015 with high level meetings with the ambassadors of the concerned countries, the **Czech Republic** launched the establishment of three working groups aimed at increase of number of identified irregular migrants apprehended on the territory of the Czech Republic, the number of issued temporary travel documents and the overall number of implemented returns. According to current statistics, Afghanistan, Iraq and Pakistan were selected as priority countries. This initiative resulted in a significant increase of voluntary return applications.

Specific capacity building measures in the field of return were reported by two Member States:

- In **Bulgaria**, officials from the Migration Units followed a specialised training course delivered by Frontex and other experts in order to strengthen the administrative capacity of the authorities to identify irregularly staying third-country nationals;
- In **Croatia**, capacity building initiatives encompassed measures to upgrade the reception facilities for minors and other vulnerable persons; the building of two transit reception facilities for irregular migrants; and the enlargement of the detention capacity at police stations located on the future external border to ensure availability of sufficient places in case of mass influx. Two additional pre-removal detention centres are under construction.

Finally, six Member States also reported important developments in the area of AVR(R):

- In **Austria** the twinning project 'Strengthening readmission and sustainable reintegration in Kosovo', in which Finland and Hungary were also involved, resulted in the development of a 'Handbook on sustainable reintegration of repatriated persons into Kosovo's society'. In addition, the Federal Office for Immigration and Asylum presented a catalogue of criteria for determining the costs to be covered on behalf of third-country nationals when these returned to their country of origin;
- In **Belgium**, the 2015 Action Plan on voluntary return developed by Fedasil included three main goals: strengthen the 'return path'; improve access to the voluntary return

programme; and inform irregularly staying third-country nationals outside the reception system about voluntary return;

- In **Bulgaria** during the first half of 2015 IOM provided information and counselling to the third-country nationals accommodated in the Special Homes for Temporary Accommodation of Foreigners and to those coming to the foreigner services at the Migration Directorate, regarding the possibility of returning to their country of origin. While the scheme delivered positive results, it was halted when financial support from the European Return Fund became unavailable in June 2015;
- **France** introduced a new mechanism of assisted return and reintegration, which included broadening the range of reintegration assistance, increasing the allowance for return on an exceptional basis (up to € 350), equating the allowance granted to accompanied minors to the one set for adults and granting various amounts of assistance depending on the country of origin, which provided for an increase in allowances for third-country nationals of visa-required countries and a decrease for those coming from visa-free countries;
- In **Germany**, the Federal Office for Migration and Refugees and IOM started the project 'Integrated Reintegration in Iraq (Autonomous Kurdistan Region)' on 1st June 2015, which supports the reintegration of third-country nationals returning to the Autonomous Kurdistan Region in Iraq in addition to support measures already in place;
- **Poland** launched an internal evaluation of the assisted voluntary return scheme and verified possibilities to broaden the list of entities involved in the organisation and assistance to foreigners leaving the territory of Poland. In this regard, contacts with Caritas Poland were initiated. In addition, a new agreement with IOM in providing support to foreigners was signed in 2015.

Belgium: Measures to promote voluntary return

In Belgium, the 2015 Action Plan on voluntary return placed particular emphasis on the concepts of 'return path' and 'open return places'. The return path entails the provision of information about voluntary return to (rejected) asylum seekers in reception structures managed by Fedasil and its partners at key moments of the asylum procedure. The open return places, to which asylum seekers are assigned following a negative decision on their application, are located in reception centres managed by Fedasil. Several actions were defined in the Action Plan to increase the arrival percentage at the open return places, which was very low during the first quarter of 2015. To this end, a new instruction from Fedasil on the return path came into force in November 2015. It defined a coherent target group that would be assigned to an open return place, i.e. an asylum applicant whose right to reception had come to an end. The new instruction also stressed the importance of a coherent and clear support/assistance 'path': every rejected asylum applicant could stay in an open return place for 30 days. During this period of time, the migrant would benefit from support in the form of three meetings with a return counsellor and joint case-management with the Immigration Office. Also foreseen in the Action Plan were: the development of communicational tools (e.g. a new website on voluntary return), the organization of information sessions and activities, enhanced cooperation with local authorities, the provision of specialized assistance by 'native counsellors', and the adoption of specific reintegration strategies for certain countries of origin. Additional measures to promote voluntary return in 2015 included the opening of two regional return desks, where migrants could receive tailored information and submit an application for voluntary return.

Greece: New AVR(R) announced

Greece announced the launch of a programme on 'Assisted voluntary return and measures of reintegration of third country nationals in their country of origin' in December 2015. The programme will be implemented by IOM and co-financed up to 75% under AMIF in the period 2016-2018. The purpose of the programme is to support the voluntary return of 16,200 third-country nationals to their country of origin while developing in parallel reintegration measures for 4,050 third-country nationals.

Italy: procedures for New AVR(R)Launched

Italy launched on 24th December 2015 the public tender procedure to identify the new service providers for the AVR(R) programme funded through the Italian National AMIF Programme. The total budget is € 12.8 million and the aim is to offer 3,200 AVR(R) packages by March 2018.

6 ACTIONS ADDRESSING TRAFFICKING IN HUMAN BEINGS

Trafficking in human beings is explicitly prohibited in the EU Charter of Fundamental Rights and further legislated in two specific EU Directives[146]. It is a grave human rights violation and a serious crime. During the reference period and within the prevailing migration context, the Commission expressed concern as the refugee crisis increases the vulnerabilities of people who can be exposed to unscrupulous networks of traffickers.

To mark the 9th EU Anti-trafficking Day on 20 October 2015, the European Commission, in cooperation with the Luxembourg Presidency of the Council of the EU, organised a high-level conference focused on the implementation of the ambitious EU legal and policy framework to address trafficking in human beings that is anchored in human rights, victims centred, gender-specific and child sensitive. The EU Anti trafficking Day - instituted in 2007 for 18th October - serves as an occasion to reinvigorate Europe-wide commitment for eradicating trafficking in human beings. On this occasion, the Commission published three studies, as deliverables of the EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016. The studies aim to expand the knowledge base of joint anti-trafficking efforts and are based on consultation with numerous experts and stakeholders in the Member States. Key findings include:

Study on high risk groups of trafficking in human beings

The study found that two crucial individual factors - a history of abuse and a vulnerable emotional state - could often be traced back to a dysfunctional family situation, underpinned by material deprivation. Trends identified included that ever younger children are becoming victims of trafficking, growing numbers of girls from Nigeria being the victims of sexual exploitation, an increase in the number of unaccompanied asylum seeking children who are at risk of being trafficked, a growing number of cases of children with cognitive and developmental disabilities being victims of trafficking, and a growing share of boys being trafficked for both sexual and labour exploitation. Furthermore, the study notes that child victims of sexual exploitation can end up being exploited as adults in the prostitution sector. Additionally, the study calls for more focus on addressing demand that fuels child trafficking in all its forms. Finally the study concludes with recommendations for authorities at national and European level.

Study on prevention initiatives on trafficking in human beings

The study examined 43 prevention initiatives, of which a share of 40% concerned actions in Romania, Bulgaria and Hungary. The vast majority (ca. 85 %) of the given sample of targeted information and awareness raising measures were followed by capacity building and research and education programmes. Among the key findings of the study is that there is no go-standard for assessing the impact of prevention actions but rather a comprehensive and contextual approach should be followed. The study found that more can be done on research and education that addresses the link between the organised crime dimension of trafficking in human beings and the supply/demand dynamics, as well as the training of police officers, judges and prosecutors with regard to capacity building initiatives. The study further demonstrates that a needs assessment, prior to project design, is key, and provides a model for designing prevention initiatives using the tool of Project Cycle Management. Finally the study provides a set of questions to be addressed when deciding to allocate funding for prevention initiatives.

Study on case-law on trafficking for the purpose of labour exploitation

The aim of this study was to identify case law relating to trafficking in human beings for the purpose of labour exploitation in Member States and analyse Member State practice with respect to the prosecution of this crime. The case-law analysis also provides an indication of how national legislation transposing the Anti-trafficking Directive (2011/36/EU) is applied, without prejudice to the Commission's work on monitoring its transposition. While the official reference period for the study was 2009-2013, some cases from 2014 and January 2015 were also considered. Key observations highlight the diversity of practice among the Member States, and stress the challenges in the prosecution of trafficking offences, among others concerning difficulties in securing evidence, as well as the lack of sufficient protection measures. Additionally, the study touches upon the availability and use of resources (training of staff, size

[146] Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities; and
Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA

of staff, equipment, data collection), as well as the role of labour inspectors. Additionally, in cooperation with FRA, a translation in all official EU languages of the Handbook on Guardianship was released.

In addition, a Study on a Comprehensive Policy Review of EC funded anti-trafficking projects, which is also a deliverable of the EU Strategy, was launched in 2015.

During 2015, the Commission continued examining the transposition of the Directive 2011/36/EU. At the time of writing, 26 of the 27 Member States bound by the Directive had notified the Commission of full transposition

In 2015, trafficking in human beings has been included in a number of strategic policy documents adopted by the Commission: the European Agenda on Migration; the European Agenda on Security; the EU Action Plan against migrant smuggling 2015-2020; the Action Plan on Human Rights and Democracy 2015-2019; the new framework for the EU's activities on gender equality and women's empowerment in the EU's external relations for 2016-2020 and the Strategic engagement of the EU for gender equality 2016-2019.

6.1 IMPROVING THE IDENTIFICATION OF AND PROVISION OF INFORMATION TO VICTIMS

Further efforts towards improving the identification and provision of information to victims of trafficking in human beings were reported in 2015. These resulted not only in the introduction of new legal acts concerning the prevention of trafficking and support to victims or amending existing ones, but also in the implementation of new strategies and action plans and the development of the 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.

Overall, there was a trend towards introducing **National Action Plans** and improving the systems to provide assistance. In some countries, new legislation was introduced to strengthen the assistance system and (in the **United Kingdom**) to strengthen the response of law enforcement and the courts. The measures introduced by each Member State are further reviewed below.



Legislative Changes

- In **Belgium**, soft law was introduced aimed at improving the investigation and prosecution of traffickers in human beings;
- In **Finland**, amended legislation concerning the National Assistance System for Victims of Trafficking came into effect on 1st July 2015. It maintains that assistance should not be tied to the victim's willingness to cooperate with law enforcement officials and introduces a recovery period for traumatised victims. It also gives new powers to the Assistance System for formal identification and introduces specific grounds for the removal of persons from assistance, thus making the system more transparent and accountable;
- Also in 2015, **Estonia** ratified the Council of Europe **Convention on Action against Trafficking in Human Beings**. As a result, almost all 28 EU Member States have now ratified the Convention;[147]
- In **France** the Law of 17th August 2015 relating to the adoption of the criminal procedure as set in EU law included new provisions strengthening the rights of victims of crimes. It entered into force on 15th November 2015. For the implementation of the National Action Plan to combat trafficking in human beings, the circular of 19th May 2015 on the conditions for examining applications for residency established a single point of contact responsible for examining the residency applications of victims of trafficking in human beings. France also implemented additional measures related to improving accommodation and access for residence;
- In **Germany**, the Act Redefining the Right to Remain and the Termination of Residence of August 2015 took effect. It introduces new rights and benefits for victims of trafficking issued a residence permit pursuant to Section 25 (4a) (i.e. to victims who have declared

[147] Except for the Czech Republic (signed but not ratified yet)

their willingness to testify in criminal proceedings). The new rights comprise: (a) the possibility of extending the duration of the residence title beyond the sentencing period; (b) the reunification of victims on the residence permit with their dependents; and (c) access to integration courses. The aim of enabling family reunification is to better protect those concerned and to increase their willingness to cooperate in criminal proceedings: Firstly, victims are less susceptible to blackmail through threats against their family members at home; secondly, the presence of the core family helps stabilize those concerned. Nonetheless, whilst these new provisions improve the situation for victims of trafficking granted this type of residence permit, NGOs, such as the Coordination Group against Human Trafficking (Koordinierungskreis gegen Menschenhandel (KOK)), have voiced concern that these benefits will only apply to those identified victims who have agreed to cooperate with the criminal prosecution authorities, thus excluding those victims who are too frightened or who otherwise do not wish to cooperate with the authorities.

Belgium - New soft law on the investigation and prosecution introduced

In 2015, the College of Public Prosecutors and the Minister for Justice issued a joint Circular (Col 01/2015) updating a 2007 Circular in relation to the investigation and prosecution of trafficking in human beings. Coming into force on 15 May 2015, it provides for:

- Greater synergy between the youth division of the public prosecutor's office and reference judges for trafficking to improve the detection and protection of underage victims;
- Clearer instructions on the protection and non-punishment of victims of trafficking;
- Information on international investigations and contacts with the federal prosecutor's office; as well as elements relating to asset investigation, seizure and confiscation;
- An investigation protocol prepared by the federal police; and
- A list of updated indicators aimed at identifying trafficking victims, including a specific part aimed at minors.

- In **Latvia**, following implementation of the Human Trafficking Prevention Guidelines for 2014-2020, the Ministry of Welfare together with its cooperation partners, agreed on the need to develop legislation with respect to minors to ensure compliance with and protection of their rights and interests;
- **Poland** prepared new guidance for Border Guard officers in order to support the identification process of victims of trafficking in human beings;
- In **Spain** several amendments have been introduced to prevent and combat human trafficking. In order to strengthen prosecution and punishment of trafficking, an amendment to the Penal Code has been adopted. Regarding protection and support for victims, the new Victims of Crime Status Bill approved in 2015 refers specifically to victims of trafficking due to their special vulnerability. In addition, as part of wider policies to better protect childhood and adolescence, the scheme providing support and protection to children of victims of trafficking and underage girls who are victims of trafficking has been reinforced. Finally, the residence permit for victims of trafficking was modified in 2015 to increase the duration of the period for recovery and reflection (from 30 to 90 days).
- The **United Kingdom**'s 2015 Modern Slavery Act introduced various measures aimed at improving identification of and assistance to victims of trafficking in human beings and increasing the likelihood of prosecution for perpetrators.

United Kingdom - New measures introduced through the 2015 Modern Slavery Act

The United Kingdom's 2015 Modern Slavery Act set out measures to improve assistance to victims of trafficking *inter alia* by introducing child advocates for child victims of trafficking; guaranteeing access by victims to statutory defence, so that they are not inappropriately criminalized; establishing protection measures for victims residing in the UK on an overseas domestic workers visa; and providing statutory guidance on victim identification and victim services.

The Act is also intended to strengthen the response of law enforcement and the courts by increasing the maximum sentence for the most serious offenders from 14 years to life imprisonment; ensuring that perpetrators convicted of trafficking face the toughest asset confiscation regime; giving the courts new powers to order perpetrators of trafficking to pay Reparation Orders to their victims; introducing

Slavery and Trafficking Prevention Orders and Slavery and Trafficking Risk Orders to restrict the activity of individuals where these risk causing harm; and strengthening law enforcement powers at sea to close loopholes.

Five Member States (AT, BE, ES, MT, SK) introduced new National Action Plans to combat human trafficking. **Italy** also drafted a National Action Plan in 2015, although this was not published until February 2016. **Ireland** and **Sweden** also prepared to introduce new Action Plans in this area.

Ireland: Second National Action Plan 2016

Amongst the proposed actions considered in the second National Action Plan due to be published in 2016 are: a "fundamental re-examination of the victim identification process" and the role different actors had in this; a review of the National Referral Mechanism (NRM); an examination of the appropriateness and efficacy of all victim support services; a review of criminal justice measures, including investigative methodologies; enhancing data analysis systems; the development, in conjunction with civil society, of a Training and Awareness Needs Spectrum to better inform and better coordinate the role that can be played by all stakeholders in this key area; specific measures to address labour exploitation; and the introduction of new evaluation methodologies for examining the effectiveness of the Action Plan implementation.

- In **Estonia**, the government approved a Violence Prevention Strategy 2015-2020 with its corresponding Implementation Plan for the period of 2015-2018. The Strategy covers trafficking in human beings amongst other forms of violence and has a focus on prevention e.g. though information campaigns, lectures in high schools, and service provision for victims (to prevent re-trafficking). All relevant ministries as well as NGOs will be involved in its implementation.

Policies, Strategies and/or Measures

Member States also introduced new strategies and measures to improve the **identification of and assistance to victims of trafficking** in human beings, including National Referral Mechanisms (NRMs). For example:

- In 2015 **Austria** continued to work on the creation of an NRM specifically for child victims of trafficking; this is expected to be launched soon;
- The State Agency for Refugees in **Bulgaria** continued to work on a mechanism for the identification of vulnerable groups (including victims of trafficking) amongst persons in the asylum procedure;
- **Greece** also made progress towards the establishment of an NRM, which will specifically have the purpose of improving the identification and recording / registration of victims and the listing of institutions with a role in detecting, identifying and providing assistance to victims;
- In **Latvia**, work began on the development of support programme for children who had suffered from violence (including child victims of trafficking in human beings);
- In the **Netherlands**, a project was set up to investigate the possibility of establishing a multidisciplinary commission which would give an expert opinion concerning the credibility of victimisation of human trafficking. In this context it is important to mention that the Netherlands does not have any formal identification procedure. The police can start an investigation any time there is the slightest indication of victimisation by trafficking in human beings. In this investigation process, a potential victim is never officially identified as such as no official/legal criteria exist other than the 'slightest indication'. Depending on the results of this preliminary investigation it will be decided whether an operational pilot phase will be started in 2016;
- In **Sweden**, the County Administrative Board in Stockholm was finalising a project to deliver guidelines for the identification and referral of trafficked persons in Sweden. Further to this, the Swedish Civil Society Platform against Trafficking developed a National Support Programme for victims of trafficking in human beings. The objective of the Programme is

to improve help and assistance that different state and non-state actors can provide to victims. The support provided shall be individually adjusted to each victim's needs and improve their living conditions;

- In **Slovakia** the Expert Group on Combatting Trafficking in Human Beings adopted a new NRM in November 2015. This formalises the system of providing assistance and help to victims of trafficking in human beings.

6.1.1 TRAINING AND AWARENESS-RAISING MEASURES

Nine Member States (AT, BE, BG, CZ, EL, FI, NL, PL, SK) trained or developed training materials to improve the capacity of key actors to detect, identify and refer victims of trafficking:

- In **Austria** and the **Czech Republic** the focus on training in 2015 was on labour inspectors. In Austria, workshops were held with inspectors regularly in 2015 with the purpose of improving detection. In the Czech Republic, the aim was to raise awareness amongst labour inspectors and to enhance cooperation between regional labour inspectorates and regional police offices;
- In **Belgium**, training sessions targeted staff from the guardianship service, the federal police, the social inspection department (which verifies the correct application of Belgian labour law) and prosecutors' offices and in **Bulgaria**, training was provided to employees of the State Agency for Refugees and Ministry of Interior on identification. **Slovakia** (Ministry of Interior and IOM) trained consular staff as part of their pre-deployment preparation;
- In **Greece** and the **Netherlands**, guidance was produced for reception staff (EL) and actors involved in the NRM (NL) with the purpose of improving detection and referral;
- In **Finland** the National Assistance System for Victims of Trafficking published a booklet on victim assistance and the Assistance System. The booklet is primarily directed at stakeholders in the public and private sector and it details, for example, how a person can be referred to the Assistance System, and what information should be provided to the potential victim of trafficking in the process;
- In collaboration with academic entities, the authorities in **Poland** analysed and evaluated the national system of combating human trafficking.

Throughout 2015, in the **Czech Republic**, **Finland, Spain** and the **United Kingdom**, there was a focus on public awareness-raising about the phenomenon of trafficking and assistance services for victims. In the United Kingdom, all British passports issued after March 2015 were accompanied by a leaflet providing guidance on how to protect passports from traffickers and what to do if an individual believes a child was at risk of being abducted and taken overseas. In the case of **Spain** a Comprehensive Plan for the Fight against trafficking of women and girls for the purposes of sexual exploitation (2015-2018) has been adopted in an attempt to raise awareness across society of situations of sexual exploitation. Measures to better support the most vulnerable victims has also been established within this framework.

6.1.2 MEASURES ON COOPERATION BETWEEN NATIONAL AUTHORITIES

Seven Member States (BG, ES, FR, IE, LT, PL, SE) described important examples of cooperation between national actors during 2015:

- **Bulgaria** developed a mechanism to coordinate institutions and organisations supporting non-national UAMs, which would also link up with the National Commission for Combating Trafficking in Human Beings;
- In **France** the Ministry of Justice circular of 22nd January 2015 requested prosecutors to further intensify their efforts to prosecute trafficking effectively;
- In **Ireland**, the Department of Justice and Equality and a NGO coalition comprising the Migrant Rights Centre of Ireland, the Immigrant Council of Ireland and Ruhama convened a roundtable on victim identification in November 2015, which concluded that identification should be a priority issue in the next National Action Plan due for adoption in 2016;
- **Lithuania** adopted Interinstitutional Recommendations to address trafficking in human beings, which aimed to improve the identification of victims of trafficking in human beings,

pre-trial investigation and inter-institutional cooperation to speed up victim access to assistance;

- At the end of 2015, **Poland** concluded a process to appoint interdisciplinary teams with the task to prevent trafficking in human beings at the regional level. A series of training sessions for judges and prosecutors were organised, aimed at enhancing their capacity to prevent and fight human trafficking and itinerant criminal groups;
- In **Spain** coordination between national, regional and local authorities has been strengthened through the Comprehensive Plan;
- In October 2015, the Police Authority in **Sweden** took steps to enhance its coordination with the national coordination mechanism at the County Administrative Board in Stockholm and civil society.

6.1.3 MEASURES ON COOPERATION BETWEEN MEMBER STATES

In 2015, to further strengthen the Transnational Referral Mechanism (TNRM) between the Benelux countries (**Belgium, Netherlands, Luxembourg**), a brochure setting out the contact details of the main stakeholders and basic information about procedures for the identification, referral and support to victims of trafficking in the Benelux countries was published. In 2015 **Belgium** and the **Netherlands** also made progress towards setting up a TNRM with **Hungary**, producing an information manual, translating information and feeding it into a dedicated website.[148]

Latvia's State Border Guard together with authorities from **Hungary**, **Poland**, **Slovak Republic**, and **Romania** participated in the implementation of the project 'Eastern Partnership Cooperation in Fighting Irregular Migration – Implementing the Prague Process Action Plan' (which focuses also on strategic and operational cooperation with third countries - see below). As with previous years, **Member States forming the Council of the Baltic Sea States[149]** and Norway collaborated to address trafficking in human beings by finalising the 'Strengthening the Role of Municipalities in the Work against Trafficking in Human Beings in the Baltic Sea Region (STROM)' project.[150] **Bulgaria** made plans for an exchange of experiences and best practices with other Member States in 2016 on the identification and protection of victims of trafficking.

6.1.4 MEASURES ON COOPERATION WITH THIRD COUNTRIES

- **Belgium** organised a six-month information campaign in Nigeria, particularly focussed on Benin City, which was aimed at giving practical advice to potential migrants as to how to avoid being smuggled or trafficked.

Six Member States (AT, BE, EL, ES, HU, LV) cooperated with the governments or national authorities of third countries to prevent trafficking in human beings:

- **Austria** participated in a Europol operation to identify key players in international trafficking networks operating in Europe and to verify patterns of criminal activity and organised crime structures, particularly in China;
- In cooperation with IOM the **Belgian** NGO Payoke provided training on NRMs to judiciary services in Iraq and Turkey;
- The **French** national Action Plan to Combat to Trafficking in Human Beings also focuses on improvements in international cooperation. The Ministry for Justice takes part in various working and coordination seminars organised on the international level;
- **Greece** made plans also with Turkey for a Parliament twinning programme to take place in 2016. The aim of the twinning project is too exchange good practices, expertise and awareness raising between the two Parliaments;
- Within the framework of the Eastern Partnership Cooperation project, **Latvia** and other Member States promoted increased strategic and operational cooperation with Armenia,

[148] For more information, see the RAVOT-EUR project website http://www.ravot-eur.eu/en/, last accessed on 19 May 2016.

[149] DE, DK, EE, FI, LT, LV, PL, SE

[150] See Council of the Baltic Sea States, 'The Strom Project', available at http://www.cbss.org/wp-content/uploads/2012/11/storm_project.pdf, last accessed on 19 May 2016.

Azerbaijan, Belarus, Georgia, Moldova and Ukraine to prevent trafficking in human beings and other cross-border crime;

- **Hungary** hosted a study visit of members of the Government of Montenegro, as well as civil society organisations in order to exchange good practices in prevention, prosecution of human trafficking and the protection of victims;
- **Lithuania** continued cooperation with the Russian Federation within the framework of the CBSS Task Force against Trafficking in Human Beings and the EU Network of National Rapporteurs or Equivalent Mechanisms on Trafficking in Human Beings.

6.1.5 TRENDS IN THE SCALE AND NATURE OF TRAFFICKING IN HUMAN BEINGS

Some Member States reported on specific trends in the trafficking of human beings in their Member State:

- The **Czech Republic** reported a decrease in the number of victims coming from third countries and an increase in victims from within the EU (as well as on cases of Czech women being trafficked to the United Kingdom and Ireland through sham marriages). Czech victims frequently came from socially excluded communities (including Roma);
- **Finland** noted that, in spite of a major increase in the number of asylum seekers arriving in the country, there was a decrease in referrals to the Assistance System for victims of trafficking in human beings from reception centres. This suggested that, as the number of reception centres multiplied, there had been insufficient time to train staff in new centres on the detection of victims of human trafficking and there had not been sufficient time for the kind of encounters that create the trust required for the identification of victims. Nevertheless, a modest increase in the number of referrals could be witnessed towards the end of 2015;[151]
- In 2015 no third-country nationals were identified as victims of trafficking in human beings in **Hungary**. This was reportedly because, Hungary being mainly a transit country, most asylum seekers left the territory before the completion of the asylum procedure, which made formal identification more challenging.

With regard to the **purpose** for which people had been trafficked, **Sweden** noted a continuing increase in the number of persons trafficked for the purpose of begging. In total, 55 cases were reported during the year, compared to 23 in 2014 and 9 in 2013. In **Greece**, sexual exploitation continued to be the main purpose for which people were trafficked, with labour exploitation and begging comprising the second largest number of identified cases. Persons working in the agricultural sector in rural areas of Greece were found to be particularly at risk of trafficking for the purpose of sexual exploitation.

Belgium formally acknowledged the need for greater investigation into the issue of trafficking in human beings in football. As no data were available on the extent to which this occurred, the Parliament of the French Community adopted a resolution[152] calling for a quantitative assessment of the phenomenon, as well as for consultations with all stakeholders concerned, prevention and awareness-raising actions in Belgium and in third countries and joint responses with the EU.

6.1.6 ACTIVITIES TO EVALUATE NATIONAL IDENTIFICATION OF AND ASSISTANCE TO VICTIMS

A handful of Member States saw national developments in systems for monitoring the scale of trafficking in human beings:

- The National Commission for Combating Trafficking in Human Beings in **Bulgaria** made plans to study the phenomenon of trafficking in human beings amongst vulnerable migrants, with a focus on assessing their specific situations and needs;
- **Greece** made plans for a National Database to be introduced to statistics on victims (to avoid double counting);

[151] The Assistance System has not received any referrals from reception centres since June 2015, whereas previously the majority of referrals had come from reception centre staff (59% during 1.1.2015 – 30.6.2015).

[152] Parliament of the French Community, *Resolution aimed at fighting trafficking and exploitation of foreign young football players in Belgium*, 90 (2014-2015) — No 4, 29 April 2015.

- The National Operative Department of the Police Authority in **Sweden** introduced a new system for monitoring and collating nationwide information on the crime of trafficking in human beings and related crimes.

The Netherlands - Research into the effectiveness of child protection systems

The National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children in the Netherlands published a study into the effectiveness of national protection systems for unaccompanied minors who were victims of trafficking in human beings. The study concluded that while much was being done in the Netherlands, there were nonetheless some areas for improvement. The overarching recommendation of the study, aimed at the State Secretary of Security and Justice, was to reason on the basis of best interests of the child and to achieve an intertwining of the asylum procedure and residence arrangements for victims of trafficking in human beings, which focussed on the claim of the UAM victim and not on the procedure, as was the case at present. In reaction to this report the state secretary has emphasised the progress that has been made to protect this specific group and has mentioned measures which (some of them after the reporting period) have already been taken to address the issues mentioned in the report.

In **Austria** and the **Czech Republic** evaluations were used to improve services. In the Czech Republic the NGO La Strada in cooperation with the Ministry of the Interior evaluated the roles of social services and interdisciplinary cooperation in terms in preventing trafficking in human beings; and in Austria conducted an interim review of the MEN-VIA contact point for male victims of human trafficking. As a result of the positive findings of the review, in April 2015 MEN-VIA was able to open a partially supervised shelter for male victims. Also following a positive evaluation, funds were increased for the Austrian Trade Union Advice Centre for Undocumented Workers, which provides assistance to undocumented and exploited workers. **Belgium** made plans to evaluate its new Circular on the investigation and prosecution of trafficking in human beings (Col 01/2015) every two years and for the first time during the year 2017.[153]

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[153] Interdepartmental Coordination Cell, The fight against trafficking in human beings 2015-2019, Action Plan, 15 July 2016, pp. 9-10 and Myria, Tightening the Links, Trafficking and Smuggling in Human Beings, Annual Report 2015 January 2016, pp. 57-58